



**REPORT ON THE
GENERAL ELECTIONS
1990**

VOLUME I

**ELECTION COMMISSION OF PAKISTAN
ISLAMABAD**



TABLE OF CONTENTS

Sl. No.	Subjects	Page No.
	Preface.	(iii)
Chapter-I	Introduction.	1
Chapter-II	Composition of the Parliament and Provincial Assemblies and mode of elections.	7
Chapter-III	Legal Framework for Elections.	13
Chapter-IV	The Electoral Rolls.	21
Chapter-V	The Delimitation of Constituencies.	33
Chapter-VI	The Polling Scheme.	39
Chapter-VII	Election Material.	57
Chapter-VIII	Induction of judicial officers in the Electoral Process.	69
Chapter-IX	The Schedule for General Elections.	77
Chapter-X	Nomination of Candidates.	83
Chapter-XI	Scrutiny of Nomination Papers and Disposal of Objections and Appeals.	91
Chapter-XII	Withdrawing, Retiring and Contesting Candidates.	105
Chapter-XIII	Political Parties and Symbols.	115
Chapter-XIV	The Ballot Papers.	123
Chapter-XV	The Communication Plan.	139
Chapter-XVI	Maintenance of Peace and Order.	149
Chapter-XVII	The Poll.	159
Chapter-XVIII	Announcement and Consolidation of Results.	177
Chapter-XIX	Analysis of Result of Election.	189
Chapter-XX	Election to the seats reserved for Minority Communities.	207

Sl. No.	Subject	Page No.
Chapter-XXI	Complaints and their Disposal.	219
Chapter-XXII	Deposits and Forfeitures.	241
Chapter-XXIII	Election Expenses of Candidates.	245
Chapter-XXIV	Conduct of Bye-Elections.	249
Chapter-XXV	Election Disputes.	261
Chapter-XXVI	Summary of Recommendations.	269
Chapter-XXVII	Comments of the National and International Agencies.	273

ANNEXURES

Annexure-I	Election Commission's Order dated 27-12-1990 in the case of PS-14 Jacobabad-V.	289
Annexure-II	Chief Election Commissioner's Order dated 12-3-1991 regarding deletion of name of Mr. Ghulam Ali Buledi (PS-14 Jacobabad-V) from the list of voters for Senate Elections.	297
Annexure-III	Chief Election Commissioner's Order dated 31-8-1991 dismissing the petition filed by Mr. Abdul Hafeez Pirzada under section 103AA of the Representation of the People Act, 1976 challenging the bye-election in constituency PS-14 Jacobabad-V held on 29-6-1991.	301
Annexure-IV	Press Clipping from the daily 'Muslim', Islamabad dated 29-10-1990 regarding allegation of misuse of postal ballot papers.	321
Annexure-V	Press Clipping from the daily 'Jang', Rawalpindi dated 30-10-1990 regarding misuse of postal ballot papers.	323
Annexure-VI	Names and addresses of the members of the National Assembly.	325
Annexure-VII	Detail of Bye-Elections.	353

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



PREFACE

Towards the end of April, 1989, the Chief Justice of Pakistan informed me that he intended to nominate me as the Acting Chief Election Commissioner of Pakistan. I expressed my reluctance to accept the heavy responsibility on grounds of health as I had undergone heart surgery some time ago. He did not accept my apology and nominated me as Acting Chief Election Commissioner. This assignment was in addition to performance of my normal duties as Judge of the Supreme Court. I obeyed the command and was consequently sworn in by him as the Acting Chief Election Commissioner on May 2, 1989, under Article 217 of the Constitution of the Islamic Republic of Pakistan.

2. Thus, I was selected for appointment as Acting Chief Election Commissioner by the Chief Justice of Pakistan, who was, for this purpose, given free hand by the President of Pakistan. The then Chief Justice of Pakistan enjoyed full confidence of the Government in power. Soon after his retirement on 31st December, 1989, he was appointed as Chairman of the Islamic Ideology Council. I also continued to enjoy the trust and confidence of the successor Chief Justice of Pakistan, otherwise he would have revoked my nomination and nominated another Judge of the Supreme Court as Acting Chief Election Commissioner.

3. Given to myself, I would prefer to continue serving the country as Judge of the Supreme Court like any other judge.

Personally, I consider performance of my duties as Judge of the superior court as commitment to Allah and my conscience and performance as Acting Chief Election Commissioner as service to my country. However, in my capacity as Acting Chief Election Commissioner, I have my own peers to watch my conduct and I would not dare lower myself in their esteem by not adhering to lofty ideals of justice, impartiality and independence. My own hierarchy, the judiciary, keenly watched my conduct. I think by the Grace of Allah, I have earned their confidence and this, by itself, is a great reward.

4. After my appointment, Mr. Justice Muhammad Rafiq Tarar, a Member of the Election Commission, was elevated as Chief Justice, Lahore High Court, and Mr. Justice Abdul Razzak A. Thahim retired from the service on October 17, 1989. There was, therefore, no Election Commission except its Chairman (Chief Election Commissioner). I took up the question of appointment of Members of the Commission with the Government on December 17, 1989 and proposed the appointment of Mr. Justice Khalilur Rehman Khan, Judge of Lahore High Court, and Mr. Justice Amirul Mulk Mengal, Judge, Baluchistan High Court, as Members of the Election Commission. This question remained pending with the then Government till the dissolution of the Assemblies and dismissal of the Cabinet on August 6, 1990. The appointment of members of the Election Commission was made by the Caretaker Government on August 15, 1990.

5. And now a word about the Report on General Elections 1990. The interest of legislators, political parties, public administrators and the researchers in the electoral system has increased through the years. The mechanics of elections have been elaborately explained in this report. I would like to mention specifically that, by and large, the 1990 elections were held on the same legal and administrative basis as was provided for the 1988 general elections which are considered to be a land mark in the history of Pakistan, as there was not much to suggest or make any improvements in the process of elections.

6. This Report was originally intended to be published in two volumes. Recently, an alliance of political parties called the People Democratic Alliance has made allegations of rigging in election in a publication released to the press on September 24, 1991. In order to keep the record straight, the Election Commission has considered it expedient to clarify factual position with regard to the allegations levelled therein. Third Volume is, therefore, being added to the Report.

7. Successful culmination of the electoral process is largely attributed to the co-operation and guidance rendered by the Members of the Election Commission, Mr. Justice Khalilur Rehman Khan, Judge of Lahore High Court and Mr. Justice Amirul Mulk Mengal, Judge of Baluchistan High Court. Despite their heavy court workload, they regularly attended the Commission's meetings and devoted full attention to the matters brought under discussion. I am pleased to bring on record that the Commission reached unanimous decisions in all the matters placed before it.

8. My thanks are also due to the Provincial Governments, the law enforcing agencies, Printing Corporation of Pakistan, Pakistan Security Printing Corporation, Pakistan Television Corporation, Pakistan Broadcasting Corporation, Telephone and Telegraph Department, Controller, Stationery and Forms, PID and WAPDA, who fully co-operated with the Commission and performed their duties efficiently and diligently and helped making this election a success.

9. The Armed Forces of Pakistan lived up to their tradition in providing all possible assistance to the Election Commission and umbrella cover to civil administration in keeping the law and order situation under control. The Commission is indebted to them and the nation shall feel obliged to them.

10. The Election Commission is also indebted to the High Courts for placing the services of the judicial officers to act as

District Returning Officers and Returning Officers and also of the Judges, for disposal of appeals and election petitions. It goes to their credit that the elections were held in a free, fair and impartial manner in accordance with the law.

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

12. In the end, I would emphasise the need for strengthening the institutions. Men may come, men may go but the institutions last. If institutions are weakened, the country is weakened. If democracy is to flourish in the country then it is imperative that institutions are strengthened. Further, all candidates should accept the verdict of the electorate with grace, dignity and sportsmanship and if any of them has any grievance, he should ventilate the same in accordance with law in the forum provided by the Constitution and the Representation of the People Act, 1976 and other laws.

ISLAMABAD: (JUSTICE NAIMUDDIN)
The 25th October, 1991. Acting Chief Election Commissioner.

CHAPTER I

INTRODUCTION

The National Assembly of Pakistan and the Provincial Assemblies of the Punjab, Sindh, NWFP and Baluchistan came into being as a result of the general elections held on November 16, 1988, and November 19, 1988, respectively.

Dissolution of the National Assembly

2. The President of Pakistan dissolved the National Assembly on August 6, 1990, and the Prime Minister and the Cabinet also ceased to hold office as per Dissolution Order reproduced below:—

“DISSOLUTION ORDER

The President having considered the situation in the country, the events that have taken place and the circumstances, and among others for the reasons mentioned below is of the opinion that 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:—

- (a) The utility and efficacy of the National Assembly as a representative institution elected by the people under the Constitution, and its mandate, is defeated by internal dissensions and frictions, persistent and scandalous ‘horse-trading’ for political gain and furtherance of personal interests, corrupt practices and inducement, in contravention of the Constitution and the law, and by failure to discharge substantive legislative functions other than the adoption of the Finance Bill, and further the National Assembly has lost the confidence of the people.
- (b) The Constitution envisages the Federation and the Provinces working within the spheres respectively assigned to them with clearly delineated executive and legislative authority; and with a view to safeguarding

the structure of the Federation also contains special provisions of mandatory nature to ensure and protect the autonomy granted to the Provinces, by creating specific constitutional institutions consisting of Federal and Provincial representatives, but the Government of the Federation has wilfully undermined and impaired the working of the constitutional arrangements and usurped the authority of the Provinces and of such institutions, resulting in discord, confrontation and deadlock, adversely affecting the integrity, solidarity and well-being of Pakistan, in that, *inter alia*:—

- (i) The Council of Common Interests under Article 153, which is responsible only to Parliament, has not been allowed to discharge its constitutional functions and exercise its powers despite persistent demands of the Provinces, and Parliament has also not been allowed to function in this regard as required by Articles 153 and 154, and in relation to Articles 155 and 161.
 - (ii) The National Finance Commission under Article 160 has never been called to meet and allowed to function, thus blocking mandatory constitutional processes in the matter of allocation of shares of revenues to the Provinces despite their persistent demands.
 - (iii) Constitutional powers and functions of the Provinces have been deliberately frustrated by extension of executive authority of the Federation to the Provinces in violation of Article 97 and by the general manner of implementation of the Peoples' Programme.
 - (iv) The Senate, which is representative of the Federating Units under Article 59 and is an integral part of Parliament, has been ridiculed and its constitutional role has been eroded.
- (c) Corruption and nepotism in the Federal Government, its functionaries and Authorities and Agencies, statutory and other corporations including Banks

working under its supervision and control and the holders of representative offices has reached such proportions, that the orderly functioning of the Government in accordance with the provisions of the Constitution including the requirements of the Oath(s) prescribed therein, and the law, does no longer carry public faith and credibility and despite being subject to wide public condemnation, the Government has failed to take appropriate action in this behalf.

- (d) The Federal Government has failed in its duty under Article 148(3) of the Constitution to protect the Province of Sind against internal disturbances and to ensure that the Government of that Province is carried on in accordance with the provisions of the Constitution, despite the heavy loss of life and property, the rule of terror in urban and rural areas, riots, arson, dacoities, kidnapping for ransom, politics of violence among citizens and widely condemned failure of the Provincial Government and its law enforcing agencies, and also, in this behalf, failed to act under appropriate provisions of the Constitution.
- (e) The Government of the Federation has violated the provisions of the Constitution and the law in that:—
- (i) The Superior judiciary has been publicly ridiculed and its integrity attacked and attempts made to impair its independence.
 - (ii) Authority, resources and agencies of the Government of the Federation including statutory Corporations, authorities, and Banks have been misused for political ends and purposes and for personal gains.
 - (iii) The Civil Services of Pakistan have been undermined by disregarding the provisions of Articles 240 and 242.
 - (iv) The powers under Article 45 have been exercised by the Government without prior approval of the President.

NOW THEREFORE I, Ghulam Ishaq Khan, President of the Islamic Republic of Pakistan in exercise of the powers conferred on me by

clause (2) (b) of Article 58 of the Constitution of the Islamic Republic of Pakistan dissolve the National Assembly with immediate effect; and the Prime Minister and the Cabinet cease to hold office forthwith.

Sd/-
GHULAM ISHAQ KHAN,
PRESIDENT.”

Dissolution of the Provincial Assemblies

3. Dissolution of the National Assembly was followed by the dissolution of the Provincial Assemblies of Sindh and NWFP on 6th August, 1990 and the Punjab and Baluchistan on 7th August, 1990. The Chief Ministers and the Provincial Cabinets also ceased to hold offices with immediate effect.

Caretaker Governments

4. Consequently, a Caretaker Government was formed at the federal level with Mr. Ghulam Mustafa Khan Jatoi as the Caretaker Prime Minister. Similar Governments were also formed in each Province with new Caretaker Chief Ministers.

Date for Fresh Election

5. The President appointed the 24th of October, 1990 as the date for holding fresh general election to the National Assembly *vide* Order No. 178/2/2/President dated August 6, 1990. Following is the text of Presidential Order:—

“WHEREAS the President has in exercise of powers conferred on him by Article 58(2)(b) of the Constitution of Islamic Republic of Pakistan dissolved the National Assembly on 6-8-1990 and Article 48(5)(a) of the Constitution requires that where the President dissolves the National Assembly, he shall, in his discretion appoint a date for the holding of General Election to the Assembly.

NOW, THEREFORE, in exercise of the powers conferred by Article 48(5)(a) of the Constitution of the Islamic Republic of

Pakistan the President is pleased hereby to appoint 24 October 1990 as the date for the holding of General Election.

Sd/-
GHULAM ISHAQ KHAN,
PRESIDENT

Mr. Justice Naimuddin,
Chief Election Commissioner”

6. On the recommendations of the Election Commission, the date for holding general election to the Provincial Assemblies was fixed as October 27, 1990.

Appointment of Members of the Election Commission

7. Mr. Justice Naimuddin, a Judge of the Supreme Court, had made oath as acting Chief Election Commissioner on May 2, 1989, under Article 216 of the Constitution. At the time of dissolution of the National Assembly and the Provincial Assemblies, he, as Chairman of the Election Commission, was in position but composition of the Election Commission was incomplete. One member of the Commission had retired as Judge of the High Court on 17-10-1989 and he could not, therefore, continue to function as such under Article 218(2)(b) of the Constitution. Due to his elevation as Chief Justice of the Lahore High Court, the other member expressed his inability to continue as Member of the Commission. The Chief Election Commissioner, therefore, moved the Government in December, 1989, for appointment of two members of the Election Commission for expeditious disposal of the pending work, including references for disqualification of six members of the Assemblies under the defection clause of the Political Parties Act, 1962. The appointment of members of the Commission was, however, not made by the then Government from November, 1989 till the dissolution of the Assemblies on August 6, 1990.

8. After the dissolution of the Assemblies, the President appointed Mr. Justice Khalilur Rehman Khan, a Judge of the Lahore High Court, and Mr. Justice Amirul Mulk Mengal, a Judge of Baluchistan High Court, as members of the Commission on August 15, 1990.

9. The Election Commission, headed by Mr. Justice Naimuddin, with Mr. Justice Khalilur Rehman Khan and Mr. Justice Amirul Mulk Mengal as its members, organized and made all the necessary arrangements for conduct of the general elections in October, 1990.

CHAPTER II

COMPOSITION OF THE PARLIAMENT AND PROVINCIAL ASSEMBLIES AND MODE OF ELECTIONS

Before proceeding further to high-light the infrastructure for the general elections, composition of the Parliament and the Provincial Assemblies and other related modalities are briefly explained hereunder for facility of the common reader.

Form of Government

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

The President

3. 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

4. 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

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

Election by Secret Ballot

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

Separate Electorates

7. 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

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

Province/Area	Muslim Seats
The Federal Capital	1
The Federally Administered Tribal Areas	8
Punjab	115
Sindh	46
N-W.F.P.	26
Baluchistan	11
	Total Muslim seats = 207
	Seats reserved for minority communities = 10
	Grand Total = 217

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

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

Mode of Election to the National Assembly

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

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
Federally Administered Tribal Areas.	8	—	8
Punjab	14	5	19
Sindh	14	5	19
NWFP	14	5	19
Baluchistan	14	5	19
Total:—	67	20	87

Mode of Election to the Senate

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

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

Composition of the Provincial Assemblies

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

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

Mode of Election to the Provincial Assemblies

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

CHAPTER III

LEGAL FRAMEWORK FOR ELECTIONS

The Constitution of the Islamic Republic of Pakistan came into force on the 14th of August, 1973.

Enactment of Electoral Laws

2. Pursuant to Article 222 of the new Constitution, the following electoral laws were enacted by the Parliament :—

- (1) The Electoral Rolls Act, 1974 (Act No. XXI of 1974).
- (2) The Delimitation of Constituencies, Act, 1974 (Act No. XXXIV of 1974).
- (3) The Senate (Election) Act, 1975 (Act No. LI of 1975).
- (4) The Representation of the People Act, 1976 (Act No. LXXXV of 1976).

3. For carrying out the purposes of these enactments, except the Delimitation of Constituencies Act, 1974, necessary rules were framed. No need was, however, felt to frame rules under the Delimitation of Constituencies Act.

4. During the 1990 general elections, no amendment was made to the Electoral Rolls Act, 1974, the Delimitation of Constituencies Act, 1974 and the Senate (Election) Act, 1975.

Amendment to the Representation of the People Act, 1976, made in 1988

5. The general elections to the National Assembly and the Provincial Assemblies were held in 1977, 1985, 1988 and 1990 in accordance with the provisions of the Representation of the People Act, 1976, which has remained the basic law for elections and bye-elections since 1977. The procedure followed in 1977, 1985 and 1988 differed in some respects due to changes made in the law.

6. The 1990 general elections having been held in accordance with the same provisions of law and under the same procedure as were applicable to the 1988 general elections, it is necessary to refer to the amendments made in the Act on the eve of 1988 general elections. The following amendments were made in the Act by 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 an 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 in 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 sub-section (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 sub-section (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 sub-section (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 and 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 powers 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.

7. 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 was not required to be issued to a person who *inter-alia* failed or refused to produce his national identity card.

8. 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.

9. 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 under Article 89 of the Constitution at the expiration of four months from the date of their promulgation. 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 Ordinance No. V of 1989.

10. The Representation of the People (Amendment) Ordinance, 1989 (Ordinance No. V of 1989) lapsed on September 21, 1989. Consequently, the amendments made in the Act through that Ordinance were not on the statute at the time of announcement of fresh general elections on August 6, 1990.

Further amendments made in 1990

11. The Representation of the People Act, 1976, was further amended by the Representation of the People (Amendment) Ordinance, 1990 (Ordinance No. V of 1990) notified in the official Gazette on August 26, 1990. Ordinance V of 1990 contained all the amendments made earlier through Ordinance V of 1989 with the following additions:—

- (1) Section 33 was amended to provide for compulsory production of the national identity card for identification of voters at the polling stations as was done on the eve of 1988 general elections.
- (2) Under section 50(1), the period for filing the return of

election expenses was fixed as thirty days after publication of the name of returned candidate.

- (3) Under Article 51(4) and Article 106(4) of the Constitution, additional seats were reserved for women in the National Assembly and the Provincial Assemblies until the expiration of a period of ten years from the commencing day or the holding of the third general elections, whichever occurred later. As three general elections were held under the Constitution in 1977, 1985 and 1988, provisions relating to additional seats for women were rendered inoperative. In consequence, section 47 providing for election to the seats reserved for women was deleted.
- (4) Section 108 was amended to substitute the word "Commissioner" for the word "Commission". This amendment was made keeping in view the fact that holding of bye-election was the duty of the Chief Election Commissioner under the Constitution.

12. Ordinance No. V of 1990 was due to lapse on December 26, 1990, at the expiration of statutory period of four months. Before the expiry of that period, fresh Ordinance bearing No. XVIII of 1990 was promulgated on December 16, 1990, for continued enforcement of the amendments in question.

Innovations for 1990 Elections

13. It is pertinent to mention here that the 1988 general elections and the 1990 general elections were held on identical statutory basis and the same procedure was followed. The only innovations made for the 1990 general elections by amending the law were to the following effect :—

- (1) The date for withdrawal of candidature was fixed immediately after the scrutiny of nomination papers and before the filing of appeals and decision thereon. Consequently, a candidate desirous of withdrawing his candidature after the acceptance of his appeal had no chance to do so under the existing law. In order, therefore, to provide a fair opportunity to such candidates, the date for withdrawal was fixed after the date for decision on appeals against rejection of nomination papers. In addition, this

amendment was made to bring the sequence of events listed under section 11 in conformity with subsequent provisions of the Act. In effect, by this amendment the provisions as contained in the original unamended law revived. [Section 11(1)]

- (2) The right of filing objection against the nomination of a candidate for election from a constituency was also given to the voters of that constituency. Before this amendment, only a candidate could object to the nomination of another candidate from that constituency [Section 11(1) and Section 14(5)]
- (3) Instead of the erstwhile single-judge Tribunal, a Tribunal consisting of two or three judges of the High Court was to be appointed for hearing and disposal of appeals against decision of the Returning Officer rejecting/accepting the nomination of a candidate and rejecting the objection of a voter.

Recommendations

14. The legal basis provided for the last two general elections has proved to be effective. Ordinance No. XVIII of 1990 has expired on April 16, 1991 and the original provisions has consequently revived. In order to give continued and permanent effect to most of the amendments embodied in that Ordinance, the Representation of the People Act, 1976 has been amended by the Representation of the People (Amendment) Act, 1991 on June 5, 1991.

15. Clause (3) of Article 247 of the Constitution envisages that no act of Parliament shall apply to any Federally Administered Tribal Area (FATA) unless the President so directs and that no act of Parliament shall apply to a Provincially Administered Tribal Area (PATA) unless the Governor of the Province in which the Tribal Area is situate, with the approval of the President, so directs. An Ordinance promulgated by the President under Article 89 of the Constitution has the same force and effect as an Act of Parliament. The Ordinances amending the electoral laws are, therefore, required to be applied to the FATA and PATA as required by the Constitution.

CHAPTER IV

THE ELECTORAL ROLLS

Legal Framework

Clause (a) of Article 219 of the Constitution of Islamic Republic of Pakistan provides that the Chief Election Commissioner shall be charged with the duty of preparing electoral rolls for election to the National Assembly and the Provincial Assemblies, and revising such rolls annually. Procedure for the preparation, amendment and revision of electoral rolls has been prescribed under the Electoral Rolls Act, 1974 and the Electoral Rolls Rules, 1974.

Qualification of Voter

2. According to the Constitution and the Electoral Rolls Act, 1974, a person is 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.

Usage of the Electoral Rolls

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

- (1) Election to the National Assembly of Pakistan.
- (2) Election to the Provincial Assemblies of the Punjab, Sindh, NWFP and Baluchistan.
- (3) Conduct of the Referendum if called under the Constitution.
- (4) Election to the local bodies by the Provincial Governments.

Separate Electorates

4. The system of the separate electorates for the Muslims and the non-Muslim minority communities has been envisaged under Article 51(2A) and Article 106(3) of the Constitution. For the representation of the minority communities in the legislatures, they 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).

5. Under the system of separate electorates, the Muslim voters are entitled to vote at an election to a Muslim seat and the non-Muslim voters, belonging to a particular community, are entitled to vote for election of a member of that community in the National Assembly or a Provincial Assembly. The electoral rolls are, therefore, prepared separately for the Muslim voters and the voters of each minority community, as stated above.

The Existing Electoral Rolls

6. The existing electoral rolls were prepared in 1986-87 with the first of January, 1986, as the qualifying date for enrolment of voters. The fresh electoral rolls, which were finally published on October 8, 1987, formed basis for election to the local councils held in November, 1987, the general elections to the National Assembly and the Provincial Assemblies held in November, 1988 and in October, 1990.

7. Full account of the process of preparation of these rolls during 1986-87 has been given in Chapter-III of the Report on General Elections, 1988.

Correction/Amendment to the Rolls

8. Under section 18 of the Act, amendments to the electoral rolls is a continuous process and a person attaining the age of 21 years can

get himself enrolled as a voter by making application to the Registration Officer, alongwith photostat of his identity card. Similarly, erroneous or defective entry of a voter can be corrected and the name of a voter can be deleted from the electoral roll if an application is made to the Registration Officer in that behalf and the Registration Officer is satisfied after making the necessary inquiries.

9. However, under section 20 the process of correction/amendment or revision of electoral rolls remains suspended during the period when the constituency is called upon to elect its representative and before such representative is elected. In other words, no addition, deletion or correction of a name is permissible in the electoral roll once a constituency is called to elect a representative and till the election is notified.

Annual Revision of Electoral Rolls

10. The Constitution provides that electoral rolls shall be revised annually. Revision of the electoral rolls could not be undertaken in 1989 as the Government did not provide the necessary funds. During the year 1990 funds were provided. Since the procedure prescribed under the law required revision of electoral rolls through elaborate procedure entailing heavy expenditure and involved considerable time and since funds provided were not sufficient to meet the required expenditure and the time was also not sufficient, the Commission proposed amendment to rule 17 of the Electoral Rolls Rules, 1974 for devising a simplified procedure for the revision of rolls to enable it to fulfil its constitutional obligation of annual revision of electoral rolls within the limited available funds and also time. The amendment was approved by the President and notified in the official Gazette on June 20, 1990. By this amendment the following proviso was added to sub-rule (2) of that rule:—

“Provided that when the Commissioner is satisfied that it is not feasible to follow the procedure laid down under sub-rule (1) and sub-rule (2), he may direct that the electoral rolls shall be revised in such manner as he may deem fit.”

This amendment enabled the Chief Election Commissioner to adopt simplified procedure for annual revision of electoral rolls.

11. Accordingly the preparatory work relating to the annual revision of electoral rolls under simplified procedure was completed and the revision operation was due to be launched on August 12, 1990, but on August 6, 1990 the National Assembly and the Provincial Assemblies were dissolved and fresh election to the National Assembly were ordered to be held on 24-10-1990 and the revision operation had, therefore, to be called off.

Voting Strength

12. The total number of registered voters on the eve of the 1988 general elections was 4,80,61,670. At the commencement of the process of 1990 general elections on September 5, 1990, the total voting strength was 4,86,48,960. In all 5,87,290 fresh voters were registered by the Registration Officers, in due course of law, during a period of 22 months falling between November, 1988 and September 5, 1990 which increase comes to 1.22%. Dividing to the total increase of 5,87,290 voters by the total number of 217 seats in the National Assembly, the average increase of votes per National Assembly constituency comes to 2,707. The average increase of votes in each of the 483 provincial constituencies was 1,216. The increase of voters in about two years' period does not have any abnormality in enrolment of voters.

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

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

Population and Registered Voters

14. The following table would indicate the population as recorded by 1981 Census and the voting strength of each Province at

the time of commencement of the process of general elections on September 5, 1990:—

Province/Area	Population as per 1981 Census	No. of registered voters as on 5-9-1990	Percentage of registered voters to population
Federal Capital,	3,40,286	1,94,496	57.16%
Punjab	4,72,92,441	2,90,56,412	61.44%
Sindh	1,90,28,666	1,09,11,607	57.34%
NWFP	1,10,61,328	59,87,458	54.13%
FATA	21,98,547	35,145	1.60%
Baluchistan	43,32,376	24,63,842	56.87%
Total:—	8,42,53,644	4,86,48,960	57.74%

Statistics relating to Registered Voters

15. At the commencement of the process of general elections on September 5, 1990, the total number of male voters was 2,62,12,582 and that of the female voters was 2,24,36,378. Detail of registered voters by sex and by community is as under:—

Name of Province/Area	Muslim voters		
	Male	Female	Total
1	2	3	4
Federal Capital	1,03,150	86,822	1,89,972
Punjab	1,51,17,431	1,33,33,815	2,84,51,246
Sindh	55,45,523	46,39,044	1,01,84,567
NWFP	33,87,427	25,84,839	59,72,266
FATA	35,145	—	35,145
Baluchistan	12,89,216	11,53,146	24,42,362
Total:—	2,54,77,892	2,17,97,666	4,72,75,558

CHRISTIANS

Name of Province/Area	Male	Female	Total
1	2	3	4
Federal Capital	2,425	1,975	4,400
Punjab	3,03,171	2,59,078	5,62,249
Sindh	44,921	36,775	81,696
NWFP	6,158	5,121	11,279
FATA	—	—	—
Baluchistan	3,931	3,027	6,958
Total:—	3,60,606	3,05,976	6,66,582

HINDUS & SCHEDULED CASTES

Name of Province/Area	Male	Female	Total
1	2	3	4
Federal Capital	2	2	4
Punjab	20,480	18,549	39,029
Sindh	3,40,224	3,01,231	6,41,455
NWFP	1,068	869	1,937
FATA	—	—	—
Baluchistan	7,005	7,131	14,136
Total:—	3,68,779	3,27,782	6,96,561

SIKHS, BUDHISTS, PARSIS ETC.

Name of Province/Area	Male	Female	Total
1.	2	3	4
Federal Capital	6	5	11
Punjab	624	560	1,184
Sindh	1,754	1,733	3,487
NWFP	1,051	838	1,889
FATA	—	—	—
Baluchistan	181	185	366
Total:—	3,616	3,321	6,937

QUADIANIS

Name of Province/Area	Male	Female	Total
1	2	3	4
Federal Capital	54	55	109
Punjab	1,483	1,221	2,704
Sindh	234	168	402
NWFP	44	43	87
FATA	—	—	—
Baluchistan	16	4	20
Total:—	1,831	1,491	3,322

GRAND TOTAL

Name of Province/Area	Male	Female	Total
1	2	3	4
Federal Capital	1,05,637	88,859	1,94,496
Punjab	1,54,43,189	1,36,13,223	2,90,56,412
Sindh	59,32,656	49,78,951	1,09,11,607
NWFP	33,95,748	25,91,710	59,87,458
FATA	35,145	—	35,145
Baluchistan	13,00,349	11,63,493	24,63,842
Total :—	2,62,12,582	2,24,36,378	4,86,48,960

16. As against the voting strength of 4,86,48,960, the total number of identity cards issued by the National Registration Organization was 5,06,54,863 on the eve of general elections. The number of identity cards was higher than the voters because of the fact that the identity card is issued to a person of the age of 18 years and above and the voting age is 21 years and above. In order to ensure that all the registered voters had their identity cards for polling purpose, special arrangements were made by the National Registration Organization to process applications for identity cards as expeditiously as possible. Mobile teams were constituted to visit the far-flung areas and all other facilities were extended to the public under a crash-programme.

Complaints of Bogus Enrolment and Deletion of Genuine Voters from the Electoral Rolls

17. Soon after the announcement of the date of fresh general elections in the country, the Election Commission started receiving complaints against the enrolment of names of fictitious persons, multiple enrolment and deletion of the names of genuine voters from the electoral rolls. In order to find facts of each complaint, the Commission constituted teams of its officers in the Provinces and referred all such complaints to the concerned team for investigation and report. In addition, the Commission afforded full opportunity of personal hearing to the complainant for adducing evidence or proof to substantiate his complaint.

18. Most of the complaints were found by the Inquiry Committees as highly exaggerated and without any substance. For the sake of brevity, major complaints are discussed in the succeeding paragraphs to give a general over-view of the nature of some of the major complaints:—

- (1) In a press statement appearing in the newspapers on September 8, 1990, a leader of the PPP from Baluchistan complained against enrolment of 25,000 bogus names in the electoral rolls of Nasirabad and Tamboo Districts. As a result of high level inquiry ordered by the Commission, it transpired that the names of only seventy persons were enrolled in the electoral roll of Tamboo District and the names of 107 persons were registered as voters in Nasirabad District, in due process of law, by the Registration Officer concerned.
- (2) A complaint alleging enrolment of bogus voters in the electoral rolls of Pishin District was made in 1988. Due to the tense law and order situation then prevailing in the district, the Provincial Government advised the Commission to pend the inquiry proceedings. However, in 1990, the Chief Election Commissioner directed the Deputy Commissioner, Pishin, and Assistant Commissioner, Chaman to find out the number of voters who had been unduly enrolled in the electoral rolls as voters. As a result of inquiry, the number of bogus voters was reported to be 8,959 out of 92,463 voters. Since the constituencies had by then been called upon to elect their representatives, further scrutiny of the list containing the names of bogus voters could not be held in view of the constraints contained in provisions of section 20 of Electoral Roll Act, 1974.
- (3) A complaint alleging enrolment of the names of as many as 20,000 bogus persons as voters in different electoral areas of Naushero Feroze District was filed before the Commission. The Commission provided full opportunity to the complainant to furnish the list of such persons and to adduce evidence in order to substantiate his allegations. He could, however, file a statement showing the names of 65 persons and failed to provide the particulars of more names purported to have been enrolled illegally. The Commission held that in the absence of particulars of alleged bogus voters

and the necessary evidence, it was not possible to delete the names of voters from the electoral rolls.

- (4) Complaint of irregularities alleged to have been committed in the enrolment of the names of 9,814 persons in the electoral roll of Ghotki, District Sukkur was referred for investigation to the Inquiry Committee of the Commission. According to the finding of the Committee, out of 9,814 applications filed between 2nd and 6th September, 1990, the Registration Officer entertained 467 applications as having been filed according to the law. The remaining 9,347 applications were rejected as in these cases either the applicants were not entitled to be enrolled or they did not produce photostat of their national identity cards as required by law. The Registration Officer had thus acted in accordance with law in dealing with applications for fresh enrolment.
- (5) One of the contesting candidates from NA-156 Jacobabad-I lodged a complaint to the effect that the names of about 1200 to 1300 voters have been deleted from the electoral rolls and the names of 8000 to 9000 bogus voters have been registered. The Commission referred the complaint to a committee of inquiry for investigation and report. After checking the record maintained by the Registration Officer, the Committee found that 827 names were deleted due to double enrolment. The Committee further observed that the names of 7027 new voters were properly registered in 14 electoral areas.
- (6) A resident of Murree Tehsil of Rawalpindi District brought to the notice of the Commission the double enrolment of voters in one of the wards of Murree Cantonment. After the inquiry, the Registration Officer deleted the names of 81 persons from the electoral roll in accordance with the provisions of law.
- (7) It was complained that the Registration Officer made numerous entries in the electoral rolls of constituency No. NA-95-Lahore-IV in violation of the rules and regulations and had done so after the constituencies were called upon to elect their representatives. One of the contesting candidates also issued a Press statement to that effect. The Commission heard the complaints providing full opportunity to the

complainants to substantiate their allegations. The matter was also investigated by an Inquiry Committee consisting of senior officers of the Commission. According to the report of inquiry, no irregularity was committed by the Registration Officer in the enrolment of voters. The provisions of law were fully kept in view and strictly observed. The complainants also failed to produce any proof or specific details in support of their allegations before the Inquiry Committee.

- (8) One of the contesting candidates for election to the National Assembly from Kasur District reported that double enrolment had been made at the instance of certain interested persons in contravention of the provisions of law. It, however, transpired during the course of inquiry that the concerned Registration Officer had deleted the names of 218 persons from the electoral rolls before the 5th September, 1990 in accordance with the provisions of section 18 of the Electoral Rolls Act, 1974 before the announcement of election schedule on 6th September, 1990.
- (9) One of the candidates for election from Bahawalnagar District reported to the Commission that the names of 1300 genuine voters were deleted from the electoral rolls and the names of as many as 4,000 persons were registered as voters by the Registration Officer unlawfully. Two senior officers of the Commission were deputed to investigate the matter. According to their findings, the names of 135 voters were deleted and the names of 450 voters were included in the electoral roll in due course of law as provided under section 18 of the Electoral Rolls Act and that the Registration Officer had committed no irregularity in that behalf.
- (10) After the general elections, the Commission received a few complaints to the effect that the number of votes cast at a particular polling station was higher than the number of voters assigned to it. It, however, came to light after necessary investigations that complaint was made on the basis of old printed electoral rolls without taking into account the additional list of voters printed subsequently. It may be clarified that the additional list contained the names of voters registered by the Registration Officer under section 18 of the Act.

Conclusion

19. Analysis of the results of inquiries on the complaints of over-enumeration or deletion of the names of genuine voters unauthorisedly leads to the only conclusion that no excessive enrolment or deletion of names had taken place on the eve of 1990 general elections as is being alleged by certain quarters. The existing electoral rolls, having been published in October, 1987, were put to test in three country-wide elections *i.e.*, in 1987 Local Bodies, and elections to the National Assembly followed by election to the Provincial Assemblies in 1988 and no glaring mistakes, omissions or excessive enrolments surfaced during these elections or were brought to the notice of the Election Commission or Chief Election Commissioner.

20. Even if the name of a voter is registered at more than one place, multiple voting has been made a practical impossibility because of the various effective checks provided at the polling stations on the eve of the polls; such as, production of identity card, punching of identity card, application of indelible ink, on the thumb at the time of voting affixation of thumb impression on the counterfoil of ballot paper, etc. Such stray enrolments do not in any manner affect the result of election in a constituency.

Recommendations

21. Taking advantage from the past experience, the following recommendations are made to make the electoral rolls as accurate and authentic as possible:—

- (1) The experience of adopting minimal unit of an electoral area, such as, sub-ward, sub-unit, etc., for the preparation of electoral roll has proved to be a success. Due to this arrangement, the assignment of voters of an electoral area, whether enrolled at the initial stage or at a later stage, to one and the same polling station has become possible. For convenience of the voters, this practice should be followed in future as well.
- (2) For the sake of distinction, the electoral roll for different communities were printed on coloured paper in 1987. This innovation has also served the purpose well and the rolls should in future be prepared keeping in view the model of existing rolls.

- (3) The scheme of automation of the National Registration System and preparation of the draft electoral rolls as a by-product thereof should jointly be implemented by the Election Commission and the Registration Organization in a phased programme, as and when considered financially feasible.
 - (4) The number of National Identity Card should, in future, appear in the electoral roll against the name of each voter. The electoral roll should, as a matter of fact, contain serial number, name, father's/husband's name and Identity Card number of each voter and other particulars should not be repeated to make space for Identity Card number. In case of need, such particulars can be verified from the identity card.
-

CHAPTER V

THE DELIMITATION OF CONSTITUENCIES

Article 222 of the Constitution lays down that, subject to the Constitution, Majlis-e-Shoora (Parliament) may by law provide *inter alia* for the delimitation of constituencies by the Election Commission. The law relating to the delimitation of constituencies has been embodied in the Delimitation of Constituencies Act, 1974. Section 3 of this Act provides 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 the Act. Election to these Assemblies is, therefore, held on the basis of territorial constituencies delimited by the Commission in accordance with the population recorded by the last preceding Census officially published.

2. The last preceding Census had taken place in Pakistan in 1981. The Election Commission had published the final list of constituencies in the official Gazette on October 1, 1988, for the general elections held in November, 1988. These constituencies were delimited in accordance with the 1981 population Census.

3. Section 10A of the Delimitation of Constituencies Act, 1974, empowers the Commission to make, of its own, such amendments, alterations or modifications in the final list of constituencies, or in the areas included in a constituency, as it thinks necessary.

4. During 1989-90, the Provincial Governments created four new districts, namely, Nowshera in the NWFP, Pakpattan in the Punjab, Naushero Feroze in Sind and Killa Saifullah in Baluchistan out of the territorial limits of Peshawar, Sahiwal, Nawabshah and Zhob Districts respectively. After the announcement of general elections in country, the Election Commission received 41

representations for revising the extent of existing constituencies as per detail appearing below :—

Punjab	=	24 representations
Sind	=	6 representations
NWFP	=	7 representations
Baluchistan	=	4 representations
<hr/>		
Total :—	=	41 representations
<hr/>		

5. The Election Commission, in its meeting held at Islamabad on August 31, 1990, examined the question of fresh delimitation of constituencies for the forthcoming general elections. The Commission decided to consider only such proposals for re-delimitation of constituencies as were related to the four newly created districts and the districts affected due to their creation. The representations for modification of the constituencies of the remaining districts were not taken into consideration due to time constraints.

6. In all 12 representations were filed by the interested persons in respect of the constituencies of newly created districts. Representations relating to Nowshera and Peshawar districts were heard by the Commission at Peshawar on September 3, 1990. Similar representations relating to the constituencies of Killa Saifullah, Pakpattan, Naushero Feroze and affected constituencies of Zhob, Sahiwal and Nawabshah were heard at Lahore on September 5, 1990. The persons filing representations and their lawyers appeared before the Commission and explained their cases with the help of maps and other relevant data.

7. After hearing the parties at length, the Commission decided as under:—

(i) *Nowshera/Peshawar District :*

(a) Nomenclature of two National Assembly constituencies No. NA-3 Peshawar-III and NA-4 Peshawar-IV was changed to NA-3 Peshawar-cum-Nowshera and NA-4

Nowshera. Similarly, the nomenclature of Provincial Assembly constituencies No. PF-9 Peshawar-IX, PF-10 Peshawar-X, PF-11 Peshawar-XI and PF-12 Peshawar-XII was changed to PF-9 Nowshera-I, PF-10 Nowshera-II, PF-11 Nowshera-III and PF-12 Nowshera-IV to indicate the name of new district Nowshera instead of the erstwhile Peshawar district.

- (b) The limits of two Provincial Assembly constituencies of Peshawar District, viz: PF-6 Peshawar-VI and PF-7 Peshawar-VII and two Provincial Assembly constituencies of Nowshera District viz: PF-9 Nowshera-I and PF-10 Nowshera-II were slightly modified according to the new boundaries of the two districts.

(ii) *Pakpattan/Sahiwal :*

- (a) Nomenclature of two National Assembly constituencies No. NA-127 Sahiwal-IV and NA-128 Sahiwal-V was respectively changed to NA-128 Pakpattan and NA-127 Sahiwal-IV. Similarly, the nomenclature of four Provincial Assembly constituencies No. PP-187 Sahiwal-VII, PP-188 Sahiwal-VIII, PP-189 Sahiwal-IX, PP-190 Sahiwal-X and PP-191 Sahiwal-XI was changed to PP-187 Sahiwal-cum-Pakpattan, PP-190 Pakpattan-I, PP-191 Pakpattan-II, PP-188 Sahiwal-VII and PP-189 Sahiwal-VIII respectively to indicate the names of concerned districts.

- (b) The limits of two Provincial Assembly constituencies viz : PP-186 Sahiwal-VI and PP-191 Pakpattan-II were also modified so as to conform their extent to the boundaries of the two districts.

(iii) *Naushero Feroze/Nawabshah :*

- (a) Before the creation of Naushero Feroze district, Nawabshah district was entitled to four seats in the National Assembly and nine seats in the Provincial Assembly, Sind. After creation of the new district, the number of seats falling to the

share of two districts on the basis of population was as under:—

		National Assembly	Provincial Assembly
Nawabshah	=	2	4
Naushero Feroze	=	2	5
		4	9

The Commission changed the nomenclature of National Assembly constituencies No. NA-158 Nawabshah-I, NA-159 Nawabshah-II, NA-160 Nawabshah-III and NA-161 Nawabshah-IV respectively to NA-158 Naushero Feroze-I, NA-159 Naushero Feroze-II, NA-160 Nawabshah-I and NA-161 Nawabshah-II and also modified the extent of these constituencies in accordance with the boundaries of new districts.

- (b) The extent of nine constituencies of the Provincial Assembly viz: PS-15 to PS-23 was modified according to the boundaries of new administrative units and their nomenclature was also changed.
- (iv) *Killa Saifullah/Zhob* :
- (a) The same description of the National Assembly constituency was changed from NA-200 Zhob to NA-200 Zhob-cum-Killa Saifullah and the extent thereof was also redefined as Zhob and Killa Saifullah districts instead of Zhob district.
- (b) The nomenclature and description of two Provincial Assembly constituencies No. PB-13 Zhob-I and PB-15 Zhob-III was changed as PB-13 Zhob-cum-Killa Saifullah and PB-15 Killa Saifullah to indicate the names of respective districts.

8. The final list of constituencies, notified on October 1, 1988, was modified to the extent stated above as per Notification issued on September 5, 1990.

9. All the interested parties were satisfied with the decision of the Election Commission as none of them questioned its decision by filing any review application or in superior Courts in writ jurisdiction or in any other proceedings.

10. It would thus be seen that no substantial changes were made in the limits of the constituencies of the new four districts and that the constituencies pertaining to the remaining 78 districts were not disturbed in any manner. Consequently, the 1990 general elections were held almost on the basis of the same constituencies as were delimited for the 1988 general elections.

CHAPTER VI

THE POLLING SCHEME

Pending the appointment of two members of the Election Commission, the Chief Election Commissioner called a meeting of senior officers and the Provincial Election Commissioners at Islamabad on 13th, 14th and 15th August, 1990 in order to take stock of the situation arising out of the dissolution of the Assemblies and to prepare a plan of action for holding free, fair and impartial elections within the stipulated time. The recommendations formulated in this meeting covered almost all the pre-election phases of the process. Immediately after the appointment of members of the Commission on 15th August, 1990 a three-day session of the Election Commission was held at Islamabad on 17th, 18th and 19th August, 1990 and the recommendations formulated by officers of the Commission were intensively considered and approved.

2. The recommendations contained *inter alia* the guide-lines for the preparation of polling scheme for the upcoming elections. The polling scheme is one of the major field operations of the electoral system which is carefully tailored by integrating the voters and the territory for the purpose of setting up of polling stations within the territorial limits of each constituency of the National Assembly and the Provincial Assembly keeping in view the public and administrative convenience. 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 staff required for a polling station. The equipment, material and manpower requirements for each polling station and each constituency are thereby accurately assessed.

3. Pursuant to the policy decision of the Election Commission a communication was addressed to the Chief Secretaries, with copies to the Divisional Commissioners, Deputy Commissioners, Political Agents and field officers of the Commission on August 20, 1990 for the preparation of polling scheme for the 1990 general elections on the basis of existing constituencies and electoral rolls and the polling scheme for the 1988 general elections. The Deputy Commissioners

were required to finalize the schemes for the constituencies falling in their districts by September 10, 1990.

Guide-lines for Polling Scheme

4. The Deputy Commissioners and Political Agents were directed that the 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 dilapidated condition and that they are suitable for polling purposes. Soon after their appointment, the Returning Officers were directed to carry out physical verification of the polling sites. The following guide-lines were provided to the Deputy Commissioners for framing the polling schemes and for subsequent scrutiny by the Returning Officers:—

- (i) The same 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(s) 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 should 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 the non-Muslims, will have separate colours.
- (vi) The same ballot box will be used at each booth by the Muslim and non-Muslim voters.

Plan of the Scheme

5. The polling schemes were required to be prepared in accordance with the following further guide-lines :—

- (a) The polling scheme of the last general elections held in 1988, should ordinarily be adopted for ensuing elections.
- (b) As far as possible, separate polling stations should be provided for male and female voters, subject to the availability of suitable buildings and polling personnel.
- (c) Polling schemes for each National Assembly constituency and for each Provincial Assembly constituency should be prepared separately by the Deputy Commissioner/Political Agent for all the constituencies (Muslims as well as non-Muslims) falling under his jurisdiction.
- (d) 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.
- (e) 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.
- (f) The assignment of voters should be correctly shown against each electoral area. These assignments shall have to be further corrected, if fresh entries under section 18 are made till the date of issuance of Notification calling upon the constituencies to elect their representatives.
- (g) The assignment of voters should clearly show the breakup of the 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 should also be correctly shown.

- (h) For the preparation of polling schemes for each constituency, the extent of each constituency as notified by the Election Commission on October 1, 1988 should be kept in view.
- (i) 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 should be correctly given.
- (j) In describing a polling station, the abbreviations like "P.S." etc., should be avoided as they can be confused with Police Station, Primary School etc. Exact description of the name of the building would be necessary.
- (k) No polling station should be established outside the limits of the constituency. It will be illegal to do so.

Selection of Buildings

6. The following principles were laid down for selection of public buildings to house the polling stations:—

- (i) Care should be exercised in the selection of buildings required for the polling stations. They should invariably be housed in public buildings. Preference should be given to school and college buildings, rest houses, dak bungalows, community centres and buildings of Union Councils, Town Committees, Municipal Committees, Municipal/Metropolitan Corporation, etc.
- (ii) No polling station should 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 overcrowding of voters within their precincts.

- (iv) The public buildings should not be in a dilapidated condition and in a state of disrepair. Wherever new buildings have sprung up, they should be utilized, if found suitable. A prior inspection of the building selected to serve as Polling Station was made essential so as to check their suitability for the purpose.
- (v) In case the polling station building has more than one storey, the polling station should preferably be located on the ground floor to avoid inconvenience to the voters.
- (vi) The Deputy Commissioners shall make suitable arrangements for the stay of the polling staff and should avoid obligation of any of the contesting candidates.

Assignment of Voters

7. Assignment of voters to the polling stations requires careful and meticulous planning at the initial stage so as to avoid inconvenience to the voters and dislocation of polling arrangements. The Deputy Commissioners were asked to follow 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 to enable the electors of complete electoral area to cast their votes at the same polling station. But in no case the assignment of electors to a polling station should exceed 1,500 with slight marginal adjustments.
- (ii) In sparsely populated areas, assignment of electors to polling stations should be further reduced, if necessary, keeping in view the distance involved and convenience of voters.
- (iii) Each polling station should normally have three to four booths: each booth for about 300 to 400 electors. An exception could, however, be made in case of sparsely

populated areas where polling stations may be established with 1, 2 or 3 booths only, depending on the number of electors.

- (iv) In case of an electoral area, especially in big cities having more than two thousand electors, it will be preferable to have two or more polling stations with distinct bifurcation of the electoral areas served by each polling station. The rolls prepared by two or more enumerators of the contiguous areas should relate to a polling station, taking care that the number of electors does not exceed two thousand. In urban areas where the enumerator's roll within the electoral area may not have been distinctly kept in view, care may be taken to see that streets and mohallahs are not bifurcated. Where such bifurcation is inevitable, the name of the streets/mohallahs or the roads should be clearly mentioned with suitable land marks ordinarily known to the electors. The bifurcation in such cases must be done keeping in view the fact that full pages of the electoral rolls are used at such polling station. This will avoid wastage of copies of the electoral rolls.
- (v) It should be ensured that female electors of a particular electoral area are assigned to the same polling station to which their men-folk have been assigned, but separate female and male entrances and separate booths for male and female electors should be arranged. In urban area especially, where the number of electors in a ward is sufficiently large, it should be ensured that both male and female electors of the same mohallah or street are assigned to the same polling station.

Location of Polling Stations

8. The polling stations have to be located at a suitable, convenient, easily accessible and centrally located places for smooth and efficient conduct of the poll. The following guide-lines were provided for this purpose:—

- (i) While assigning the electoral areas to a polling station, it should be ensured that the polling station building is located at a central place in the area where there is the greatest

concentration of population. This is necessary to avoid inconvenience to the electors. It is highly desirable that an elector should not be required to travel a distance of more than 3 kilometers from the place of his residence for casting his vote.

- (ii) The proposed polling station buildings should be easily accessible to the electors and should be located preferably on road sides or having a well-linked means of communication.
- (iii) In the selection of buildings, the tribal and ethnic affiliations and their feuds should be kept in view, so that electors of one group have not to go to the place hostile to them. The overlooking 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 setup 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

9. Lay-out of polling station and provision of polling booths within a polling station according to the number of male and female voters has also to be carefully planned for orderly and disciplined conduct of the poll. For this purpose, the following guide-lines were provided :—

- (i) The same booth will be used for the Muslim and non-Muslim voters for the National and Provincial Assembly

elections except where a separate booth has been provided for the non-Muslim voters in view of their large numbers.

- (ii) Before selecting a particular building as a polling station, its capacity to contain the required number of booths has to be accurately assessed. The accommodation available in the building with the number of rooms, halls, etc., must be ascertained beforehand and specified.
- (iii) The building has to be such as would make effective supervision by the Presiding Officer possible in such a way that all the Assistant Presiding Officers of different booths can operate within his view. This is necessary for maintaining proper discipline, smooth conduct and calm atmosphere within the polling station.
- (iv) In order to determine the number of booths for a polling station, a fair idea of the space required for each booth is necessary. A booth should have sufficient space to have a screened-off compartment of its own where the electors will mark the ballot papers in secret. Each booth should also have a seating capacity for one Assistant Presiding Officer, two Polling Officers and one Polling Agent of each contesting candidate. The polling booth should be as spacious as possible and should preferably have a separate entrance and exit.
- (v) Provision of more than one booth in a room of an ordinary size has to be avoided. In unavoidable circumstances, however, the room should be partitioned to provide separate booths for male and female voters.
- (vi) Arrangements should be made to provide separate booths for male and female electors in such a manner that proper segregation of male and female electors is ensured. Mixing up of male and female electors can create law and order situation which must be avoided.
- (vii) Where necessary, separate entrances and exits may be improvised by the use of "Qanats" etc.

Improvised Polling Stations

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

Appointment of Polling Staff

11. 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 the prior approval of the District Returning Officer. Special care should be taken in the selection of polling staff.
- (ii) There will be a Presiding Officer for each polling station, and one Assistant Presiding Officer and two Polling Officers for each booth at a polling station.
- (iii) Since there will be no paucity of staff in the urban areas, appointment of polling personnel to man the polling booths serving female voters should, as far as possible, be made from amongst the female staff. This staff should be selected with great care from the various Government departments and its selection should not be restricted to Education Department only. Appointment of Patwaris as polling staff was prohibited.
- (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 area, however, if female staff is not available, the booth may be manned by elderly male members: with at least one female polling officer or Assistant Presiding Officer for each booth for females.
- (v) The polling personnel to be appointed at each polling station should either be residing or serving within the vicinity of the polling station so that they have not 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

12. The polling staff was required to be selected from the following categories of the Government functionaries posted in each district:—

- (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 Officers.*—In urban areas, Assistant Presiding Officers should preferably be drawn from amongst the BPS-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 School, Office Superintendents, Head Clerks, S.D.Os, Senior Overseers, Agricultural Officers, 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 Officers.*—The Polling Officers can be drawn from the clerical staff, junior teachers and other similar categories. Even in rural areas they should be such officials as can read and write so that they can render necessary assistance to the Presiding Officers/Assistant Presiding Officers efficiently.

General Instructions

13. The following general instructions were also issued for appointment of the polling staff to ensure impartial elections:—

- (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) As against ten percent reservists engaged during the previous elections, five percent reserve polling staff should be earmarked for each constituency to fill places of absentees, if any.
- (iii) The requirements of polling personnel should be worked out keeping in view the fact that the poll for Provincial Assemblies will be held three days after the poll 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 should 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 had allowed the appointment of banking staff as polling staff.
- (vi) The senior staff of integrity should be selected for appointment as polling staff. It should be ensured that the polling staff do not have any political affiliations and that they are completely impartial.

List of Polling Staff

14. 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 before the due date. 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.

Changes in the List of Polling Stations and Staff

15. No change was possible in the list of polling stations by the Returning Officer and District Returning Officer, after publication of this list in the official Gazette. In case such a change becomes inevitable, the matter was required to be referred for approval to the Member concerned of the Election Commission with full justification. Similarly, change of the polling staff was not permissible after their appointment by the Returning Officer, without prior approval of the Member concerned of the Commission.

Duties of Presiding Officer

16. 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 and polling agents, if present, before the commencement of poll, record their statements to this effect and obtain their signatures on them.

- (4) To supervise the poll and maintain discipline and law and order at the polling station.
- (5) To allow admission to the candidates their election agents and polling agents to the polling station during the poll.
- (6) To ensure secrecy of ballot.
- (7) To conduct summary inquiry to establish the identity of a challenged voter.
- (8) To exercise powers of summary trial under section 86A of the Representation of the People Act, if required.
- (9) To adjourn the poll due to interruption, obstruction by riot, open violence or any natural calamity, if required.
- (10) To count the votes after the close of the poll in the presence of candidates, their election agents, if present, and polling agents and obtain their signatures on the statement of the count.
- (11) To issue certified copies of the statement of the count and ballot papers account to the polling agents.
- (12) To communicate, through pre-arranged means, the result of count to the Returning Officer immediately after the count.
- (13) To return the polling bags containing election material and result of count to the Returning Officer.

Duties of Assistant Presiding Officer

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

- (1) Senior Assistant Presiding Officer, duly nominated by the Returning Officer, to take over functions of Presiding Officer in case of absence, illness, etc.
- (2) To verify identity of a voter from his national identity card and to punch the card at the appropriate place as indicated

by the Election Commission, before issuing a ballot paper to him.

- (3) To record serial number and name of voter, as appearing on the electoral roll, 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

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

Polling Officer No. 1 :

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

- (3) To score out the serial number and name of voter from the electoral roll.

Polling Officer No. 2 :

- (4) To assist the Assistant Presiding Officer in obtaining thumb impression of the voter 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.

Strength of Polling Staff

19. A total number of 33,736 Presiding Officers, 1,14,548 Assistant Presiding Officers and 2,29,096 Polling Officers were engaged on polling duties for the conduct of 1990 general elections according to the following detail:—

Province/Area	Presiding Officers	Assistant Presiding Officers	Polling Officers
Federal Capital	143	497	994
Punjab	21,287	73,043	1,46,086
Sind	6,429	22,699	45,398
N-W.F.P.	4,159	13,579	27,158
FATA	37	83	166
Baluchistan	1,681	4,647	9,294
Total:—	33,736	1,14,548	2,29,096

Comparison of Polling Scheme with Previous Polling Schemes

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

Election Year	General (Muslim)										
	1	2	3	4	5	6	7	8	9	10	11
December 1970* (Staggered Poll)	138	300	25730280	120	194	14068	48340	14068	48340	48340	96680
March, 1977 (Staggered Poll)	200	460	30899052	255	397	16891	63361	16891	63361	63361	126722
November, 1979 (Aborted) (Simultaneous)	200	460	22955346	264	306	20436	70417	20436	70417	70417	140834
February, 1985 (Staggered Poll)	207	460	34396661	333	501	25837	81047	25837	81047	81047	162094
November, 1988 (Staggered Poll)	207	460	48061670	519	672	33329	113718	33329	113718	113718	227436
October, 1990 (Staggered Poll)	207	460	48648960	475	693	33736	114548	33736	114548	114548	229096

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

Training of Polling Personnel

21. The training of the polling personnel on the eve of the poll is of paramount importance. The District Returning Officers and Returning Officers were accordingly directed to organize the training of the polling staff in a systematic manner covering both theoretical and practical aspects so that they do not commit irregularities through ignorance of law and procedure during actual conduct of the poll.

22. A "Hand-Book for the Training of Polling Personnel" was published by the Election Commission and supplied to the Returning Officers for distribution to all concerned. A video film was produced by the Election Commission with the active assistance of the Department of Films and Publications for facility of training of the polling staff. This film also immensely helped the Returning Officers to impart the necessary training to the polling staff. A brief course of instructions extending over two or three days was arranged by the Returning Officers so as to see that the Presiding Officers/Assistant Presiding Officers/Polling Officers have carefully studied the provisions of the law, the rules framed thereunder and the instructions issued by the Commission.

23. After a detailed course of instructions, "mock" polling stations were set up and the trainees acted as Presiding Officers, Assistant Presiding Officers, Polling Officers, Polling Agents, voters, blind or incapacitated voters and police personnel to understand the duties expected of them. In actual practice, the training covered all stages of the poll beginning from the setting up of polling stations, their lay out and ending at the counting of votes, filling in various forms, etc., and communication of result of their polling station to the Returning Officer. During the course of the training, special emphasis was laid on the following aspects of the polling process:—

- (1) Identification of a voter through his national identity card, distinction between a fake and genuine identity card (with the assistance of the National Registration Organization), prosecution of persons holding fake cards for forgery and impersonation, manner of punching the identity card in token of having issued ballot paper to a voter.
- (2) System of marking the ballot paper by the voters, challenged votes, tendered votes, spoilt votes, etc.

- (3) Application of indelible ink to the finger of voters in token of having issued the ballot paper.
- (4) Affixing thumb impression of voters on the counterfoil of ballot paper.
- (5) Issue of ballot paper to the Muslim voters and various communities of the non-Muslim voters.
- (6) Use of common ballot box for the Muslim and non-Muslim voters.
- (7) Operation of the mechanically operated ballot box.
- (8) Counting of votes.
- (9) Statement of the count of votes and supply of its copies to the polling agents of candidates.
- (10) Statement of the ballot paper account.
- (11) Communication of result to the Returning Officers through pre-arranged means.
- (12) Manner of summary trial of offences by the Presiding Officers as Magistrates First Class on the polling day.

Recommendations

24. It would be more advantageous to have pre-fixed polling sites in each electoral area. The list of such sites should be maintained and revised periodically by the local administration. Changes, if any, may be made by the District Returning Officer, on the recommendations of local administration who may give full justification therefor.

CHAPTER VII

ELECTION MATERIAL

The stock-taking of various articles of election material and steps for their replenishment are pre-requisites for making arrangements in connection with conduct of elections to the National and Provincial Assemblies. The work relating to stock-taking of available articles of election material was taken in hand immediately after the dissolution of National and Provincial Assemblies on the 6th August, 1990. The first formal meeting in this behalf was held on the 13th August, 1990, wherein decisions regarding procurement of various items of election material, e.g., standard stationery packs, official mark rubber stamps (oval and square), marking aid stamps, stamp pads, brass seals, cloth bags of various measurements, canvas bags, indelible ink, punch machines, etc., were taken. This time a departure was made from the practice of 1988 General Elections and order for procurement of various items of election material was placed centrally by the Election Commission Secretariat, Islamabad. The following order was accordingly placed with the Controller, Stationery and Forms, Karachi on the 19th August, 1990:—

Item	Requirement of				Total
	Punjab	Sindh	NWFP	Baluchistan	
1	2	3	4	5	6
Standard Stationery Packs	41,131	15,000	8,755	2,000	66,886
Official Mark Stamps (Oval)	77,913	26,000	20,886	4,500	129,299
Official Mark Stamps (Square)	77,913	29,000	20,886	4,000	131,799
Marking Aid Stamp (containing nine squares)	282,688	128,100	40,273	15,800	466,861
Stamp pads (inked)	207,886	150,000	38,773	11,200	407,859
Brass Seals	26,901	11,000	8,755	—	46,656

	1	2	3	4	5	6
Cloth Bags						
(i) 18" × 30" (White)	20,682	15,000	4,627	1,400	41,709	
(ii) 18" × 15" (White)	19,041	8,000	4,627	1,400	33,068	
(iii) 18" × 30" (Khaki)	18,106	15,000	4,627	—	37,733	
(iv) 18" × 15" (Khaki)	16,428	8,000	4,627	—	29,055	
(v) 18" × 30" (Blue)	7,582	15,000	4,357	—	26,939	
(vi) 18" × 15" (Blue)	12,000	—	4,357	—	16,357	
Canvas Bags	7,251	3,000	1,749	—	12,000	

2. The stock of the above mentioned items of election material available in hand with the four Provincial Election Commissioners was as under:—

Item	Punjab	Sindh	NWFP	Baluchistan	Total
1	2	3	4	5	6
Standard Stationery Packs	6,000	—	500	1,700	8,200
Official Mark Stamps (Oval)	26,609	9,000	—	2,300	37,909
Official Mark Stamps (Square)	26,609	16,000	—	2,600	45,209
Marking Aid Stamp (containing nine square)	133,088	22,000	1,500	12,500	169,088
Stamp Pads (inked)	—	—	3,000	3,000	6,000
Brass Seals	20,230	3,000	5,000	3,308	31,538

	1	2	3	4	5	6
Cloth Bags						
(i) 18" × 30" (White)		2,883	—	—	500	3,383
(ii) 18" × 15" (White)		4,524	—	—	500	5,024
(iii) 18" × 30" (Khaki)		5,459	—	—	2,600	8,059
(iv) 18" × 15" (Khaki)		7,137	—	—	2,700	9,837
(v) 18" × 30" (Blue)		4,418	—	—	700	5,118
(vi) 18" × 15" (Blue)		—	—	—	700	700
Canvas Bags		2,749	—	200	750	3,699

Official Mark Rubber Stamps

3. As per past practice, the official mark rubber stamps supplied for use at the polling stations were of two shapes, *i.e.*, square and oval. The square stamp was of 2" × 2" and oval stamp was of 2-1/2" × 1-1/2" size. The words "Election Commission of Pakistan" with the code letters and code numbers appearing on the stamps. Square stamps were utilised for marking the ballot papers for election to the National Assembly and those of oval shape were used for Provincial Assemblies elections. These stamps are marked on back of each ballot paper in order to ensure their genuineness and authenticity of having been issued at a particular polling station. The code numbers of the official mark stamps of both shapes were kept secret so as to eliminate any chance of leakage of these code numbers. The above mentioned stamps were supplied @1 per booth plus 1 extra per polling station with a reserve of 5% meant for meeting any possible shortage. The Provincial Election Commissioners were responsible to maintain complete record of the code numbers of the stamps, which were newly manufactured. While making polling stations bags, the list of code numbers supplied to each polling station was kept secret by the officials, who were responsible for bulk breaking of the material and for preparation of these bags. The code numbers were not even divulged to Returning Officers or to the Presiding Officers before start of the actual polling.

The lists are kept secret so that no unauthorised person knows about their code letter and numbers and is not able to get these manufactured for any ulterior motive, *i.e.*, for rigging or use of such stamps to anyone's benefit.

Rubber Stamps for Marking Ballot Papers (Marking Aid Stamps)

4. As per law, each voter is required to put a prescribed mark on the ballot paper at any place within the space containing the name and symbol of the candidate for whom he wishes to vote. This mark is put by the voter by using a rubber stamp. The ballot paper bearing any other mark becomes invalid. The size of the above said rubber stamp is $3/4" \times 3/4"$ containing nine squares, which are equally divided. These stamps were supplied @ 2 per booth plus 2 extra per polling station. These stamps are prepared manually. The use of any mark other than the mark of these stamps renders the ballot papers as invalid. These stamps also facilitate illiterate voters in putting their mark properly and easily against the name and symbol of the candidate of their choice.

Self-Inking Stamp Pads

5. The stamp pads were supplied to the polling stations @ 2 per polling booth plus one extra per polling station with 5% reserve.

Standard Stationery Packs

6. The items contained in the standard stationery pack were reviewed this time in the light of the practical experience gained during the previous elections. The stationery packs, which were supplied for 1990 General Elections @ one per polling station with 5% reserve, contained the following items:—

(i) Allegro brand ball point pen (Blue)	9 Nos.
(ii) Rice Papers	10 sheets
(iii) Packet of Paper pin containing 25 pins.	1 No.
(iv) Needles.	1 No.
(v) Thread ball 1/2 ounce (white).	1 No.
(vi) Dollar brand pasting gum.	1 No.
(vii) Candles each of 20 grams.	5 Nos.
(viii) Sealing Wax each packet of 1/2 lb	1 No.

(ix) Match Box (white flame brand).	1 No.
(x) Plastic scales 6" size.	8 Nos.
(xi) Marker-90 Black.	1 No.
(xii) Safety pins.	15 Nos.

Brass Seals

7. Brass seals, which were used by Presiding Officers to seal the various packets after completion of polling at polling stations and the polling bags, were also manufactured through the office of the Controller, Stationery and Forms, Karachi. The brass seal is supplied @ one per polling station. The code number of the brass seal is also kept secret and record thereof is maintained by the concerned Provincial Election Commissioner. The brass seals are manufactured manually. The purpose of different code numbers of each brass seal is to maintain secrecy and to distinguish packets and bags of different polling stations in each constituency.

Cloth Bags

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

Indelible Ink

9. As per section 33(2) (cc) of the Representation of the People Act, 1976, an elector when he presents himself at the polling station to vote, is required to receive a personal mark, made with indelible ink, on any finger of either hand as indicated by the Election Commission. The process is one of the methods to check multiple voting at an election. In order to meet the requirement of 1990 General Elections, 3,55,771 vials of indelible ink were manufactured through the PCSIR, Karachi. The entire quantity was got packed in cartons. The supply of indelible ink

was made at the scale of one vial per booth plus one extra per polling station accompanied by printed instructions for careful handling of vials and application of the ink. The supply of the ink was made by the PCSIR, Karachi directly to all the four Provinces as under:—

Punjab	..	..	..	220,000 vials.
Sindh	..	..	..	75,000 vials.
NWFP	..	..	..	41,771 vials.
Baluchistan	..	..	..	19,000 vials.
Total	..	..	..	<u>355,771 vials.</u>

10. Economy was made in procurement of quantity by meeting stock available with the Provincial Election Commissioners, detail of which has been given below paragraph 2 of this Chapter and savings in expenditure were also made by getting the rates reduced from various agencies through negotiation as discussed below:—

- (i) *Election Material*.—Higher rates of Brass Seals, Stamp Pads (large), Stamp Pads (small) and Cloth Bags (white) 18" × 30" were initially offered by the firm. Negotiations were, therefore, made through Controller, Stationery and Forms, and in effect the concerned firms reduced the rates of above items as shown in the table given below:—

Item	Initial Rates	Reduced Rates
Brass Seal	Rs. 10.90	Rs. 10.00
Stamp Pad (Large)	Rs. 9.45	Rs. 9.20
Stamp Pad (Small)	Rs. 7.75	Rs. 7.50
Cloth Bag(White) 18" × 30"	Rs. 12.97	Rs. 12.50

- (ii) *Indelible Ink*.—The PCSIR, Karachi had quoted the rates as Rs. 14.50 per vial. The Commission desired that negotiation may be made to get the offered rates reduced at par with the rates of 1988 General Elections. Following the decision of the Commission, the PCSIR authorities were pursued and as a result thereof, PCSIR reduced the rate from Rs. 14.50 to Rs. 13.25 per vial, which were at par with the

rate of 1988 General Elections. The total requirement of the Provincial Election Commissioners was worked out as specified below against each Province:—

Punjab	..	..	..	2,50,000 vials
Sindh	..	..	..	75,000 vials
NWFP	..	..	..	41,773 vials
Baluchistan	..	..	..	19,000 vials
				3,85,773 vials
Total	..			3,85,773 vials

11. It is pertinent to mention here that against the requirement of above mentioned quantity, a total number of 3,55,771 vials was procured for all the four Provinces in order to avoid any possible wastage in the shape of unused vials, which being in excess could remain in balance after elections.

12. In order to ensure quality and efficacy of the indelible ink special tests of the samples were carried out in Karachi and Islamabad. It was then stressed upon the PCSIR Laboratories to ensure the standard and quality of each vial of indelible ink. The special teams were deputed by the Provincial Election Commissioners to carry out random check of various items of election material procured through the Controller, Stationery and Forms, Karachi before taking actual delivery of the material.

Punch Machines

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

14. In order to meet the requirement of the Provinces of Punjab, Sindh and NWFP, 69,612 punch machines were manufactured keeping in view the available stock of these machines with the Provincial Election Commissioners, from the POF, Wah Cantt. Baluchistan Province had sufficient number of punching machines to cater to the requirement of that Province. The Province-wise bifurcation of the fresh supply of the punching machines to the above mentioned three Provinces was as under :—

Punjab	..	..	..	19,726
Sindh	..	..	..	31,000
NWFP	..	..	..	18,886
Total :—				<u>69,612</u>

Items of Election Material Supplied At Each Polling Station

15. The number of items of election material which are supplied for use at a polling station, is mentioned below:—

- | | |
|---|--|
| (1) Ballot Papers. | Book containing 100 ballot paper supplied to each booth of a polling station according to its voting strength. |
| (2) Official Mark Rubber Stamps (Square). | @ 1 per booth <i>plus</i> 1 extra per polling station with 5% reserve. |
| (3) Official Mark Rubber Stamps (Oval). | @ 1 per booth <i>plus</i> 1 extra per polling station with 5% reserve. |
| (4) Marking Aid Stamps. | @ 2 per booth <i>plus</i> 2 extra per polling station. |
| (5) Self Inking Stamp Pads. | @ 2 per booth <i>plus</i> 1 extra per polling station. |
| (6) Standard Stationery Packs. | @ 1 per polling station. |
| (7) Brass Seals. | @ 1 per polling station. |
| (8) Cloth Bags | |
| (i) 18" × 30" (White). | @ 1 per polling station. |
| (ii) 18" × 15" (White). | @ 1 per polling station. |

- (iii) 18" × 30" (Khaki). @1 per polling station.
 (iv) 18" × 15" (Khaki). @1 per polling station.
 (v) 18" × 30" (Blue).
 (vi) 18" × 15" (Blue).
- (9) Indelible Ink. @1 vial per booth *plus* 1 extra per polling station.
- (10) Punch Machine. @ 1 per booth *plus* 1 extra per polling station.
- (11) Duty Badges. Supplied to each Presiding Officer, Assistant Presiding Officer and Polling Officer at a polling station.
- (12) Posters. 2 types of posters supplied at each polling station.
- (13) Placards. 9 types of placards supplied at each polling station.
- (14) Banners. Separate banners showing the name of polling station — National and Provincial— were supplied.
- (15) Envelopes ECP-I to ECP-XV. Of 15 different sizes and types.
- (16) Forms (Form-XII to Form-XV). Of 4 different types.
- (17) Ballot Boxes. @ 1 per booth *plus* 1 extra per polling station.

Duty Badges and Passes

16. For the purpose of identification of polling staff, appointed for duties at the polling stations on the polling days, duty badges were supplied to each Presiding Officer, Assistant Presiding Officer and Polling Officer. Each badge bore the words "Presiding Officer/Assistant Presiding Officer" and "Polling Officer" with the titles "National Assembly" and "Provincial Assembly" to distinguish for National and Provincial Assemblies elections. The badges supplied for the purpose mentioned above were white in colour and of 2-3/4" square size.

17. Similarly, two type of entry passes in white colour were issued by the Commission as well as by the Returning Officers to

visitors, representatives of information media and foreign correspondents enabling them to see for themselves the procedure, which was laid down by the Election Commission of Pakistan in relation to casting of votes and various steps taken to ensure fair polls.

Posters/Placards/Banners/Envelopes/Forms

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

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

Similarly, 28 types of forms and 15 types of envelopes of various sizes were got printed and supplied, as per scale laid down by the Commission.

Telephone Net Work

19. As per past practice, telephone net work was provided for 1990 General Elections and connections were provided by the T&T authorities to various functionaries associated/connected with the election proceedings in order to facilitate completion of arrangements for conduct of elections, communication of results from all nooks and corners of the country to the Commission. The officers to whom facilities of communication were provided are mentioned below:—

Chief Election Commissioner, Secretary, Additional Secretary, Provincial Election Commissioners, PSPC and PCP.	| Hot Lines.
--	------------

Officers of the Commission, Managers, PSC and PCP, District Returning Officers/Returning Officers and Deputy Election Commissioners.	STD Telephones.
--	-----------------

Election Commission Secretariat/Provincial Election Commissioners.	Telex Machines.
--	-----------------

Election Commission Secretariat/Provincial Election Commissioners.	Telefax.
--	----------

Ballot Boxes

20. As per scale laid down by the Election Commission, *i.e.* one ballot box per polling booth *plus* one extra per polling station, the requirement of various Provinces was worked out as under:—

Punjab	..	..	..	94,494
Sindh	..	..	..	28,149
NWFP	..	..	..	18,084
Baluchistan	..	..	..	6,413
				1,47,140
			Total:—	1,47,140

The requirement of Sindh and Baluchistan Provinces was met out of the stock of ballot boxes available in these Provinces. However, shortage of 17,410 in Punjab and 2,668 in NWFP was met by using the small size ballot boxes, which were donated by the Election Commission during yester-years to the respective Provincial Governments.

CHAPTER VIII

INDUCTION OF JUDICIAL OFFICERS IN THE ELECTORAL PROCESS

In fulfilment of his commitment to the nation to hold free, fair and impartial elections in 1988, the President of Pakistan had then directed that officers of the judiciary be appointed as District Returning Officers, Returning Officers and Assistant Returning Officers. The judicial officers were thus, for the first time, inducted in the electoral process during the 1988 general elections. This experience not only inspired public confidence but also enhanced the credibility of the electoral process. Taking advantage from the experience of last general elections, the Election Commission decided to appoint the judicial officers, who had by now the requisite expertise, to act as Returning Officers for the ensuing general elections as well. Before, however, making such appointments, the Election Commission sought concurrence of the Chief Justices of the High Courts who responded positively to the request of the Commission.

Principles Of Appointment

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

3. 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. In cases where a constituency extended to over two or

more talukas/tehsils, the Additional District and Sessions Judges were appointed as Returning Officers.

Duties Of District Returning Officers

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

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

Duties Of Returning Officers

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

- (a) To receive nomination papers from the candidates within the period specified by the Election Commission under section 11 of the Representation of the People Act, 1976.
- (b) To receive within the specified period and to consider, at the time of scrutiny, all objections filed by voters of a constituency against the nomination of candidate from that constituency.
- (c) To scrutinize the nomination papers in accordance with the provisions of law and the rules on the date and time appointed for this purpose by the Commission.
- (d) Selection of suitable buildings for polling stations.
- (e) Enlistment of polling personnel to man the polling stations.
- (f) Proper training of polling staff.
- (g) Supply of equipment on time for use at the polling station.
- (h) Education of the electorate in the method of voting.
- (i) Collection of results of the count from the polling stations of their respective constituency/constituencies and their communications to the District Returning Officer.
- (j) 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.

- (k) In their capacity as Assistant Returning Officers for election to the non-Muslim seats, submission of consolidated statement of result of the count in respect of non-Muslim election to the Returning Officers.

Duties of Assistant Returning Officers

6. 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 Officer. Similarly, the consolidation of election result was the sole responsibility of Returning Officer and this function was, under no circumstances, to be delegated to the Assistant Returning Officer without prior permission of the Election Commission.

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

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

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

8. The appointments of Returning Officers and Assistant Returning Officers for election to the non-Muslim seats in the

Provincial Assemblies were made in the following manner:—

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

Notification Regarding Appointments of Returning Officers, Etc.

9. The Election Commission notified the appointments of District Returning Officers, Returning Officers and Assistant Returning Officers for election to the Muslim constituencies and for the seats reserved for minority communities in the National Assembly and Provincial Assemblies in the official Gazette on September 4, 1990. These appointments were made two days before the announcement of programme for elections. The list of District Returning Officers, Returning Officers and Assistant Returning Officers was given due publicity in the national and local newspapers. Copies of the "Manual of Instructions for the District Returning Officers, Returning Officers and Assistant Returning Officers," along with a copy each of the final list of constituencies and the Notification of their appointment was despatched to them the same day.

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

10. In all, 77 District Returning Officers, 475 Returning Officers and 693 Assistant Returning Officers were appointed for 207 Muslim constituencies of the National Assembly and for 460 Muslim constituencies of the Provincial Assemblies, as per detail appearing in the following table:—

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	123	240	155	228
Sind.....	46	46	87	100	2	4
NWFP.....	26	26	38	80	72	75
FATA.....	8	8	23	—	—	—
Baluchistan.....	11	11	45	40	39	69
Total:—	207	207	317	460	268	376

Number of Judicial and Executive Officers

11. The following table will further indicate the number of judicial officers and executive officers who were appointed as District Returning Officers, Returning Officers and Assistant Returning Officers during the 1990 general elections:—

Province/Area	District Returning Officers	National Assembly		Provincial Assemblies	
		Returning Officers	Assistant Returning Officers	Returning Officers	Assistant Returning Officers
1	2	3	4	5	6
Islamabad *J	1	1	1	-	-
E	-	-	-	-	-
Punjab	30	115	75	155	64
E	-	-	48	-	164
Sind	16	46	83	2	4
E	-	-	-	-	-

1		2	3	4	5	6
NWFP	J	16	23	1	40	-
	E	-	3	37	32	75
FATA	J	-	-	-	-	-
	E	8	8	23	-	-
Baluchistan	J	6	2	-	4	-
	E	-	9	45	35	69
Total:—	J	69	187	160	201	68
	E	8	20	157	67	308

(*J = Judicial Officers, E = Executive Officers)

Role of the Executive

12. During the 1988 General Elections, the President issued a directive to the Governors and Chief Ministers, in their capacity as executive heads of the provincial administration, to ensure that the judicial officers engaged on election duties are provided maximum assistance by the Deputy Commissioners and other local authorities for the efficient conduct of elections. The same arrangements were made for the 1990 General Elections and the Deputy Commissioners were made responsible for providing the facilities of transport, telephone, accommodation, manpower, bulk-breaking of election material at the district headquarters and security to the officers and staff engaged in election duties.

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

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

15. The Deputy Commissioner, Lasbela was appointed as Returning Officer for constituency No. NA-206 Lasbela-cum-Gwadar. On a complaint, the Commission decided to replace him with the District and Sessions Judge, Quetta as Returning Officer. The new

Returning Officer shifted his office from Quetta to Lasbela and remained stationed there till the election was over.

16. For election from constituency No. NA-199 Loralai, the Deputy Commissioner, Loralai was appointed as Returning Officer. On a complaint, the Commission ordered replacement of Deputy Commissioner with a Civil Judge.

17. On the basis of a complaint against the Assistant Commissioner, Hub and Returning Officer for PB-35 Lasbela-II, the District and Sessions Judge and District Returning Officer, Khuzdar, requested the Election Commission that this officer may be transferred. The Commission, after making necessary inquiries, replaced him by the Additional District and Sessions Judge, Quetta as Returning Officer for constituency No. PB-35 Lasbela-II.

18. In case of fresh poll in constituency No. PB-15 Killa Saifullah, the Commission appointed the Additional District and Sessions Judge, Quetta as Returning Officer in place of the Political Agent, Killa Saifullah.

CHAPTER IX

THE SCHEDULE FOR GENERAL ELECTIONS

The President of Pakistan, in exercise of the powers conferred on him by clause (2) (b) of Article 58 of the Constitution of the Islamic Republic of Pakistan, dissolved the National Assembly on August 6, 1990, for the reasons stated in the Dissolution Order No. 178/1/President dated 6-8-1990. The Dissolution Order has been reproduced in Chapter I of the report for facility of reference.

2. The dissolution of the National Assembly was followed by dissolution of the Provincial Assemblies. Under clause (2) (b) of Article 112 of the Constitution, the Governor of Sind dissolved the Provincial Assembly, Sind *vide* Dissolution Order dated the 6th August, 1990. The Governor of the NWFP dissolved the Provincial Assembly, NWFP under the same provisions of the Constitution on August 6, 1990 *vide* Notification No. Legis. 4(1)/77 dated 6-8-1990.

3. On the advice of the Chief Minister, Punjab, the Governor dissolved the Provincial Assembly, Punjab, on August 7, 1990, under clause (1) of Article 112 of the Constitution as per Notification No. CAB. II/2-13/88 dated 7-8-1990. Similarly, as advised by the Chief Minister, the Governor of Baluchistan, ordered dissolution of the Provincial Assembly, Baluchistan, on August 7, 1990, under clause (1) of Article 112 of the Constitution.

4. Clause (5) of Article 48 of the Constitution provides that "Where the President dissolves the National Assembly he shall, in his discretion, appoint a date, not later than 90 days from the date of the dissolution, for the holding of a general election to the Assembly". The Order of dissolution of the National Assembly was followed by the Presidential Order bearing No. 178/2/2-President dated the 6th August, 1990, which is reproduced below:—

“ORDER

DATE OF HOLDING OF NEXT GENERAL ELECTIONS

[Article 48 (5) (a)]

Islamabad, the 6th August, 1990

WHEREAS the President has in exercise of powers conferred on him by Article 58 (2)(b) of the Constitution of Islamic Republic of Pakistan dissolved the National Assembly on 6-8-1990 and Article 48 (5) (a) of the Constitution requires that where the President dissolves the National Assembly, he shall, in his discretion appoint a date for the holding of General Election to the Assembly;

NOW, THEREFORE, in exercise of the powers conferred by Article 48 (5) (a) of the Constitution of the Islamic Republic of Pakistan the President is pleased hereby to appoint 24 October 1990 as the date for the holding of General Election.

Sd/-
(GHULAM ISHAQ KHAN)
PRESIDENT.

Mr. Justice Naimuddin,
Chief Election Commissioner.”

5. After due deliberations and in view of the merits of staggered poll, the Election Commission considered it more appropriate to hold the poll for elections to the Provincial Assemblies three days after the poll for National Assembly. The Commission, therefore, proposed the 27th of October, 1990, as the date of poll for Provincial Assemblies and this proposal was approved by the President.

6. Pursuant to the Presidential Order as reproduced above, the Election Commission finalized the schedule for election to the National Assembly and the Provincial Assemblies in accordance with the amended provisions of section 11 of the Representation of the People Act, 1976. Accordingly, Mr. Justice Naimuddin, Acting Chief Election Commissioner, in his address to the nation over the Television and Radio Pakistan from Lahore on September 6, 1990, announced

the following programme for election to the Muslim and non-Muslim constituencies:—

	National Assembly	Provincial Assemblies
(a) Notification calling upon the constituencies to elect their representatives.	6-9-1990 (Thursday)	8-9-1990 (Saturday)
(b) Last date for filing of nomination papers.	12-9-1990 (Wednesday)	15-9-1990 (Saturday)
(c) Filing of objections to the nomination of candidates by the electors with the Returning Officer.	13 & 15-9-1990 (Thursday & Saturday)	16-17-9-1990 (Sunday-Monday)
(d) Scrutiny of nomination papers by the Returning Officer.	16-9-1990 (Sunday) to 19-9-1990 (Wednesday)	18-9-1990 (Tuesday) to 22-9-1990 (Saturday)
(e) Last date for filing of appeals against the decision of Returning Officers rejecting/accepting the nomination papers and rejecting the objections.	20-9-1990 (Thursday) to 23-9-1990 (Sunday)	23-9-1990 (Sunday) to 26-9-1990 (Wednesday)
(f) Last date for deciding appeals and objections by the Tribunals.	24-9-1990 (Monday) to 29-9-1990 (Saturday)	27-9-1990 (Thursday) to 2-10-1990 (Tuesday)
(g) Last date for withdrawal of candidature.	30-9-1990 (Sunday)	3-10-1990 (Wednesday)
(h) Publication of revised list of candidates.	1-10-1990 (Monday)	4-10-1990 (Thursday)
(i) Polling day.	24-10-1990 (Wednesday)	27-10-1990 (Saturday)

8. Immediately after the announcement of schedule for election, attention of the Election Commission was drawn to a news item appearing in the press with regard to the time allowed for the withdrawal of candidature. The Commission in its hand-out dated 14-9-1990, clarified the position in the national press as under:—

“Factual position of the matter is clarified as under for information of all concerned:—

- (1) The Election Commission is not a law making body itself. It has to implement the laws enacted by the Government from time to time. The schedule for general election 1990 has been framed by the

Commission under section 11 (1) of the Representation of the People Act, 1976, as amended by the Representation of the People (Amendment) Ordinance, 1990 (Ordinance No. V of 1990) promulgated on August 26, 1990. The last date for withdrawal of candidature has been fixed in the schedule strictly in accordance with the amended provision of section 11 (1) of the Act.

- (2) However, it may be pointed out that in the original and un-amended Act, the date for withdrawal of candidature was required to be fixed after disposal of appeals against rejection or acceptance of nomination papers and the present placement of withdrawal stage is the same as existed in the original law during 1976—85 before its amendment in 1985.
- (3) The Election Commission in its report on General Elections 1985 in paragraph 24 of Chapter VIII had recommended as follows:—

“Under the existing arrangements, a candidate can withdraw after his nomination paper has been found to be valid on scrutiny by the Returning Officer. This facility is, however, not available to a candidate, whose nomination papers are rejected by the Returning Officer and who is declared as validly nominated candidate after acceptance of his appeal by the appellate Judge. In order, therefore, to afford an opportunity to all validly nominated candidates, including the candidates whose appeals against rejection have been accepted, it is necessary that the last date for withdrawal of candidature is fixed after the disposal of appeals by the appellate courts. Such an arrangement will be in consonance with the provisions of the Representation of the People Act, 1976....”

It will, therefore, be seen that the amendment in the law is as was suggested by the then Election Commission of Pakistan in its report on General Election of 1985 and there is nothing wrong about it.”

Public Notice

9. As required by sub-sections (3) and (4) of section 11 of the Representation of the People Act, 1976, the Returning Officers issued Public Notices inviting nomination papers from the constituencies assigned to them between 9.00 a.m. to 4.00 p.m. on the appointed day. Copies of the Public Notice were conspicuously exhibited out-side the offices of Returning Officers, as per directions of the Election Commission.

Extension of time for filing Nomination Papers

10. In order to facilitate filing of nomination papers by the prospective candidates for election to the National Assembly, the Election Commission ordered the Returning Officers to keep their offices open on 11th September, 1990 and a Press Note to the following effect was issued on September 9, 1990:—

“Government offices will remain closed on September 11, 1990, on account of the death anniversary of the Quaid-e-Azam. In order to enable the candidates to file their nomination papers for election to the National Assembly, the Election Commission has directed the Returning Officers of National Assembly constituencies to keep their offices open on Tuesday, the 11th September, 1990 from 9.00 a.m. to 4.00 p.m.”

On the following day, which was the last date for filing nomination papers for National Assembly election, the Returning Officers kept their offices open from 9.00 a.m. to 11.45 p.m. for receiving nomination papers and a special announcement to that effect was made on Television and Radio.

11. Similar facility was also extended to the candidates for election to the Provincial Assemblies and the Returning Officers kept their offices open from 9.00 a.m. to 11.45 p.m. on September 15, 1990, to receive the nomination papers.

CHAPTER X

NOMINATION OF CANDIDATES

A notification under section 11 of the Representation of the People Act, 1976, calling upon the constituencies to elect their representatives sets the process of elections in motion. Two notifications with regard to election to the National Assembly and the Provincial Assemblies were respectively issued on September 6, 1990 and September 8, 1990 in this behalf. To facilitate the filing of nomination papers, six clear days were allowed in the case of the National Assembly, *i.e.* from 7th to 12th September, 1990. Likewise, seven days were earmarked in respect of Provincial Assemblies, *i.e.*, from 9th to 15th September, 1990, (14th being Friday).

Qualifications for Membership

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

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

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

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

Disqualifications for Membership

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

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

Bar against Double Membership

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

Nomination Form

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

be signed by him. As many as five nomination papers can be filed by a candidate for election to the same seat.

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

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

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

Security Deposits

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

Extract from Rolls to be filed with Nominations

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

Statistics of Nomination of National Assembly

13. In the span of six days allocated for filing nomination papers for the National Assembly, as many as 2,341 nomination papers were filed for 207 Muslim seats as detailed below:—

Province/Area	Number of constituencies	Candidates nominated
Islamabad.	1	0024
Punjab.	115	1154
Sind.	46	547
NWFP.	26	321
FATA.	8	136
Baluchistan	11	159
Total :	207	2341

14. In all, 101 persons filed nomination papers for ten seats reserved for non-Muslims in the National Assembly as per following detail:—

Community	Number of constituencies	Candidates nominated
Christians.	4	32
Hindus and Scheduled Castes.	4	50
Sikh, Budhist, Parsi communities and other non-Muslims.	1	7
Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis).	1	12
Total :	10	101

Statistics of Nomination for Provincial Assemblies

15. For election to 460 Muslim seats in the four Provincial Assemblies, 6,506 persons filed nomination papers. The detail is as follows:—

Provincial Assembly	No. of Muslim constituencies	No. of candidates nominated
Punjab.	240	3,275
Sind.	100	1,439
NWFP.	80	1,147
Baluchistan.	40	645
Total :	460	6,506

16. A total number of 300 persons filed their nomination papers to contest election from 23 seats reserved for non-Muslims in the Provincial Assemblies, the detail of which is as under:—

Provincial Assembly	Christians		Hindus and Scheduled Castes		Sikh, Buddhist, Parsi communities & other non-Muslims		Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis)		Total	
	Seats	candi- dates	Seats	candi- dates	Seats	candi- dates	Seats	candi- dates	Seats	candi- dates
Punjab.	5	81	1	16	1	5	1	13	8	115
Sind.	2	18	5	113	1	3	1	4	9	138
NWFP.	1	7	—	—	1	13	1	2	3	22
Baluchistan.	1	6	1	12	1	7	—	—	3	25
Total :	9	112	7	141	4	28	3	19	23	300

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

Provincial Assembly	Total No. of seats (Muslim and non- Muslim)	Total number of nominated candi- dates (Muslim and non-Muslim.)
Punjab.	248	3,390
Sind.	109	1,577
NWFP.	83	1,169
Baluchistan.	43	670
Total :	483	6,806

Women Candidates for General Seats

18. Women candidates were also nominated for election to the general Muslim seats. As many as 32 women filed nomination papers for election to the National Assembly, whereas 34 women candidates did so in the case of Provincial Assembly elections with the following break up :—

Province/Area	National Assembly	Provincial Assemblies
Islamabad.	—	—
FATA.	—	—
Punjab.	18	19
NWFP.	5	6
Sind.	9	8
Baluchistan.	—	1
Total :	32	34

Simultaneous Nominations for National Assembly and Provincial Assemblies.

19. In a number of cases, nomination papers were filed by the same persons simultaneously for election to the National Assembly as

well as Provincial Assemblies, a detail thereof is given as under:—

	Punjab	Sind	NWFP	Baluchistan	Total
More than one seat in the National Assembly.	51	11	6	3	71
More than one seat in the Provincial Assembly.	68	29	15	8	130
Seats both in the National Assembly and Provincial Assemblies.	393	232	121	59	805
Total :	522	272	142	70	1006

CHAPTER XI

SCRUTINY OF NOMINATION PAPERS AND DISPOSAL OF OBJECTIONS AND APPEALS

Objections by the Elector

As advised by the Federal Shariat Court, an opportunity was also afforded to the electorate to file objection with the Returning Officer to the nomination of a candidate, accompanied by an affidavit duly sworn by him and the supporting documents, within the time limit specified for filing objections and to prefer an appeal in case he is aggrieved by the decision of the Returning Officer to the Tribunal constituted for the purpose. With a view to giving legal effect to this advice, necessary amendments were made in sub-section (1) and sub-section (5) of section 14 of the Representation of the People Act, 1976 by means of Representation of the People (Amendment) Ordinance, 1990 (Ordinance No. V of 1990).

List of Objections

2. Sub-rule (3) of rule 4A of the Representation of the People (Conduct of Election) Rules, 1977 envisages that after the expiry of the time limit for filing objections, the Returning Officer was required to prepare a list of objections showing the name of objector and the candidate against whom the objection was filed and to exhibit it on the notice board outside his office for information of the candidates to enable them to file their replies before the Returning Officer on the first day of scrutiny.

Details of Objections filed by the Electors

3. Sixty-two objections were filed against 53 candidates for election to the National Assembly. The following statement would give

the necessary detail:—

Name of Province	No. of objections	No. of objectors	No. of candidates objected to	No. of constituencies involved
1	2	3	4	5
Punjab.	48	33	40	21
Sind.	3	11	3	3
NWFP.	11	7	10	4
Baluchistan.	—	—	—	—
Total :	62	51	53	28

4. A total number of 94 objections were raised on the candidates who filed nomination for election to the four Provincial Assemblies. The statement showing the detailed information to this effect is given hereunder:—

Name of Province	No. of objections	No. of objectors	No. of candidates objected to	No. of constituencies involved
1	2	3	4	5
Punjab.	58	38	54	30
Sind.	8	8	7	5
NWFP.	10	10	11	9
Baluchistan.	18	12	15	9
Total :	94	68	87	53

Scrutiny

5. The Returning Officers were, under section 14 of the Representation of the People Act, 1976, required to scrutinize all the nomination papers delivered to them under section 12 of the Act affording reasonable opportunity to attend the scrutiny proceedings on the date and time fixed in this behalf to the contesting candidates and those who filed objections to the nomination of candidates. The Returning Officers scrutinized the nomination papers for election to the National Assembly from 16-9-1990 to 19-9-1990 while scrutiny of nomination papers for election to the Provincial Assemblies was held by the Returning Officers from 18-9-1990 to 22-9-1990, in the presence

of the candidates, their election agents, proposers, seconders and any other person who was duly authorized by the candidate (s) in that behalf; and also in the presence of the persons who filed objections to the nomination of a candidate.

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

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

Scrutiny of Nomination Papers for National Assembly and Objections filed by Voters

7. In all, 2,341 persons filed nomination papers for 207 constituencies of the National Assembly, 62 voters filed objections with Returning Officers against the nomination of candidates from their constituencies. On scrutiny, the Returning Officers rejected the nomination papers of 27 candidates and all the objections filed by 62 voters.

Scrutiny of Nomination Papers for Provincial Assemblies and Objections filed by Voters

8. The total number of nomination papers filed for 460 constituencies of the four Provincial Assemblies was 6,506. In all 94

objections against 87 candidates were filed by the electors, challenging the nomination of candidates. On scrutiny, the Returning Officers accepted 13 objections and rejected 81 objections filed by the electors.

Rejection of Nomination Papers

9. It will be seen that the Returning Officers rejected 27 nomination papers filed for National Assembly elections and 89 nomination papers filed for Provincial Assemblies elections. The main reasons for rejection of nomination papers were:—

- (a) Proposer, seconder and the candidate himself were not present.
- (b) Extract of relevant electoral rolls was not enclosed with the Nomination Form.
- (c) Candidate was under age.
- (d) Candidate was not registered voter.
- (e) Candidate was Government contractor/servant.
- (f) Non-completion of two years statutory period after retirement as public servant.
- (g) Proposer and seconder were not voters of the same constituency.
- (h) Security amount was not deposited.

Necessary detail is given hereunder:—

Province	Nomination papers rejected		Total
	National Assembly	Provincial Assemblies	
1	2	3	4
Federal Capital.	—	—	—
FATA.	9	—	9
Punjab.	3	32	35
Sind.	9	15	24
NWFP.	3	15	18
Baluchistan.	3	27	30
Total :	27	89	116

List of Validly Nominated Candidates

10. 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 and their Disposal

11. It is a matter of great significance that for the first time in the history of elections held from time to time in the country not only an elector was allowed to file objection to the nomination paper of a candidate to the Returning Officer but he was also given the right of appeal in case he was aggrieved by the decision of Returning Officer. Further, it is also equally important that the learned Tribunals comprising Judges of the High Courts duly nominated by the Chief Election Commissioner were constituted with the approval of the President for hearing and disposal of appeals filed against the orders of the Returning Officers rejecting/accepting the nomination papers. Each Tribunal consisted of not less than two nor more than three Judges of the High Court unlike the previous practice when the Tribunal was headed by a single Judge of the High Court. It was so provided by Representation of the People (Amendment) Ordinance, 1990 (Ordinance No. V of 1990).

Appointment of Tribunals for Hearing of Appeals

12. The Election Commission of Pakistan notified on 18-9-1990 in the official Gazette the names of learned Tribunals as constituted under sub-section (5) of section 14 of the Act, specifying their jurisdiction for disposal of appeals against the decisions of the Returning Officers rejecting/accepting the nomination papers of candidates and against the rejection of objections by the Returning Officers to the nomination papers for election to the constituencies of the National Assembly and the Provincial Assemblies specified against each:—

S. No.	Tribunal	Constituencies
(1)	Lahore High Court (Main Seat)	
(1)	Mr. Justice Irshad Hassan Khan.	(a) National Assembly Constituencies from constituency No. NA-74 Gujranwala-I to NA-113 Okara-IV (both inclusive);
(2)	Mr. Justice Muhammad Arif.	
(3)	Mr. Justice Falak Sher.	

S. No.	Tribunal	Constituencies
		(b) Constituencies reserved for Christians and for Sikh, Budhist, Parsi and other non-Muslims and for the persons belonging to the Quadiani group (who call themselves Ahmadis) in the National Assembly.
		(c) Constituencies of the Provincial Assembly, Punjab from constituency No. PP-77 Gujranwala-I to PP-159 Okara-VII (both inclusive); and
		(d) Constituencies reserved for the non-Muslims in the Provincial Assembly, Punjab.
(2)	Lahore High Court (Bahawalpur Bench)	
	(1) Mr. Justice Sh. Khizar Hayat.	(a) National Assembly constituencies No. NA-141 Bahawalpur-I to NA-150 Rahimyar Khan-IV (both inclusive); and
	(2) Mr. Justice Amjad Khan.	(b) Constituencies of the Provincial Assembly, Punjab from constituency No. PP-218 Bahawalpur-I to PP-240 Rahimyar Khan-IX (both inclusive).
	(3) Mr. Justice Gul Zarin Kiani.	
(3)	Lahore High Court (Multan Bench)	
	(1) Mr. Justice Sh. Abdul Waheed.	(a) National Assembly constituencies No. NA-114 Multan-I to NA-140 Layyah-II (both inclusive); and
	(2) Mr. Justice Sh. Ijaz Nisar.	(b) Constituencies of the Provincial Assembly, Punjab from constituency No. PP-160 Multan-I to PP-217 Layyah-III (both inclusive).
	(3) Mr. Justice Sh. Riaz Ahmad.	
(4)	Lahore High Court (Rawalpindi Bench)	
	(1) Mr. Justice Malik Akhtar Hasan.	(a) National Assembly constituency No. NA-35 Federal Capital;
	(2) Mr. Justice Abdul Majid Tiwana.	(b) National Assembly constituencies No. NA-36 Rawalpindi-I to NA-73 Toba Tek Singh-III (both inclusive); and
	(3) Mr. Justice Mian Nazir Akhtar.	(c) Constituencies of the Provincial Assembly Punjab from constituency No. PP-I Rawalpindi-I to PP-76 Toba Tek Singh-VI (both inclusive).

S. No.	Tribunal	Constituencies
(5)	Sind High Court	
	(1) Mr. Justice Nasir Aslam Zahid.	(a) National Assembly constituencies No. NA-151 Sukkur-I to NA-196 Karachi East-V (both inclusive);
	(2) Mr. Justice Syed Haider Ali Pirzada.	
	(3) Mr. Justice Mukhtar Ahmad Junejo.	(b) Constituencies reserved for the Hindu and Scheduled Castes in the National Assembly; (c) Constituencies of the Provincial Assembly, Sind from constituency No. PS-1 Sukkur-I to PS-100 Karachi East-X (both inclusive); and (d) Constituencies reserved for the non-Muslims in the Provincial Assembly, Sind.
(6)	Peshawar High Court (Main seat)	
	(1) Mr. Justice Inayat Elahi Khan.	(a) National Assembly constituencies No. NA-1 Peshawar-I to NA-34 Tribal Area-VIII (both inclusive);
	(2) Mr. Justice Abdur Rehman Khan.	
	(3) Mr. Justice Muhammad Bashir Jehangiri.	(b) Constituencies of the Provincial Assembly, NWFP from constituency No. PF-1 Peshawar-I to PF-80 Malakand Protected Area-II (both inclusive); and (c) Constituencies reserved for the non-Muslims in the Provincial Assembly, NWFP.
(7)	Baluchistan High Court.	
	(1) Mr. Justice Mir Hazar Khan Khoso.	(a) National Assembly constituencies No. NA-197 Quetta-cum-Chagai to NA-207 Turbat-cum-Panjgur (both inclusive);
	(2) Mr. Justice Munawar Ahmed Mirza.	(b) Constituencies of the Provincial Assembly, Baluchistan from constituency No. PB-1 Quetta-I to PB-40 Gwadar (both inclusive); and (c) Constituencies reserved for the non-Muslims in the Provincial Assembly, Baluchistan.

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

Procedure for filing of Appeals

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

Period for filing Appeals

15. The appeals against the decision of Returning Officers were due to be filed by 23-9-1990 and 26-9-1990 for the National Assembly and the Provincial Assemblies constituencies, respectively.

16. The appeals which were not disposed of within the specified period were deemed to have been rejected. Parties were informed about the day, time and place of hearing of their appeals over the radio, television and through the press and it was deemed to be sufficient notice to the parties under the law.

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

17. The total number of appeals filed by the candidates against the rejection of their nomination papers was only two. Forty-six appeals were filed against acceptance of nomination papers and 50 electors filed appeals against rejection of their objections by the Returning Officers.

18. The appellate Tribunals accepted 2 appeals against the rejection of nomination papers and 1 appeal against acceptance of nomination papers. All objections challenging the nomination of candidates were rejected by the Tribunals after due consideration.

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

Province/Area	No. of persons nominated	No. of candidates whose nomination papers rejected	No. of appeals filed against acceptance of nomination papers and their disposal			No. of appeals filed against rejection of nomination papers and their disposal			No. of validly nominated candidates
			Filed	Accepted	Rejected	Filed	Accepted	Rejected	
Federal Capital	24	—	—	—	—	—	—	—	24
Punjab	1,154	3	12	1	11	—	—	—	1,150
Sind	547	9	28	—	28	2	2	—	540
NWFP.	321	3	2	—	2	—	—	—	318
FATA.	136	9	3	—	3	—	—	—	127
Baluchistan	159	3	1	—	1	—	—	—	156
Total :	2,341	27	46	1	45	2	2	—	2,315

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

20. Sixteen appeals were filed against the rejection of nomination papers and 19 appeals were filed against acceptance of nomination papers. Fifteen electors filed appeals against the rejection of their objections by the Returning Officers.

21. The appellate Tribunals accepted 12 appeals against rejection, rejected all appeals against acceptance and rejected all objections by the electors.

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

Provincial Assembly	No. of persons nominated	No. of candidates whose nomination papers rejected	No. of appeals filed against acceptance of nomination papers and their disposal			No. of appeals filed against rejection of nomination papers and their disposal			Validly nominated candidates
			Filed	Accepted	Rejected	Filed	Accepted	Rejected	
Punjab	3,275	32	13	—	13	2	1	1	3,244
Sind	1,439	15	—	—	—	2	2	—	1,426
NWFP.	1,147	15	4	—	4	3	3	—	1,135
Baluchistan	645	27	2	—	2	9	6	3	624
Total :	6,506	89	19	—	19	16	12	4	6,429

Grounds of Appeals

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

- (1) Proposer and seconder were not registered voters in the relevant constituency.
- (2) Candidate was under age.
- (3) Candidate violated Islamic Injunctions.
- (4) Candidate was a Government contractor.
- (5) Candidate failed to enter his serial number as well as those of the proposer and the seconder, as recorded in the electoral roll, in the nomination form.
- (6) Misuse of agricultural loan.
- (7) Candidate belonged to the community other than that for which he filed nomination.
- (8) Candidate did not put his signature at the appropriate place in the nomination paper.
- (9) Signature of the seconder was not genuine.
- (10) Seconder was not present at the time of scrutiny.
- (11) Candidate worked against the integrity and ideology of Pakistan and defamed the Armed Forces.
- (12) Candidate was in the service of a body controlled by the Government.
- (13) Candidate was involved in serious crimes involving moral turpitude.
- (14) Proposer and seconder did not mention the name of candidate in the proper column.
- (15) Candidate misappropriated the Government funds.

Revised List of Candidates for Muslim Seats in the National Assembly after disposal of appeals against acceptance/rejection of Nomination Papers.

24. The Returning Officers after disposal of appeals against rejection/acceptance of nomination papers, revised the list of validly

nominated candidates under section 15 of the Act read with rule 6 of the rules made thereunder in the light of the decisions on appeals for National Assembly election on 29-9-1990 as per schedule notified by the Commission.

25. The revised list of candidates for election to 207 Muslim seats in the National Assembly contained the names of 2,315 candidates as per detail appearing in the following table:—

Province/Area	Persons nominated	Nomination rejected by R.O. (-)	No. of persons whose appeals against rejection of nomination papers were accepted (+)	No. of persons whose nomination papers rejected on appeals against acceptance of their nomination papers (-)	No. of candidates after disposal of appeals
NWFP	321	3	—	—	318
FATA	136	9	—	—	127
Federal Capital	24	—	—	—	24
Punjab	1,154	3	—	1	1,150
Sind	547	9	2	—	540
Baluchistan	159	3	—	—	156
Total:	2,341	27	2	1	2,315

Revised List of Candidates for Muslim Seats in the four Provincial Assemblies after disposal of appeals against acceptance/rejection of nomination papers.

26. The Returning Officers revised the list of validly nominated candidates after disposal of appeals against acceptance and rejection of nomination papers filed for 460 seats in the four Provincial Assemblies on 2-10-1990, in the light of decisions of the learned Tribunals on the appeals, as per schedule notified by the Commission.

27. The revised list contained the names of 6,429 candidates as

per following statement:—

Provincial Assembly	Persons nominated	Nomination rejected by the R.O. (-)	No. of persons whose appeals against rejection of nomination papers were accepted (+)	No. of persons whose nomination papers rejected on appeals against acceptance of their nomination papers (-)	No. of candidates after disposal of appeals
Punjab	3,275	32	1	—	3,244
Sind	1,439	15	2	—	1,426
NWFP	1,147	15	3	—	1,135
Baluchistan	645	27	6	—	624
Total:	6,506	89	12	—	6,429

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

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

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

29. 101 nomination papers were filed by the candidates for election to the non-Muslim seats in the National Assembly out of which two nomination papers were rejected on scrutiny. Three appeals were filed against acceptance of nomination papers which were rejected. Two appeals against rejection were filed out of which one was

accepted while the other was rejected on the same ground on which Assistant Returning Officer rejected the nomination paper that the seconder of the candidate was a Muslim. As a result, 100 candidates were left in the field for ten seats reserved for non-Muslims in the National Assembly as per detail given below:—

(1) Christians	32
(2) Hindus and Scheduled Castes	49
(3) Sikh, Budhist, Parsi and other non-Muslims.	7
(4) Persons belonging to the Qadiani group or the Lahori group (who call themselves Ahmadis)	12
Total:	<hr/> 100 <hr/>

Thus, total number of candidates for the National Assembly both for Muslim and non-Muslim constituencies was 2,415.

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

30. For 23 seats reserved for non-Muslims in the four Provincial Assemblies, 300 nomination papers were filed. Eight nominations were rejected by the Returning Officers during the course of scrutiny. Two appeals were filed against rejection before the learned Tribunals constituted for the purpose and both the appeals were accepted. The remaining six nomination papers were rejected on the following grounds:—

- (i) The entries in the National Identity Card were not in conformity with the entries in the voter's list.
- (ii) The nomination paper, which was otherwise incomplete, was not related to the Provincial Assembly election.
- (iii) The proposer and seconder did not belong to the same constituency.
- (iv) The proposer and seconder were Muslims.
- (v) The candidate, his proposer and seconder were not present.
- (vi) The nomination form did not mention the electoral area of the proposer or seconder.

Six appeals were filed against acceptance of nomination papers which were all rejected. Thus, 294 candidates were declared as the validly nominated candidates for election to the non-Muslim seats in the Provincial Assemblies as per detail given in the following table:—

Provincial Assembly	Christians	Hindus and Scheduled Castes	Sikh, Budhist Parsi and other non-Muslims	Persons belonging to Quadiani group (who call themselves Ahmadis)	Total
Punjab	81	15	5	10	111
Sind	17	112	3	4	136
NWFP	7	—	13	2	22
Baluchistan	6	12	7	—	25
Total:	111	139	28	16	294

31. The total number of candidates, for the Muslim and non-Muslim seats in the four Provincial Assemblies was 6,723.

CHAPTER XII

WITHDRAWING, RETIRING AND CONTESTING CANDIDATES

Withdrawal of Candidature

The provision of withdrawal of candidature from election is embodied in section 16 of the Representation of the People Act, 1976. Accordingly, a validly nominated candidate is permitted to withdraw from the contest by means of a notice in writing signed by him and delivered to the Returning Officer on or before the withdrawal date set out in the schedule for elections either by the candidate himself or through an advocate duly authorized in writing by him. Such an authorization is required to be attested by a competent authority, *e.g.* Oath Commissioner or a Notary appointed under the Notaries Ordinance 1961 (XIX of 1961). The notice of withdrawal can, in no circumstances, be recalled or cancelled by the withdrawing candidate.

2. The Returning Officer is obliged to affix a copy of the notice at a conspicuous place in his office after satisfying himself with regard to genuineness of the signature of the candidate thereon.

Number of Withdrawing Candidates from National Assembly Election

3. According to the schedule for elections, 30th September, 1990 and 3rd October, 1990 were respectively fixed as last dates for withdrawal of candidature for National Assembly and Provincial Assemblies. As many as 984 validly nominated candidates withdrew their candidature from election to the Muslim seats. Province-wise

detail is as under:—

Province/Area	No. of withdrawing candidates from the Muslim constituencies
Islamabad	11
FATA	54
Punjab	488
Sind	190
NWFP	169
Baluchistan	72
Total:	984

4. 18 candidates for non-Muslim seats also withdrew from the contest. Out of them, 3 were Christians, 9 were Hindus and Scheduled Castes, 3 belonged to Sikh, Budhist etc., community and 3 were Quadianis.

5. All in all, 1,002 validly nominated candidates withdrew their candidature from election to the Muslim and non-Muslim seats in the National Assembly.

Number of Withdrawing Candidates from the Provincial Assemblies Elections

6. A total number of 2,982 validly nominated candidates from Muslim seats in the Provincial Assemblies withdrew their nomination papers, a detail of which is set out as under:—

Provincial Assembly	No. of withdrawing candidates
Punjab	1,608
Sindh	471
NWFP	581
Baluchistan	322
Total:	2,982

7. 45 candidates for election to the seats reserved for non-Muslims in the Provincial Assemblies withdrew their candidature. The detail is as follows:—

Name of Assembly	Christians	Hindus & Scheduled Castes	Sikh, Budhist, Parsis and other non-Muslims
Provincial Assembly, Punjab	2	2	5
Provincial Assembly, Sindh	1	21	3
Provincial Assembly, NWFP	—	—	3
Provincial Assembly, Baluchistan	2	3	3
Total:—	5	26	14

8. Hence, the sum total of withdrawals from the election to the Muslim as well as non-Muslim seats in the Provincial Assemblies worked out to be 3,028.

Definition of contesting candidate

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

Retirement from contest

10. The facility of retirement from the contest is provided under section 17 of the Representation of the People Act, 1976. A contesting candidate is at liberty to retire from the contest through a notice in writing, signed by him and handed over to the Returning Officer on any day not later than four days before the day of the poll either in person or by an agent authorised in this behalf in writing by such retiring candidate. The Returning Officer is enjoined to cause a copy of

the notice to be affixed at some prominent place in his office and also publish the same in any manner as he may deem fit.

11. Absolute finality is attached to the notice of retirement and it is not open to the person giving such notice to cancel it.

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

Retirement from contest of the National Assembly

13. As many as 66 contesting candidates sought retirement from the contest in respect of seats allocated to the National Assembly within the statutory period, as per following details:—

NWFP	4
FATA	1
Federal Capital	1
Punjab	36
Sindh	21
Baluchistan	3
	<hr/>
Total:	66
	<hr/>

Retirement from contest of the Provincial Assemblies

14. Contesting candidates numbering 102 retired from the contest for Muslim seats in all the four Provincial Assemblies as per detail given below:—

Provincial Assembly, Punjab	52
Provincial Assembly, Sind	35
Provincial Assembly, NWFP	7
Provincial Assembly, Baluchistan	8
	<hr/>
Total:—	102
	<hr/>

15. In all, 102 contesting candidates for election to the Muslim and non-Muslim seats in the Provincial Assemblies retired from the contest.

Contesting Candidates for National Assembly

16. After the culmination of the processes of scrutiny of nomination papers, disposal of appeals preferred in respect thereof, withdrawal of candidature and retirement from the contest, 1,332 contesting candidates for election to the Muslim seats in the National Assembly remained in the field. The detail is set out as under:—

Province/Area	Number of candidates			Total contesting candidates
	Validly Nominated after disposal of appeals	Who withdrew their candidature	Who retired from the contest	
NWFP	318	165	4	149
FATA	127	53	1	73
Federal Capital	24	10	1	13
Punjab	1150	451	36	663
Sind	540	169	21	350
Baluchistan	156	69	3	84
Total:	2315	917	66	1332

17. There were 82 contesting candidates for election to ten seats reserved for non-Muslims in the National Assembly, a detail of which follows:—

Community	Number of candidates			Total contesting candidates
	Validly Nominated after disposal of appeals	Who withdrew their candidature	Who retired from the contest	
Christian	32	3	—	29
Hindu	49	9	—	40
Sikh/Parsi	8	3	—	5
Ahmadi (Quadiani)	11	3	—	8
Total:—	100	18	—	82

18. Thus, 1414 persons were declared as contesting candidates from the Muslim as well as the non-Muslim constituencies of the National Assembly.

Contesting Candidates for Provincial Assemblies

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

Provincial Assembly	Number of candidates			Total contesting candidates
	Validly Nominated after disposal of appeals	Who withdrew their candidature	Who retired from the contest	
Punjab	3,244	1,556	52	1,636
Sind	1,426	436	35	955
NWFP	1,135	574	7	554
Baluchistan	624	314	8	302
Total:—	6,429	2,880	102	3,447

20. As many as 249 contesting candidates remained in the field to contest election for 23 seats reserved for non-Muslims in the Provincial Assemblies. The following table will indicate the province-wise details thereof:—

Number of candidates

Name of the Assembly	Validly nominated					Who withdrew their candidature					Who retired from the contest					Contesting candidates				
	Chris- tians	Hindus	Sikhs Budh- ists etc.	Quadi- anis	Chris- tians	Hindus	Chris- tians	Sikhs Budh- ists etc.	Quadi- anis	Chris- tians	Hindus	Chris- tians	Sikhs Budh- ists etc.	Quadi- anis	Chris- tians	Hindus	Chris- tians	Sikhs Budh- ists etc.	Quadi- anis	
Provincial Assembly Punjab.	81	15	5	10	2	2	2	2	3	—	—	—	—	—	79	13	3	7		
Provincial Assembly Sind.	17	112	3	4	1	21	1	2	—	—	—	—	—	16	91	2	2			
Provincial Assembly NWFP.	7	—	13	2	—	—	3	—	—	—	—	—	—	7	—	10	2			
Provincial Assembly Baluchistan.	6	12	7	—	2	3	3	—	—	—	—	—	—	4	9	4	—			
Total:	111	139	28	16	5	26	9	5	5	—	—	—	—	106	113	19	11			

21. The table at paragraphs 19 and 20 would show that 3696 persons were adjudged as contesting candidates for election to 483 Muslim and non-Muslim seats of the Provincial Assemblies.

Terminated Proceedings

22. Section 18 of the Act requires that if a contesting candidate dies before the taking of the poll, the Returning Officer shall by public notice terminate the proceedings in respect of the election and undertake fresh proceedings under the law, as if for a new election. In a solitary case relating to NA-91 Sialkot-VII, the proceedings were terminated due to the demise of Mr. Muhammad Idrees Taj, one of the contesting candidates.

Uncontested election

23. Section 20 of the Act envisages that where after scrutiny, withdrawal of candidature or retirement from contest, only one validly nominated candidate remains in the field, the Returning Officer shall by public notice, declare such candidate to be elected to that seat.

24. Three candidates were returned uncontested from the National Assembly, and one from the Provincial Assembly, Baluchistan as per detail given below:—

- | | |
|--|------------------------------------|
| (1) NA-27 Tribal Area-I | Mr. Baroz |
| (2) NA-34 Tribal Area-VIII | Malik Aslam Khan |
| (3) NA-91 Sialkot-VII
(under fresh proceedings) | Mr. Mohammad Ishfaq Taj |
| (4) PB-19 Dera Bugti | Nawab Muhammad Akbar
Khan Bugti |

Number of Average Candidates per Seat

25. The average number of contesting candidates per seat for election held in Pakistan in 1962, 1965, 1970, 1977, 1985, 1988 and 1990 is tabulated below:—

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

1	2	3	4	5
1970	National Assembly	300	1,579	5.26
	Four 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, Sindh	100	890	8.90
	Provincial Assembly, NWFP	80	565	7.06
	Provincial Assembly, Baluchistan	40	342	8.55
1990	National Assembly	207	1,332	6.43
	Provincial Assembly, Punjab	240	1,636	6.82
	Provincial Assembly, Sindh	100	955	9.55
	Provincial Assembly, NWFP	80	554	6.93
	Provincial Assembly, Baluchistan	40	302	7.55

CHAPTER XIII

POLITICAL PARTIES AND SYMBOLS

'Symbol' is a graphic description of common use object which is capable of being easily discerned and perceived by persons of mediocre intellect. As the standard of literacy in Pakistan is at a low ebb, symbols are allocated to the contesting candidates/political parties and printed on the ballot papers against their names with a view to enabling the illiterate voters to recognize and identify the candidate of their choice and vote for him.

Definition of Political Party

2. According to section 2(c) of the Political Parties Act, 1962, a political party' includes a group or combination of persons who are operating for the purposes of propagating any political opinion or indulging in any political activity.

Allocation of Symbols

3. The general elections, 1985 were held on non-party basis and in accordance with the provisions of section 21, as amended by Ordinances No. II and VIII of 1985. At that time, symbols could only be allotted to individual candidates and the political parties were deprived of their right to nominate their candidates for the election. Consequently, Constitution Petition No. 2-R of 1988, challenging the vires of amended section 21, was filed in the Supreme Court which was allowed and the political parties were held entitled to the allotment of prescribed symbols to them. Section 21 of the Act was further amended in pursuance of this ruling which, as it stands at present, is reproduced as under:—

"21. *Contested election and allocation of symbols.*—(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, as 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 the 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.

- (2) The Returning Officer shall arrange to exhibit prominently at each polling station the name of and symbol of each contesting candidate."

List of Symbols

A list of 82 symbols is embodied in sub-rule (1) of rule 9 of the Representation of the People (Conduct of Election) Rules, 1977.

Applications for Symbols

Pursuant to sub-rule (2) of rule 9, the Election Commission issued a press release on September 9, 1990, inviting applications from all the political parties for allocation of symbols out of the approved list of 82 symbols latest by September 20, 1990. The applications could be preferred by or on behalf of a party or by a group/combination/alliance of various parties who agreed to put up joint candidates for election.

6. On account of recognition of the right of allocation of symbols by the Supreme Court, a large number of political parties mushroomed up. Some of such parties comprised a solitary office bearer who was the founder and did not have any constitution/manifesto/bye-laws or other credentials to vouch for the creditability of

their parties. This state of affairs prompted the Election Commission to lay down the following criteria:—

- (1) Date of formation of the political party.
- (2) Whether the party applying for symbol had a party Constitution/Rules/Bye-laws.
- (3) Whether such party has published its manifesto.
- (4) Number of candidates put up by the party for election to the National Assembly and Provincial Assembly in 1988.
- (5) Number of successful candidates in the last election.
- (6) Total number of votes polled by the party in 1988.
- (7) Whether the party had rendered the statement of its finances and accounts to audit.
- (8) The number of candidates being fielded by the party for election to the National Assembly and the Provincial Assembly for the forthcoming general elections.

Allocation of Symbols to Political Parties

7. As many as 107 political parties applied for allocation of symbols to them. 86 applications were filed within the specified period, whereas 21 applications were time-barred. The Election Commission in its meeting held on September 20, 1990, heard the counsel or representatives of the parties at some length and keeping in view the criteria for eligibility thereof, allocated symbols to 48 political parties, a detail of which is given as under:—

- | | |
|--|----------------|
| (1) Awami National Party. | Lantern |
| (2) Islami Jamhoori Ittehad. | Bicycle |
| (3) Pakistan Democratic Party. | Umbrella |
| (4) Jamiatul Ulema-e-Islam (Fazalur Rehman Group). | Book |
| (5) Pakistan National Party. | Axe |
| (6) Haq Parast Group. | Kite |
| (7) Baluchistan National Movement. | Saw |
| (8) Jamiat-ul-Ulema-e-Pakistan (Noorani Group). | Ladder |
| (9) Jamiat-ul-Ulema-e-Pakistan (Niazi Group). | Tractor |
| (10) Sindh National Front. | Car |
| (11) Sindh National Alliance (Hamida Khuro Group). | Sewing Machine |

(12) Jamhoori Wattan Party.	Wheel
(13) Peoples Democratic Alliance.	Arrow
(14) Pakistan Awami Tehreek.	Clock
(15) Pakhtoon Khawa Milli Awami Party.	Tree
(16) Punjabi Pakhtoon Ittehad (Sarwar Awan Group).	Spectacles
(17) Punjabi Pakhtoon Ittehad (Mir Hazar Khan Group).	Hockey
(18) Hazara Front	Walking Stick
(19) Pakistan Muslim League (Qayyum Group).	Scooter
(20) Pakistan Mazdoor Kissan Party (Fatehyab Group).	Mountain
(21) Jamiat Ahl-e-Hadis.	Telephone
(22) Progressive Peoples Party Pakistan.	Knife
(23) Awami Tehreek (Paleejo Group).	Bus
(24) National Democratic Party.	Flower Vase
(25) Qaumi Inqilabi Party.	Bulb
(26) Jamiat Ahl-e-Sunnat.	Turban
(27) Pakistan Muslim League (Sh. Liaquat Group).	Lota
(28) Baluch Ittehad Party.	Suitcase
(29) Pakistan Saraiki Party.	Takhti
(30) Sindh National Alliance (Hamid Jatoi Group).	Table
(31) Mohajir Punjabi Pathan Ittehad.	Lock
(32) Saraiki Qaumi Ittehad.	Ghulail

8. The Islami Jamhoori Ittehad comprised the following parties:—

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

9. The following parties joined hands to constitute Peoples

Democratic Alliance:—

- (1) Pakistan Peoples Party.
- (2) Tehreek-e-Nafaz-e-Fiqah-e-Jaffaria.
- (3) Tehreek-e-Istiqlal.
- (4) Pakistan Muslim League (Malik Qasim Group).

10. In addition, the Commission allocated the following symbols to the political parties of the non-Muslims:—

- | | |
|---|----------------|
| (1) Pakistan Christian National Party (Samson Manoha Group). | Chair |
| (2) Pakistan Christian National Party (Joseph Francis Group). | Spade |
| (3) Pakistan Masihi Ittehad. | Ladder |
| (4) Pakistan Masihi League (Ajmal Group). | Umbrella |
| (5) Pakistan Masihi League (Hayat Group). | Scooter |
| (6) Pakistan Masihi Party. | Car |
| (7) Pakistan United Christians Front. | Bicycle |
| (8) Pakistan Aqiliati Rabbita Party. | Candle |
| (9) All Pakistan Christian Movement. | Arrow |
| (10) Pakistan Christian Association. | Saw |
| (11) Pakistan Aqiliati Ittehad. | Tractor |
| (12) Pakistan Christian Congress. | Railway Engine |
| (13) Pakistan Minority Inqilabi Group. | Axe |
| (14) Pakistan Hindu Party. | Wheel |
| (15) Masihi Awami Party. | Well |
| (16) Azad Masihi League. | Turban |

11. Thirty eight parties failed to satisfy the Commission on specific details of the candidates sponsored by them and the criteria laid down by it. For example, 'Aaap Janab Sarkar Federation' and 'Pakistan Insaf Party' were found to be one 'man's show'. None of them named any candidate for the 1990 general elections. Likewise, 'Tehreek Inqalab-e-Islam (Pakistan)' was unable to give the names or number of the candidates to be put up for the election. Hence, all these applications were rejected.

12. Twenty one applications were held to be time-barred and rejected accordingly.

13. Mr. Mushtaq Hussain Mughal, Chairman, 'National Muslim League (Mohasiba Group)' and Mr. Manzoor Ahmad Bhatti, President 'Pakistan Islami Jamhoori Party' assailed the order dated September 20, 1990 of the Election Commission, rejecting their applications for allocation of symbols to their respective parties, by means of Writ Petition No. 898/90 and Writ Petition No. 887/90 respectively, before the Lahore High Court. Both the petitions were dismissed by the august Court. It was held that in view of the law laid down by the Supreme Court in re: *Election Commission of Pakistan Vs. Javaid Hashmi and others* (P.L.D. 1989 S.C. 396), the High Court did not have jurisdiction under Article 199 to issue any writ.

14. Mian Ijaz Ahmad Momenji also filed writ petition No. 806/91 on behalf of Pakistan Muslim League (Sh. Liaqat Group), only an advanced copy of which was received in the office of the Election Commission. It was averred that he was allotted the symbol 'Lota' although he prayed for 'Lantern.' The writ petition was disposed of, having been rendered infructuous on account of culmination of electoral process.

15. Another writ petition No. 1117/90 was filed by Mr. Nawaz A. Jajja on behalf of National Liberal Party against rejection of their prayer of allocation of symbol by the Election Commission. Para-wise comments were called for by the Sind High Court which were promptly submitted. The petition was dismissed for non-prosecution.

16. Writ petition No. 7339/90 filed by Aaap Janab Sarkar Federation was also dismissed by the High Court on the ground that the petitioner failed to establish the credibility of his party.

17. Wide publicity was given in respect of the symbols through electronic and print media.

Directions to Returning Officers for Allocation of Symbols

18. The following instructions were issued to the Returning Officers with regard to allocation of symbols to the contesting candidates:—

- (a) As the elections were being held on the basis of separate electorate system, the same symbols allotted to the political parties of the Muslims were also allocated to the parties formed by non-Muslim communities.

- (b) The list of 82 prescribed symbols appeared under sub-rule (1) of rule 9 of the Representation of the People (Conduct of Election) Rules, 1977. The symbols which had not been allocated by the Election Commission to the political parties were thus available for allocation by the Returning Officers to such candidates as had not been nominated for election by the political parties. The Returning Officer could allocate symbols to the independent candidates out of the remaining symbols after the expiry of date fixed for the withdrawal of candidature as required by section 21(1) (a) read with section 16(4) of the Representation of the People Act, 1976. Any one of the symbols allocated to the political parties should not in any case be allocated to an independent candidate whether or not that party was putting up a candidate in a constituency.
- (c) A candidate claiming a symbol allocated by the Commission to a political party had to satisfy the Returning Officer concerned by producing necessary authorisation from the Head or General Secretary of the party concerned to the effect that he was the real candidate nominated by the party to contest election to the National Assembly or, as the case may be, to a Provincial Assembly from the constituency concerned.

Appeal against Allocation of Symbols

19. The right of appeal before the Commission against the decision regarding the allocation of symbols by the Returning Officers was granted to the contesting candidates, as laid down under sub-section (3) of section 21 of the Act. Sub-section (4) *ibid* envisaged that an appeal filed beyond the specified period could not be entertained.

20. It was observed during the elections held in the past that hearing of the appeals caused undue delay in the printing of ballot papers. Thus, sub-sections (3) and (4) of section 21 were omitted by the Representation of the People (Amendment) Ordinance, 1984 (Ordinance No. XLIX of 1984), promulgated on October 24, 1984. The position, as it stands at present, is that the decision of the Returning Officer in the matter of allocation of symbols is final.

Publication of the list of Contesting Candidates

21. The Returning Officers published the lists of contesting candidates on the due date on the prescribed form V, duly arranged in the Urdu alphabetical order, specifying against each name the symbols allocated to them, as required by sub-section (4) of section 16 and clause (b) of sub-section (1) of section 21 of the Act, read with rule 7 of the Representation of the People (Conduct of Election) Rules, 1977. The ballot papers were printed in accordance with these lists.

Recommendations

22. There is no denying the fact that allocation of symbols to political parties is a serious matter. The law on this subject, as amended in the light of the Supreme Court's judgement on Constitution Petition No. 2-R/1988, is that any political party or a combination of two or more political parties can apply to the Election Commission for allocation of symbols thereto. However, there is no provision in the law to gauge and assess the credibility or standing of the applicant party(s). The result of this omission is more than obvious. Parties like Pakistan Insaf Party and Aap Janab Sarkar Federation, without any office bearer other than the respective founders and without any credentials, are free to apply for allotment of symbols. Another two of such parties, aggrieved of the Commission's order rejecting their applications, have even gone in Writ Petitions before the High Court, thereby dragging the Commission into uncalled for litigation.

23. It is high time that the process of allocation of symbols to the political parties may be regulated by law and suitable amendments in section 21 of the Representation of the People Act, 1976 and rule 9 of the Representation of the People (Conduct of Election) Rules, 1977 be made in the light of the criteria laid down by the Commission, as mentioned at paragraph 6 of this chapter.

CHAPTER XIV

THE BALLOT PAPERS

Article 226 of the Constitution provides 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.

3. 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 ballot, no serial number or any other mark is printed on the ballot paper.

Methods of Voting

4. 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 of previous elections. The mechanics of the two systems are briefly explained hereunder for facility of the readers.

Balloting System

5. Under the balloting system, a voter is given a ballot paper, containing the number and name of the constituency, but without names and symbols of the candidates contesting the election. As many ballot boxes are placed at 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

6. Under the marking system, separate ballot paper containing the names of all the contesting candidates, together with their symbols, are printed for each constituency. The voter is required to make a mark with a pen, pencil or any other marking aid or instrument in the space provided against the name of the candidate for whom he wishes to vote, without being seen by any one in the screened off compartment. He is then required to insert the ballot paper in a 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, 1985 and 1988.

Merits and Demerits of Two Systems

7. Merit of the balloting system is that it is simple and easily understood by illiterate voters as they are not required to mark it in any manner. Its printing can be arranged even before the commencement of election process as the names of candidates do not appear on it. Its demerits, however, outweigh its merits. Firstly, a large number of

boxes with different symbols have to be arranged for each candidate at each polling booth. Secondly, the possibility of transferring the ballot papers from the box of one candidate to that of another before the count cannot be ignored. Lastly, a voter may spoil the ballot papers of his rival candidate by pouring any 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. This system has been embodied in the existing law under section 33 of the Representation of the People Act, 1976 and rule 17 of the Representation of the People (Conduct of Election) Rules, 1977. Under this system, the elector, immediately after receipt of the ballot paper, proceeds to the screened off compartment and puts the mark by a marking aid (rubber stamp) on the ballot paper in the space containing the name and symbol of the candidate for whom he wishes to vote. The marking aid containing nine squares is provided by the Election Commission at each polling station. No other marking aid, except the rubber stamp provided by the Commission, is allowed to be used for marking the ballot paper.

Basis for Requirement of Ballot Papers

8. The ballot papers are printed in the shape of books, each book containing 100 ballot papers. The requirement of ballot papers is worked out on the basis of actual voting strength of a constituency rounded off to the next hundred and making provision for unforeseen contingencies. It should be noted that the ballot papers are provided to each booth in accordance with the number of electors assigned to it, rounded off to the next hundred. In case a polling station has four booths and the number of voters assigned to its booths is 205, 311, 435 and 486, the number of ballot papers will be supplied at the rate of 300, 400, 500 and 500 respectively. In addition, extra ballot papers for each constituency are kept in reserve to meet any emergent situation arising out of loss of ballot papers in transit or any other unforeseen cause, like snatching, burning or looting of ballot papers. Thus, for a total voting strength of 1,437, the total number of required ballot papers would be near about 1,800. Provision is also made for "tendered" and "spoilt", ballot papers.

9. Every elector is required to cast his vote twice at a general elections: first for the National Assembly election followed by election

to the Provincial Assembly. The number of ballot papers is, therefore, calculated at the rate of double the number of registered voters plus provision for emergent situations.

Magnitude of Task of Printing and Distribution of Ballot Papers

10. The adoption of marking system for 1990 general elections necessitated printing of separate ballot papers for each constituency of the National Assembly and the Provincial Assemblies. The magnitude of task can well be judged from the fact that a total number of 111 million ballot papers were required to be printed for 667 constituencies of the Muslims and 33 constituencies of the non-Muslims in the National Assembly and the Provincial Assemblies and distributed to 33,734 polling stations, having 1,14,533 booths, throughout the width and breadth of the country during a span of 22 days only. This by no means was an easy task. The printing and distribution of ballot papers had, therefore, to be planned in advance carefully and meticulously keeping in view the requirement of each Province, printing capacity of the presses, security at the printing presses, security during transportation, distances involved, logistics and other ancillary matters.

11. In order to streamline all such arrangements for the accomplishment of the gigantic task, the senior officers of the Election Commission held a series of meetings with the Printing Corporation of Pakistan (PCP) and Pakistan Security Printing Corporation (PSPC) and thrashed out the details of the huge operation. First such meeting was held on 17th August, 1990. After due deliberations in a series of meetings, the format, design, logistics, time and cost for printing of ballot papers were finalized. Arrangements for quality control and security at the printing stage were also approved. It was decided that the ballot papers would be printed at the Printing Corporation of Pakistan Presses at Islamabad, Lahore and Karachi and the Pakistan Security Printing Corporation Press, Karachi by the persons of integrity who were able to maintain strict secrecy under proper security arrangements.

Format and Design of Ballot Papers

12. The format and design of the ballot papers for 1990 general elections was the same as was prescribed for the 1988 general elections

and was adopted as per following specifications with the approval of the Election Commission :—

- (1) Names on the ballot paper shall be printed in Urdu calligraphy (*Nastaaliq*).
- (2) Width of the ballot paper shall be 3-3/16".
- (3) Maximum length of a ballot paper having eight names shall be 14-1/4".
- (4) 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 second column, if blank, shall be filled by diagonal pattern (double lines).
- (5) Length of the counterfoil of single column ballot paper shall be 3-1/2" and the space for the number and name of constituency on the ballot paper commencing from perforation line shall be 1/2".
- (6) Perforation line shall be a dotted line.
- (7) Space for the name and symbol of each candidate shall be 1/1/4".
- (8) A thick black bar shall divide the space for the name and symbol of each candidate on the ballot paper.
- (9) The symbols shall be 1" size (horizontal or vertical) and easily distinguishable. The blocks of symbols available with the Printing Corporation of Pakistan will be utilized for the printing of ballot papers. The Pakistan Security Printing Corporation will not require the blocks. The symbols used by the Printing Corporation of Pakistan and Pakistan Security Printing Corporation will, however, be identical in shape and size.
- (10) List of approved symbols will be supplied by the Election Commission to the Printing Corporation of Pakistan and Pakistan Security Printing Corporation.
- (11) The ballot paper for the Muslims shall be printed on off-white paper in the shape of books containing 100 ballot papers each.
- (12) Cover of the ballot paper books for the Muslims shall be white. The cover shall contain monogram of the Election

Commission, number and name of the constituency, the serial numbers appearing on the counterfoils of ballot papers in a book and the year of election.

- (13) The ballot papers for the four different communities of the non-Muslims will be printed in shades for the sake of distinction in the following colours for election to the National Assembly and Provincial Assemblies:—
- | | |
|--|-------------------|
| (i) Christians. | Pink. |
| (ii) Hindus and Scheduled Castes. | Blue. |
| (iii) Sikhs, Buddhists, Parsis and other non-Muslims. | Yellow. |
| (iv) Persons belonging to the Qadiani group or Lahori group (who call themselves Ahmadis). | Orange (magnate). |
- (14) 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.
- (15) The printing of ballot papers, postal ballot papers (including forms and envelopes relating thereto) and posters for Muslim constituencies will be assigned to the Printing Corporation of Pakistan and the Pakistan Security Printing Corporation in the ratio of 50 : 50.
- (16) The ballot papers, postal ballot papers (including forms and envelopes relating thereto) and posters for the non-Muslim seats will exclusively be printed by the Printing Corporation of Pakistan.
- (17) Army security will be arranged for Printing Corporation of Pakistan and, if required, for the Pakistan Security Printing Corporation during the process of printing of ballot papers.
- (18) The Election Commission will request the WAPDA/KESCO to avoid load-shedding at the Presses during the printing process.
- (19) A team of officers of the Election Commission will be stationed at the printing presses to ensure that the ballot papers are being printed according to the approved specification and to monitor and report the progress of work two-times a day.

Packing and transportation of ballot papers

13. The question of packing the ballot papers and their safe transportation was considered in the light of past experience and it was decided that the following arrangements may be made in this respect:—

- (a) The ballot papers will be packed in strong wooden crates of two or more different sizes with proper rimming. The rimming will contain a seal of the printers (Printing Corporation of Pakistan or, as the case may be, the Pakistan Security Printing Corporation), at the joining point.
- (b) Water-proof internal packing of ballot papers.
- (c) The number and name of constituency and the number of crate for a constituency will be indicated in each crate (for example, constituency No. NA-1 Peshawar-I crate No. 1/4, 2/4, 3/4, 4/4 etc).
- (d) A duly authorized representative of the Election Commission and a duly authorised representative of the Deputy Commissioner (preferably a Magistrate) shall receive the ballot papers, properly packed, at the press and arrange the transportation of ballot papers to destination under police/army escort, with the assistance of the Deputy Commissioner concerned.
- (e) Efficient Communication system was set up between the Election Commission, Provincial Election Commissioners, the Printing Corporations by providing hot-line and clear line telephones, as was done in the previous elections.

Distribution of printing work between PCP and PSPC

14. As already stated, for accomplishment of the huge task of printing of 111 million ballot papers and distribution to their destination, combined and concerted efforts of both the Printing Corporation of Pakistan and the Pakistan Security Printing Corporation were required. The work of printing was distributed

between PCP & PSPC in the ratio of 50 : 50 as per detail given below :—

Printing Corporation of Pakistan	Pakistan Security Printing Corporation
(1) NWFP.	(1) Sind.
(2) FATA.	(2) Baluchistan.
(3) Federal Capital.	(3) Bahawalpur Division.
(4) Rawalpindi Division.	(4) Multan Division.
(5) Sargodha Division.	(5) Faisalabad Division.
(6) D. G. Khan Division.	
(7) Gujranwala Division.	
(8) Lahore Division.	
(9) Non-Muslim constituencies of the National Assembly and the Provincial Assemblies.	

Priority for Printing and Distribution

15: The PCP and PSPC fixed their priorities for printing and distribution of ballot papers on the basis of distances from the Press in the following order and supplied to the representatives of the Commission and the Deputy Commissioners concerned in the same pattern as was arranged on the eve of 1988 general elections :—

Priority Number	Name of District/Division	
	PSPC Press	PCP Press Islamabad
1	2	3
(1)	Makran Division.	Chitral District.
(2)	Kalat Division.	Kohistan District.
(3)	Zhob Division.	Dir District.
(4)	Faisalabad Division.	Swat District.
(5)	Quetta Division.	Malakand District.
(6)	Sibi Division.	Mansehra District.
(7)	Nasirabad Division.	Abbottabad District.
(8)	Multan Division.	D. I. Khan Division.
(9)	Bahawalpur Division.	F.A.T.A.
		Kohat Division.

1	2	3
(10)	Larkana Division.	Mardan Division.
(11)	Sukkur Division.	Peshawar Division.
(12)	Hyderabad Division.	Federal Capital, Islamabad.
(13)	Karachi Division.	Rawalpindi Division.

PCP Press, Lahore

- (1) Lahore Division.
- (2) D. G. Khan Division.

PCP Press, Karachi

- (1) Non-Muslim seats in the National Assembly.
- (2) Non-Muslim seats in the Provincial Assemblies.
- (3) Gujranwala Division.
- (4) Sargodha Division.

16. The ballot papers for Chitral were airlifted from Peshawar and the ballot papers for Mekran were air-lifted from Quetta. The packing and lifting of ballot papers were done simultaneously with their printing. The ballot papers for National Assembly constituencies were lifted first, followed by the ballot papers of Provincial Assemblies. However, it was decided that in case the ballot papers of Provincial Assemblies constituencies were printed already these would be transported together with the ballot papers for National Assembly. The transportation of ballot papers was arranged through trucks by the duly authorised representatives of the Deputy Commissioners and the Election Commission under police escort/army according to a pre-determined programme chalked out by the Provincial Election Commissioners in consultation with the Presses and the Deputy Commissioners.

Special Supervisory Teams

17. Special supervisory teams comprising officers of the Election Commission were constituted to supervise the entire process of printing and despatch of ballot papers at the Presses. These teams remained stationed in the Presses round the clock.

Army Guards

18. The Election Commission arranged Army guards at the Pakistan Security Printing Corporation Press; Karachi and the Printing Corporation of Pakistan Presses at Karachi, Lahore and Islamabad during the printing of ballot papers. Moreso, stand-by arrangements were made, as a precautionary measure, with the Provincial Government Presses at Karachi, Lahore and Peshawar, Water and Power Development Authority (WAPDA) Press and the Railway Press at Lahore.

Arrangements in Case of Power Break Down

19. In order to meet any eventuality about the break down of electricity, the Commission made special requests to WAPDA for making fool proof arrangements during the printing of ballot papers and as an alternate generators were provided for the purpose to the Presses.

Total Number of Ballot Papers

20. The total number of ballot papers (excluding the postal ballot papers) printed for 207 Muslim constituencies of the National Assembly and 460 Muslim constituencies of all the four Provincial Assemblies was 10,85,36,800. While 31,92,350 ballot papers were printed for non-Muslims both for election to the National Assembly and the Provincial Assemblies. Thus the total number of ballot papers comes to 11,17,29,150. The following table would show the detailed

break up of these ballot papers:—

Province/Area	Total requirement of ballot papers for National/Provincial Assemblies constituencies		Grand Total
	Muslims	Non-Muslims	
1	2	3	4
	National Assembly (Non-Muslims)	16,00,325	16,00,325
Islamabad.	2,18,500	—	2,18,500
Punjab.	6,54,73,100	6,96,400	6,61,69,500
Sind.	2,34,33,000	8,45,100	2,42,78,100
NWFP.	1,37,48,500	25,400	1,37,73,900
FATA.	41,300	—	41,300
Baluchistan.	56,22,400	25,125	56,47,525
Total :	10,85,36,800	31,92,350	11,17,29,150

Comparative Statement

21. The following comparative statement would show the number of registered voters and the ballot papers printed for the general elections held in 1970, 1985, 1988 and 1990:—

	General Elections 1970	General Elections 1985	General Elections 1988	General Elections 1990
Number of registered voters.	5,69,41,500	3,43,96,661	4,80,61,670	4,86,48,960
Total number of ballot papers printed for election to the National Assembly and Provincial Assemblies.	14,07,66,400	8,39,10,000	11,43,38,000	11,17,29,150

22. It will be seen that for the earlier two general elections, the ratio of extra ballot papers printed was comparatively on the high side. For the 1990 general elections, 11,17,29,150 ballot papers were got

printed while for the 1988 general elections, the number of ballot papers was 11,43,38,000. The ballot papers printed for the 1990 general elections were less in number than the 1988 general elections despite the fact that the voting strength had increased by 5,87,290. Less number of ballot papers was printed in 1990 to economize the expenditure.

Postal Ballot Papers

23. The facility of postal ballot papers is extended in Pakistan to a person in the service of Pakistan if his place of posting is different from the place where he is registered as voter, the wife and such of his children as are enrolled as voters and reside ordinarily with him and a person who is detained in prison or held in other custody. In addition, persons who are appointed as polling staff and police personnel on duty at the polling stations are also entitled to cast their votes by postal ballot.

Requirement of Postal Ballot Papers

24. The requirement of postal ballot papers was worked out on the following basis :—

MUSLIM CONSTITUENCIES

Name of Assembly	Number of postal ballot papers per constituency
(1) National Assembly.	2,000
(2) Provincial Assemblies.	1,000
(3) F.A.T.A.	500

NON-MUSLIM CONSTITUENCIES

Name of community	Name of Assembly	Number of postal ballot papers
(1) Christian.	National Assembly	4,000 per RO and 2,000 per ARO
	Provincial Assemblies	2,000 per RO
(2) Hindus and Scheduled Castes.	National Assembly	4,000 per RO and 2,000 per ARO
	Provincial Assemblies	2,000 per RO
(3) Sikh, Budhist, Parsi and other non-Muslims.	National Assembly	800 per RO and 400 per ARO
	Provincial Assemblies	200 per RO
(4) Persons belonging to Quadiani group or the Lahori group (who call themselves Ahmadis).	National Assembly	800 per RO and 400 per ARO
	Provincial Assemblies	200 per RO
	Provincial Assemblies	200 per RO

Number of postal ballot papers printed

25. On the basis mentioned above, 8,50,000 postal ballot papers for Muslims and 74,000 postal ballot papers for non-Muslims for election to the National Assembly and the Provincial Assemblies were printed and supplied to the Returning Officers. The Province-wise requirement of postal ballot papers for Muslims and non-Muslims is as under:—

Name of Province	No. of postal ballot papers for Muslims	No. of postal ballot papers for non-Muslims
1. Punjab.	4,70,000	29,600
2. Sind.	1,82,000	22,800
3. NWFP.	1,36,000	10,800
4. Baluchistan.	62,000	10,800
Total :	8,50,000	74,000

Comparison with Previous Elections

26. The total number of valid votes cast by postal ballot during the five general elections to the National Assembly is tabulated below for comparison :—

Name of Province/ Area	Number of valid postal ballot				
	1970	1977	1985	1988	1990
Federal Capital.	—	37	191	104	17
Punjab.	26,146	19,412	28,703	33,783	37,398
Sind.	8,227	4,829	8,275	14,752	8,089
NWFP.	5,229	10,224	8,358	10,762	14,772
FATA.	—	16	5	5	8
Baluchistan.	407	Nil	1,291	3,235	3,351
Total :	40,009	34,518	46,823	62,641	63,635

Allegation regarding misuse of Ballot Papers

27. From the above table it is discernible that this time the number of postal ballot papers cast was more only by 994 than the previous election while the voting strength had increased by 5,87,290. If the increase of postal ballot papers is divided per constituency, the average is less than five votes.

28. The ballot papers were printed and transported from the press to the polling stations under strict security arrangements. The same procedure and arrangements for printing and transportation of ballot papers were made for this election as were made for 1988 general elections. In addition, proper account of the ballot papers is maintained by the Provincial Election Commissioners for payment of bills and also by the printing presses for billing purpose, the Returning Officer of each constituency and finally by the Presiding Officer of each polling station in the form prescribed under the rules. Copies thereof are required to be preserved by the Presiding Officers in the polling bags and are also given by them to the Polling Agents of each candidate. It is, therefore, practically not possible to misuse the ballot papers at any stage of elections. The allegation of printing extra ballot papers, as levelled by some quarters, does not stand to reason as the ballot papers are printed/transported under tight security arrangements and the quantity printed is properly accounted for by different agencies. The

ballot papers printed for one constituency cannot be used in other constituency for the reason that number and name of each constituency is printed both on the ballot paper and the counterfoil. Moreover, the name and symbol of each contesting candidate, printed on a ballot paper of a constituency, can not be similar to that of other constituency.

CHAPTER XV

THE COMMUNICATION PLAN

For effective supervision of the polling process on the polling day, a Returning Officer has to constantly remain in close contact with the Presiding Officers of his constituency on the polling day. A communication link between the Returning Officer and all polling stations falling in his constituency is essentially needed for the purposes of communicating instructions of the Commission in cases of emergency and disturbances during the polls and for transmitting the result of election after the close of the poll. A comprehensive and well-coordinated transmission plan is, therefore, required to be prepared for each constituency providing safeguards against duplication, confusion and miscommunication. 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 improvise the inadequate facilities, wherever required, to ensure that all individual polling stations have reasonable access to a communication facility.

Model Plans

2. The plans for transmission of results for the 1985 and 1988 general elections proved to be extremely successful in all respects. These plans served as a model for the communication plan for 1990 general elections. The same arrangements were made by the Election Commission for collection and speedy announcement of the preliminary result of election on 24th and 27th October, 1990, as were made for the last two general elections.

Process of Collection of Results

3. The process of collecting the result of election consists of the following four stages:—

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

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

Communication Plan

4. As in case of the Communication Plan prepared for the 1985 and 1988 general elections, necessary guide-lines were provided to the Returning Officers who made the following arrangements for the first phase of the plan for transmission of result from the polling station to the Returning Officer:—

- (a) Each Polling station was assigned to a pre-determined communication facility which was either a telegraph office, telephone or police, 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, immediately after conclusion of the count.
- (c) In the event of short distance between the polling station and Returning Officer's office, the Presiding Officer was required to 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 beforehand.
- (d) Where the Returning Officer's office was beyond reasonable distance, the Presiding Officer/Assistant Presiding Officer had to reach the communication facility, as soon as possible to convey the result of his polling station to the Returning Officer.

- (e) The result had to be communicated by the Presiding Officer to the Returning Officer in standardized printed forms which were already supplied to them.
- (f) On receipt of result on telephone, the Returning Officer was required to record the message and thereafter to repeat back the message for confirmation. Similarly, message by telegram was to be checked by the Presiding Officer before handing over the telegram to the telegraph office.
- (g) Where the message was transmitted by wireless, the receiving station had to confirm it, as in the case of the telephone, and then arrange to send the message to the Returning Officer by a special messenger.

District, Provincial and Central Control Rooms

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

- (i) The Returning Officers were required to collect the results from the Presiding Officers of all polling stations in their respective constituencies through prearranged means and communicate the same to the District Control Room, after due verification, for onward transmission to the Provincial Control Room.
- (ii) The Returning Officers and Assistant Returning Officers had to work round the clock till complete results of constituencies were communicated to the District Control Room.
- (iii) The result of a constituency, as a whole, and not in instalments, was to be communicated by the Returning Officer to the District Control Room. Progressive result of polling stations was not to be communicated.
- (iv) A District Control Room was established in each district under the supervision of the District Returning Officer. This Control Room worked round the clock till the result of all constituencies in a district had been communicated to the Provincial Election Commissioner.
- (v) The District Control Room was to communicate the result of each constituency simultaneously through telephone and

telegram/teleprinter to the Provincial Control Room functioning under the supervision of the Provincial Election Commissioner concerned. Additional telephones were installed in the Provincial Control Room for receiving the results. The allocation of these telephones to the various districts was intimated in advance to all concerned.

- (vi) The Provincial Control Room was to communicate the result of a constituency to the Central Control Room at the Election Commission's Secretariat, Islamabad on the specified telephones and simultaneously to confirm it through the telex/telefax. One teleprinter machine was allocated exclusively to receive results of a Province.
- (vii) Receiving officers were required to verify the authenticity of the result before passing it on to the next station.
- (viii) Clarification/confirmation regarding result of election was sought through the Telefax machines installed in the offices of the Provincial Control Rooms and in the Central Control Room of the Commission's Secretariat.
- (ix) The preliminary provisional results were to be announced by the Election Commission Secretariat, Islamabad, and not by any other office/agency. Release of unofficial election result by any source other than the Election Commission Secretariat, Islamabad, was strictly forbidden.
- (x) A specimen of the result sheet to be used by the Commission for announcing the preliminary results was supplied to the District Returning Officers and Returning Officers. The District Control Room was to collect from Returning Officer and communicate the result in this form to the Provincial Election Commissioner for onward transmission to Election Commission Secretariat, Islamabad.
- (xi) The telephone department provided 'Clear Line' connections between the District Control Room and the Provincial Election Commissioner's office and then between the Provincial Election Commissioner's office and the Election Commission Secretariat, Islamabad.

6. 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.

Procedure for Announcement of Result

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

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

Proforma of Result Sheet

8. The proforma, as was devised for 1985 and 1988 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, 1990

National Assembly/Provincial Assembly

Number and Name of Constituency:

Number of polling stations:

Total number of Muslim voters:

Valid Votes:

Rejected Votes:

Total Votes:

Percentage of the votes cast to registered votes:

Serial Number	Name of candidate	Party affiliation	Votes polled
1.			
2.			
3.			
4.			
5.			
6.			

**Signature of Officer
receiving the result**

Date _____

_____Time

**Signature of Officer
announcing the result**

_____Time.”

Central Control Room

9. Six receiving centres, each headed by a senior officer of the Election Commission, were set up in the Commission's Secretariat at Islamabad for receiving the result of election on 24th and 27th October, 1990. 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 and telefax service. The Central Control Room arranged to display the result of each constituency on special boards and simultaneously supplied copies thereof to the media. Special charts were displayed to indicate party position of the winning candidates progressively. Pakistan Television, Radio Pakistan, PID, APP, PPI and other leading news agencies established their offices, with hot-lines, within the premises of the Election Commission Secretariat. The local and foreign journalists and international observers remained present in the Control Room to obtain latest results for immediate transmission to their respective principals within the country and abroad. The President of Pakistan, the Chairman of the Senate and a large number of foreign dignitaries and ambassadors stationed at Islamabad, visited the Central Control Room to see the process of announcement of election result in the presence of the representatives of the Press and electronic media and greatly appreciated the elaborate arrangements made by the Commission. They also appreciated the arrangements made by the Electronic and print media to keep the nation informed of the latest result of election.

Time for Announcement of Election Result

10. The Communication Plan prepared for transmission of election results at the District, Provincial and Central 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 the general elections held in 1985 and 1988, the preliminary results of the 1990 elections were announced within twenty-four hours of the close of the poll for election to the National Assembly and the Provincial Assemblies. It will not be out of place to mention here that provisional result of general elections held in 1970 in Pakistan, including the then province of East Pakistan, was announced within thirty hours.

Allegations against the procedure

11. It was, however, claimed by some persons after the general elections that—

- (a) progressive totals of a few polling stations should have been announced in case of the result of one constituency.
- (b) the results of elections were tampered with by other "election cells" before announcement.

No such complaint was, however, made by any individual or party on or immediately after the polling day.

12. It may be recalled that announcement of the progressive result of election of a constituency by the Returning Officers in March, 1977 general elections was severely criticized by the press, public and political parties. The allegation of tampering with the result of election was then rampant. Taking a lesson from that experience, the Election Commission decided in 1985 and followed it in 1988 that the result of a constituency as a whole, and not in instalments, should be announced centrally by the Commission and by no other agency. The procedure adopted for announcement of election results in 1985 and 1988 was followed for the 1990 general elections and no irregularity or violation of law and procedure was committed in this behalf.

13. As regards the other allegation, the 1990 general elections were conducted by judicial officers, like the 1988 general elections, under the supervision of the Election Commission and by no other authority or agency. The PTV announced the results as provided by the Election Commission and no other agency could tamper with the results which were compiled by the Returning Officers, who were senior judicial officers and conveyed by the District Returning Officers, who were District & Sessions Judges. The Returning Officers and District Returning Officers being judicial officers could not be influenced by the executive in the Provinces or in the Federal Government. The procedure for collection and announcement of provisional results was also foolproof and there was no chance or room for interference in this process by any other authority or the Government.

14. Judged by any standard the allegations, referred to above, do not stand to reason or are not substantiated.

CHAPTER XVI

MAINTENANCE OF PEACE AND ORDER

Election Campaign

It was generally apprehended that the elections would be postponed due to the deteriorating law and order situation and the accountability process launched against some of the political leaders. Many candidates and political parties soft-pedalled their pre-poll activity on that account. Announcement of the schedule for elections by the Election Commission put an end to all speculations about the possibility of postponement of elections and the political parties started full scale electioneering campaign, with a lot of sound and fury. Two major electoral alliances were formed to contest the forthcoming elections. With the passage of time, polarization between the alliances intensified and grave threat to peace loomed imminent. It gradually worsened due to sectarian clashes, students agitation, bomb blasts and other subversive activities. Free use of lethal weapons and murder of one of the contesting candidates in Sialkot added fuel to the smouldering fire. The political atmosphere was thus charged with high tension and disruption of the polling process was genuinely apprehended.

Meetings with Provincial Governments

2. The Election Commission closely watched the situation and, after taking into consideration the over all political scenario of the country, decided to take extraordinary measures, with the active assistance of the Provincial Governments, to maintain peace and order on the eve of the polls so as to enable the electorate to exercise the right of franchise in a free and fair manner and peaceful atmosphere.

3. Bracing against heavy odds, the Election Commission decided to hold meetings with senior officials of the Provincial Governments who were mainly responsible to maintain law and order.

4. Four meetings were accordingly held at Quetta, Karachi, Peshawar and Lahore on 25-8-1990, 28-8-1990, 3-9-1990 and 5-9-1990 respectively. The Chief Election Commissioner chaired all these meetings which were attended by the Chief Secretaries, Home Secretaries, Education Secretaries, Finance Secretaries and Local Government Secretaries, Inspectors General of Police and representatives of the other law enforcing agencies.

Duty of Executive Authorities

5. The Chief Election Commissioner invited attention of all present at each meeting that, under Article 220 of the Constitution, all executive authorities in the Federation and the Provinces were duty bound to assist the Election Commission in the conduct of elections in a free, fair and impartial manner. He urged the participants to rise to the occasion and do their best to enable the Commission to perform its constitutional duty. He assured them in unequivocal terms, that the elections will not be postponed under any circumstances and they should, therefore, proceed to make the necessary arrangements to enable the Election Commission to hold the elections on the due date.

Assistance to Judicial Officers

6. The Chief Election Commissioner stated that all the judicial officers in the Provinces would be appointed as District Returning Officers, Returning Officers and where these officers were not available, senior officers from executive, mostly doing judicial work, would be appointed as Returning Officers and Assistant Returning Officers. He asked the Deputy Commissioners to provide to them necessary assistance for efficient performance of their duties.

Powers to Suspend Officers

7. The Chief Election Commissioner warned that the Election Commission has been vested with the authority to suspend any officer, regardless of his rank, if he was found causing any obstacles in the elections.

National Identity Card

8. The Chief Election Commissioner was of the view that mandatory production of National Identity Card would help the proceedings of the poll to be conducted in a peaceful and orderly manner.

Weeding of Politically Motivated Staff

9. Mr. Justice Khalilur Rehman Khan, Member, Election Commission, also addressed the meetings. He said that while preparing the polling schemes, the District Returning Officers should weed out those polling personnel who were found indulging in malpractices during the general elections, 1988 and were also politically motivated. The Member desired that the representatives of the Deputy Commissioners and the Election Commission should monitor the progress of the issuance of National Identity Cards to the intending voters. He emphasized the need for proper training of the polling personnel.

Coordination between the Judicial and Executive Officers

10. Mr. Justice Amirul Mulk Mengal, another Member of the Election Commission, while addressing the participants of the meeting, stressed the importance of careful planning and the implementation thereof. The Member underlined the necessity for effective co-ordination between the judiciary and administration for holding just, fair and honest elections.

Assurance of the Provincial Governments

11. The officers of the Provincial Governments apprised the Election Commission of the arrangements made by the administration for the preparation of polling schemes, appointment of impartial polling staff, logistics and other support to the election machinery. They assured the Commission that no effort would be spared in providing effective assistance to the Election Commission and Returning Officers for the purpose of holding just, free and fair elections.

12. Matters relating to the training of polling staff, distribution of election material, conferment of magisterial powers on the officers engaged for election duties, and other measures also came under discussion in detail.

Main Decisions

13. The following main decisions were taken at the meetings:
- (1) The Provincial Governments would adopt the same scheme

for maintaining law and order which was prepared for 1988 general elections with necessary modifications.

- (2) The Provincial Governments would prepare contingency plans and assess the requirement for deployment of Police, Frontier Corps, Ranger, Levies, Police Qaumi Razakars, Janbaz Force, Mujahid Force, etc., in each district. Contingency plans were mostly computerized by the Provincial Governments.
- (3) For the purpose of deployment of police force, the local administration was required to identify the polling stations as "normal", "sensitive" and "very sensitive" so that special arrangements to maintain law and order could accordingly be made at the troubled polling stations.
- (4) To ensure free exercise of right of vote by the electorate, no police officer should be allowed to enter the premises of the polling station unless required by the Presiding Officer.
- (5) Mobile reserve police force was to be kept on the alert to move to troubled spots in case of need.
- (6) All the necessary arrangements were made to provide adequate transport facilities to the members of the law enforcing agencies and the polling staff. Arrangements for transport were made in all the districts by the Deputy Commissioners. They requisitioned the vehicles of various Government Departments and semi-Government institutions and where absolutely necessary public transport for carrying the polling staff and material.
- (7) Possession of a huge quantity of arms and the display thereof was no less impediment in the way of holding smooth and orderly elections. The Deputy Commissioners were asked to impose ban under section 144 of the Code of Criminal Procedure on carrying arms in public on the polling days.
- (8) The employees of the Local Government Department should not be appointed as polling personnel as they tend to have political motivations and affiliations.
- (9) It was decided to scrutinise the list of polling staff to weed out the politically motivated staff in the light of experience of the last general elections.

- (10) It was resolved that educational institutions throughout the country should be kept closed shortly before and on the polling days.
- (11) Free and unchecked movement of Afghan refugees also posed a threat to peace and order. It was decided that they may be restricted to their camps in the NWFP and Baluchistan on the polling days.

Mobile Magistrates

14. Another step in the direction of maintaining law and order on the polling day(s) was the appointment of mobile magistrates. Each magistrate was assigned a group of polling stations who kept liaison with the Returning Officer concerned. Wireless sets were provided to the magistrates for immediate contact with the Deputy Commissioner and the Returning Officer in the event of any emergency. Any possible communication gap was effectively bridged by the police authorities before the polling day.

Termination of Election Campaign

15. According to section 84 of the Act, no public meeting or procession could be held within the constituency during or period of forty eight hours ending at midnight following the conclusion of the poll. The election campaign for general elections came to an end with effect from the midnight falling between 23rd and 24th October, 1990. By and large, no untoward incident happened during this period.

16. All the Presiding Officers were authorized by the Election Commission under section 86A of the Representation of the People Act, 1976, to exercise the powers of a Magistrate of the first class under the Code of Criminal Procedure in respect of the offences punishable under sections 80, 84, 85, 86 and 87 of the Act and to take cognizance of any such offence under sub-section (1) of section 190 of the Code. The trial of such offences was to be held in a summary way in accordance with the provisions of the said Code relating to summary trials.

17. All the Deputy Commissioners were instructed to impart necessary training to the Presiding Officers, enabling them to discharge their functions as Magistrates according to law. The exercise of these

powers had a deterrent effect and placed a check on the commission of various malpractices and misuse of official powers.

Role of the Armed Forces

18. Mr. Justice Naimuddin, Chief Election Commissioner called on General Mirza Aslam Beg, Chief of the Army Staff on October 1, 1990, to discuss the arrangements made for maintenance of law and order. The Chief of Army Staff assured the Chief Election Commissioner that the army would provide support if necessary for peaceful conduct of elections. Accordingly the armed forces were kept on the alert and they provided an effective umbrella to the civil administration for keeping the law and order situation under control.

19. The judiciary, Civil Armed Forces, civil administration and law enforcing agencies worked in complete harmony and unison which helped to create an atmosphere of peace and tranquillity. The Election Commission, thus, was able to hold the elections to the National and Provincial Assemblies in a free, fair and just manner.

Reports of Provincial Election Commissioners

20. The Provincial Election Commissioners furnished reports about the law and order situation on the polling day(s) in their respective Provinces. They had a consensus of opinion that by and large the polls were held in a calm and orderly manner, barring few untoward incidents, the detail of which is given in the chapter captioned as "The Poll".

Code of Conduct

21. There is no denying the fact that the Election Commission and the Government are required to make effective arrangements for maintaining law and order during the elections. Main responsibility in this behalf, however, devolves upon the political parties who play a major role in the electioneering campaign. The Election Commission, therefore, thought it more appropriate to remind the political parties of their legal and moral obligations to maintain peaceful conditions in the country on this occasion. With this end in view, the Commission prescribed a twelve-point "Code of Conduct for the Political Parties" and supplied copies thereof to them, besides its publication in the national press. The Code of Conduct is reproduced below for ready

reference:—

- (1) The political parties shall not propagate any opinion, or action in any manner prejudicial to the Ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the armed forces of Pakistan, as provided under Article 63 of the Constitution.
- (2) The political parties, their candidates, agents or workers shall not obstruct or break up meetings organised by the rival parties and candidates, nor interrupt speeches or prevent distribution of handbills, leaflets and pasting of posters of other parties and candidates.
- (3) The political parties shall avoid criticism of other political parties, their leaders and candidates having no bearing on their public activities. Criticism and comments shall be confined to policies and programmes of other parties. Speeches and slogans shall be dignified and based on principles of morality, decorum and decency.
- (4) The political parties shall refrain from speeches calculated to arouse parochial feelings and controversy or conflicts between sects, communities and linguistic groups.
- (5) Public leaders and all other participants in political activity shall act with a sense of responsibility and dignity befitting their status. While propagating their own views and programmes, they shall not interfere with the freedom of others to do the same as that would be the negation of democracy.
- (6) Appeals to violence or resort to violence during meetings, processions, or during polling hours shall be strictly avoided.
- (7) Carriage of lethal weapons shall not be allowed in public meetings and official regulations in this regard shall be strictly observed. Use of crackers and other explosives at public meetings shall not be allowed.

- (8) The political parties and their candidates shall extend cooperation to the officers on election duty in order to ensure peaceful and orderly polling and complete freedom for the voters to exercise their franchise without being subject to any annoyance or obstruction.
- (9) The political parties and their candidates shall scrupulously avoid all activities which are "corrupt practices" and offences under the election law, such as the bribing of voters, intimidation of voters, impersonation of voters, canvassing within 400 yards of a polling station, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll.
- (10) The political parties, their candidates, agents or workers shall not indulge in offering gifts or gratifications or inducing another to stand or not to stand as a candidate, or to withdraw or not to withdraw his candidature.
- (11) The political parties and their candidates should not procure the support or assistance of any civil servant to promote or hinder the election of a candidate.
- (12) The political parties and their candidates shall dissuade their workers or sympathisers from destroying any ballot paper or any official mark on the ballot paper.

Recommendations

22. In democratic countries, in the election campaign national and basic issues confronting the country and party's programme and policies are discussed. The political parties entering the electoral arena restrict the electoral debates to such issues, programmes and policies rather than make opponent parties and leaders the target of vilification and slanderous attacks. The political parties in Pakistan should give proper thought to this aspect of their activity and take practical steps to observe the rules of the game and to set the tradition of decent political behaviour during the electoral campaign. It should be borne in mind that there is more political awareness in the country today than ever before and no one can easily be attracted or deceived by catchy slogans any longer.

23. In order to achieve the desired object, a "Code of Conduct" evolved with the consent of all parties contesting the election, should be made part of the law for general elections in future.

CHAPTER XVII

THE POLL

Dates of Poll

In accordance with the polling dates set out in the notification issued under section 11 of the Representation of the People Act, 1976, the poll for Muslim and non-Muslim seats in the National Assembly took place on Thursday, the 24th October, 1990, whereas the poll for election of the Muslim and non-Muslim members of the four Provincial Assemblies was held on Saturday, the 27th October, 1990.

Polling Hours

2. The Election Commission is empowered under section 26 of the Act to prescribe the duration of the poll which shall not be less than eight hours. It was decided that nine hours poll shall be held from 8.00 A.M. to 5.00 P.M. without any interval on both the polling days.

Weather

3. The nature was beneficent, as fair weather prevailed all over the country on the polling days and polls were held smoothly and without any interruption or hindrance.

Polling Stations and Polling Booths

4. There were 4,86,48,960 registered voters for election to the National Assembly. With a view to holding the election in an orderly and smooth manner, 33,736 polling stations with 1,14,548 polling booths were established throughout the country.

5. Likewise, 33,556 polling stations having 1,13,968 booths were set up for 4,84,19,319 registered voters for Provincial Assemblies.

Province-wise break-up is as follows :—

Provincial Assembly	Number of voters	Polling Stations	Polling Booths
Punjab	2,90,56,412	21,287	73,043
Sind	1,09,11,607	6,429	22,699
NWFP	59,87,458	4,159	13,579
Baluchistan	24,63,842	1,681	4,647
Total:—	4,84,19,319	33,556	1,13,968

List of Polling Stations

6. Pursuant to the provisions of section 8 of the Act, the Returning Officers published in the official Gazette lists of polling stations specifying the electoral area the electors whereof will be entitled to vote at each polling station fifteen days before the polling days.

Polling Personnel

7. In all, 33,736 Presiding Officers, 1,14,548 Assistant Presiding Officers and 2,29,096 Polling Officers were appointed to supervise election to the National Assembly.

8. Similarly, 33,556 polling stations with 1,13,968 polling booths were manned by 33,556 Presiding Officers, 1,13,968 Assistant Presiding Officers and 2,27,936 Polling Officers to take care of casting of votes by the electorate relating to Provincial Assemblies elections, as per the following detail:—

Provincial Assembly	Presiding Officers	Assistant Presiding Officers	Polling Officers
Punjab	21,287	73,043	1,46,086
Sind	6,429	22,699	45,398
NWFP	4,159	13,579	27,158
Baluchistan	1,681	4,647	9,294
Total:—	33,556	1,13,968	2,27,936

9. One Presiding Officer was put in charge of a polling station. He was assisted by one Assistant Presiding Officer and two Polling Officers appointed for each polling booth. A provision of five percent reserve staff was made to replace absentees, if any.

10. Presiding Officer is the incharge of a polling station and is duty bound to conduct free, fair and orderly poll thereat. With a view to enable him to perform his legal duties in a befitting manner, he is vested with wide powers. He is empowered to delegate his powers to an Assistant Presiding Officer who shall work under his command. He is authorized to call in aid the Police force or any other law enforcing agency for keeping peace and order at the polling station assigned to him. He is invested with the powers of a first class magistrate on the polling day(s) and can take cognizance of offences punishable under sections 80, 84, 85, 86 and 87 of the Act. Any person who misconducts himself or fails to obey any lawful order is liable to be removed from the polling station and can be arrested by a police officer without warrant if he attempts to re-enter therein. However, no voter can be deprived of his right of casting the vote.

Appointment of Election Agents

11. Section 22 of the Act regulates the appointment of election agents. Any one person, qualified to be elected as a member can be appointed as election agent by a candidate. Such an appointment is subject to revocation by the candidate in writing at any time and fresh appointment can be made. The candidate having appointed his election agent is enjoined to give a notice of the appointment to the Returning Officer, giving details of agent's name, father's name and address. In case any candidate fails or does not choose to appoint an election agent, he can be allowed to work as his own election agent.

Appointment of Polling Agents

12. Section 23 of the Act and rule 10 of the rules made thereunder prescribe the mode of appointment of polling agents. It has been laid down that a candidate is permitted to appoint as many polling agents as there are polling booths at a polling station and give notice thereof in writing to the Presiding Officer. As the maximum number of booths at a polling station is fixed as four, the number of polling agents can not exceed that. The primary role of polling agents is to identify the voter

and thus prevent casting of bogus votes and to oversee the polling process. A proviso to section 23 of the Act was added *vide* Ordinance No. XLIX of 1984 which required that the polling agent for a polling station had to be an elector of that electoral area. Subsequently, as identification of voter by means of National Identity Card was made compulsory by Ordinance No. V of 1990, there remained no need for the proviso, which was omitted by the same Ordinance.

Admission to Polling Station

13. Admission to the polling station was regulated in accordance with the provisions of section 31 of the Act. Contesting candidates with their election agents and polling agents, persons on election duty and such other persons specifically permitted by the Returning Officer through entry passes were allowed to enter the polling station. Special passes were also issued by the Election Commission to its Officers as well as to the representatives of the local and foreign media and to foreign observers to observe the vote casting process. The Presiding Officer admitted such persons on production of prescribed passes, a specimen of which was already circulated.

Incapacitated or Blind Voter

14. A concession was granted to the blind or otherwise incapacitated voter under sub-section (7) of section 33 of the Act, read with rule 18 of the rules made thereunder. Such an elector was allowed to take a companion, not below the age of 21, with him into the polling booth and that companion could do what the elector was required to do under the law. This facility was subject to the condition that the companion could not be the candidate himself or his agent.

Complaint Centre

15. The Presiding Officer was instructed to display a placard captioned : "Please register complaints here" at or near his table, hear the complaints and dispose them of according to law.

Termination of Proceedings due to death

16. Section 18 of the Act provides that in the event of death of a contesting candidate before the poll, the Returning Officer shall terminate the proceedings and fresh proceedings be taken up. In

constituency No. NA-91 Sialkot-VII, due to assassination of Mr. Idrees Taj, a contesting candidate (IJI), the proceedings were terminated and schedule for fresh election was announced. Another candidate was elected unopposed from this constituency.

Stopping the Poll

17. The Presiding Officer could stop the poll under section 27 of the Act on account of obstruction or interruption thereof beyond his control that the poll could not be resumed during the polling hours. The Presiding Officer could take similar action in case of unlawful removal, accidental or intentional destruction or tampering of any ballot box to such an extent that it materially affected the result of the election. The Returning Officer, on receipt of an information from the Presiding Officer in this behalf, was required to report to the Election Commission which could direct fresh poll at the polling station.

Polling Procedure

18. An elaborate and foolproof polling procedure is prescribed under various provisions of the Act and the rules framed thereunder. As the first step, the empty boxes were opened and shown to the candidates or their election/polling agents and sealed in the balloting position in their presence. Statements in this behalf were recorded and their signatures were obtained thereon. The empty box was thus made ready to receive the ballot papers and placed on the table of the Presiding Officer so as to remain within the view of the Presiding Officer/Assistant Presiding Officer and the polling agents of all candidates.

19. A ballot box was designed to contain 1,000 to 1,200 ballot papers and was required to be replaced by another empty ballot box, after having been filled to capacity. Under no circumstances, any ballot box was allowed to be removed from the table of the Presiding Officer/Assistant Presiding Officer.

20. At a polling booth, taking the poll was the responsibility of one Assistant Presiding Officer and two Polling Officers. The voter, on entering the booth, gave his name and number on the electoral roll to the first Polling Officer, who marked of the same in the electoral roll after having been satisfied about the identity of the voter. This was considered sufficient to indicate that a ballot paper was issued to that voter.

21. The job of the second Polling Officer was to put a mark with indelible ink on the hand of the voter. As the elections to the National and Provincial Assemblies were scheduled to be held on 24th and 27th of October, 1990 respectively with only two days in between, it was decided that the mark in the case of National Assembly election will be put on the right hand thumb, and if the thumb was missing, on any finger of the right hand. In case of Provincial Assembly, the mark will be put on the left hand thumb or any finger of the left hand, as the case may be.

22. Before the issuance of the ballot paper to the voter, the Assistant Presiding Officer was enjoined under the law to demand his National Identity Card in support of his identification and punch the same in the right hand bottom corner for National Assembly elections and in the left bottom corner in the case of Provincial Assemblies election facing the photograph and signature of the card holder. Thereafter, the Presiding Officer recorded on the counterfoil thereof serial number of the electoral area, part of the electoral roll and obtained thumb impression of the elector. After that, the Presiding Officer stamped the counterfoil with official mark and signed it. Then the ballot paper was stamped on its back with official mark and signed it before giving it to the voter. As under the law, ballot paper could only be marked with a rubber stamp (marking aid), each voter was supplied with such a stamp which was not over-inked. The voter then entered the screened off compartment provided at the booth and put the mark on the ballot paper with the stamp within the space provided against the name and symbol of the candidate of his choice. He was instructed to fold the ballot paper first vertically and then horizontally with a view to obviate the chances of smearing ink against the name of another candidate, and put the ballot paper in the ballot box within the view of the Assistant Presiding Officer and polling agents before coming out of the booth. The voter was required to fold the ballot paper in such a way that the official mark was visible.

Secrecy of Ballot

23. Article 226 of the Constitution, read with section 28 of the Act ordains that elections shall be held by secret ballot. In order to achieve this objective, all necessary arrangements were made. Screened off compartment was provided at each polling booth and only the voter was allowed to enter it except in the case of an incapacitated or blind voter who was authorized by law to be accompanied by a companion.

The voter was directed not to show the ballot paper after marking the same to any one. Only one voter could enter the polling booth at one time and no one was allowed to assist him in casting his vote.

Safeguards against Impersonation

24. Impersonation is the order of the day during elections. Various safeguards against this malpractice were provided under the law, the most effective being the production of National Identity Card at the time of issuance of the ballot paper. The offence of impersonation was made punishable under section 82 of the Act with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or both. Besides, putting of indelible ink mark also proved to be deterrent factor in this direction. Moreso, the presence of polling agents of the candidates played due roll in checking the evil of impersonation.

National Identity Card

25. The concept of proving the identity of a voter by means of National Identity Card at the time of poll was at first introduced through the Representation of the People (Amendment) Ordinance, 1988 (Ordinance No. XIV of 1988), followed by Ordinance No. V of 1990 promulgated on August 26, 1990, whereby section 33 was amended. Subsequent legislations have kept this provision intact. The mandatory production of identity card has helped in reducing the chances of casting of bogus votes, besides keeping the law and order situation under control.

Spoilt Ballot Paper

26. section 36 of the Act defines the spoilt ballot paper. It is issued by the Presiding Officer to an elector who has inadvertently so spoilt his ballot paper that it cannot be used as a valid ballot paper. The onus of proof of the fact of inadvertence lies on the elector to the satisfaction of the Presiding Officer. Thereafter, the elector returns the spoilt ballot paper and obtains another ballot paper from the Presiding Officer and cast his vote. The Presiding Officer shall forthwith cancel the ballot paper returned to him, make a proper note to that effect and place it in a separate packet having the label "Spoilt Ballot Papers".

Tendered Ballot Paper

27. A tendered ballot paper is issued under section 34 of the Act to a voter whose vote has already been cast by another person, masquerading under his name. The voter casts his vote in the prescribed manner but it is neither put in the ballot box nor counted by the Presiding Officer. The Presiding Officer endorses thereon the name of the voter applying therefor and his number on the electoral roll and keeps it in a separate packet. Such packets, duly sealed, are sent to the Returning Officer who retains them in safe custody. Tendered ballot papers are excluded from the count and preserved in the polling bags for adjudication by the Election Tribunals in case the election from that constituency is challenged through an election petition.

Challenged Ballot Paper

28. If, at the time a person applies for ballot paper for casting his vote, a candidate or his polling agent declares to the Presiding Officer that the said person has already voted at the election or is not the person against whose name he is seeking to vote and undertakes to prove the charge and deposits a sum of rupees two with the Presiding Officer, the ballot paper so issued to the person by the Presiding Officer is called the "challenged ballot paper" as envisaged in section 35 of the Act. The "challenged ballot papers" are required to be duly accounted for and included in the statement of the count.

Polling after Closing Hour

29. Section 37 of the Act lays down that the voters found present in the compound or enclosure of a polling station, shall be allowed to cast their votes even after the closing hour which was 5.00 P.M.

Procedure of Count by Presiding Officer

30. According to the procedure prescribed under the law for counting of votes at a polling station, the Presiding Officer has to undertake the count of votes immediately after the close of the poll, in the presence of such of the contesting candidates, their election agents or polling agents as are present at that polling station. The Presiding Officers are required to give them reasonable opportunity of observing the count and such information with respect thereto as is consistent with the orderly conduct of the poll.

31. 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 elector had voted; or
- (d) any mark from which it is not clear for whom the elector had voted;

32. 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.

33. In this count, the challenged ballot papers are required to be duly accounted for but the tendered ballot papers are to be excluded from the count, and preserved in the polling bags for adjudication by the Election Tribunals in case the election from that constituency is challenged through an election petition.

34. An important factor is that the ballot papers are counted by the polling staff immediately after the close of the poll there and then at the polling station in the presence of the polling agents of the candidates. The ballot boxes are not removed from the polling station and taken out for counting at a central place. A copy of the statement of the result of the count, duly signed by the Presiding Officer, is given to the polling agents and election agents of the candidates or the candidate if he is present. Express instructions were in this behalf issued to all concerned.

35. In addition, another statement, duly signed by the Presiding Officer, showing the ballot paper account is also given to the polling agents of the candidates. This statement shows the number of ballot

papers issued to a polling station, the number of ballot papers used for taking the poll and the number of un-used ballot papers. These statements alongwith other polling record are then forwarded to the Returning Officer for consolidation of the result of the constituency and for safe preservation in the local treasury.

36. The entire process beginning from the display of empty ballot box in the morning and ending at the count of votes and tabulation of the statements of the count, is held under the watchful eyes of the polling agents appointed by the candidates, without any break or interval.

37. 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

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

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

Announcement of Preliminary Result

39. Soon after the close of the poll and on receipt of the result thereof, the preliminary un-official results were announced over the radio, television and through the press. The communication system is described in chapter XV.

Complaints of Rigging and Malpractices

40. Although the defeated candidates had a statutory remedy under section 52 of the Act to challenge the result of the election, yet some of them resorted to the provisions of section 103AA in a bid to secure speedy relief from the Election Commission. A number of such petitions, thus filed, required full-fledged enquiry into the allegations made therein which was not possible under the summary

proceedings within the specified period. Most of the petitions were rejected by the Election Commission after due hearing with the advice that the petitioners might approach the Election Tribunals through election petitions.

41. The Election Commission accepted twelve such petitions and granted appropriate relief, a detail of which is given in the succeeding paragraphs against each case.

Case of Constituency No. NA-29 Tribal Area-III

42. Mr. Spin Gul and Mr. Noor Said Mian were the main contestants alongwith other candidates. The latter secured 968 votes while 966 were cast in favour of the former. Mr. Spin Gul moved an application for recounting of votes before the Election Commission which was accepted. As a result of recounting, Mr. Spin Gul got 956 votes while his opponent got 955 votes. Mr. Spin Gul was declared elected and notified as such in the official Gazette on 7-11-1990.

Case of Constituency No. NA-156 Jacobabad-I

43. According to the provisional result, Sardar Muhammad Muqem Khoso a PDA candidate was declared elected having a lead of 1990 votes against his rival Mr. Illahi Bux Soomro an independent candidate. Mr. Soomro filed a petition to the effect that at polling station No. 78, one of the ballot boxes, containing large number of votes was not counted by the Presiding Officer and also some burnt ballot papers/counterfoils were found. The Commission, after hearing the parties, dismissed the petition on 20-11-1990, with directions to the Returning Officer that consolidation process may be completed after due notice to the parties without including the ballot papers of disputed ballot box of polling station No. 78. The Commission also directed that the result of Polling Stations No. 78 & 79 furnished by the Presiding Officer shall be included. The order dated 20-11-1990 passed by the Commission was challenged by Mr. Illahi Bux Soomro by a Constitution Petition filed in the Sindh High Court which was dismissed as withdrawn on 17-1-1991. Another Constitutional Petition was also filed in the Sindh High Court assailing the order dated 27-12-1990 of the Election Commission by Sardar Muqem Khoso which was dismissed as withdrawn on 15-4-1991. During the consolidation of result, Mr. Illahi Bux Soomro moved an application for recounting at

33 polling stations which was accepted by the Returning Officer *vide* order dated 5-12-1990. As a result of recounting and consolidation, Mr. Illahi Bux Soomro secured highest number of votes. However, it was challenged by Sardar Muhammad Muqem Khoso by a petition under Article 218 (3) of the Constitution read with section 103 (a) (b) & (c) and section 103AA of the Representation of the People Act, 1976. The Commission accepted the petition *vide* Order dated 27-12-1990. It was held that recounting of ballot papers in the entire constituency shall be done except sixteen polling stations by the District Returning Officer in the presence of the contesting candidates who may choose to attend the recounting. Recounting was done on 2-1-1991 by the District Returning Officer and Mr. Soomro was declared elected having secured highest number of votes. Sardar Muhammad Muqem Khoso again filed a petition under Article 218 (3) of the Constitution read with section 103 & 103AA of the Act which was dismissed by the Commission *vide* order dated 2-3-1991.

Case of PP-82 Gujranwala-VI.

44. Ch. Bashir Ahmed and Mr. Khalid Javed Virk were the main contestants in the constituency. Some untoward incidents which happened at 13 polling stations on 27-10-1990 were reported by the Returning Officer. The report of the Returning Officer which was based on the reports of the Presiding Officers concerned was considered by the Commission on 1-11-1990. The Commission also heard the parties. Re-polling at 13 polling stations was ordered by Commission *vide* order dated 1-11-1990. As a result, Mr. Khalid Javed Virk was declared elected on 24-11-1990.

45. A petition under section 103AA was filed by Ch. Bashir Ahmed, one of the contesting candidates, seeking fresh poll in the whole constituency which was dismissed on 28-11-1990 by the Commission for want of prosecution. The application for its restoration was also rejected by the Commission on the same date.

Case of PP-134 Sheikhpura-I

46. Real contest in the constituency was between Mr. Muhammad Gulfam Ashraf and Mr. Wajid Ali Khan. Repolling at 21 polling stations, by their consent, was ordered by the Commission on 1-11-1990 while considering the report of the Returning Officer, Assistant Returning Officer and Presiding Officers and after hearing

the parties. Mr. Wajid Ali Khan secured highest number of votes and was declared elected.

47. Mr. Muhammad Malik Butter, a voter of the constituency and 113 others and Ch. Gulfam Ashraf, the rival candidate filed two separate petitions, praying therein that fresh poll may be ordered in the entire constituency. Both the petitions were dismissed on 28-11-1990 by the Commission for want of prosecution.

48. Mr. Muhammad Malik Butter and 113 others and Ch. Gulfam Ashraf also assailed the order of the Commission through two separate writ petitions No. 7973/90 and writ petition No.7915 in the Lahore High Court which were dismissed in *limine vide* judgment dated 13-11-1990.

49. Mr. Muhammad Malik Butter filed a CPSLA in the Supreme Court of Pakistan against the said judgment. No notice from the Supreme Court of Pakistan has been received so far by the Commission.

Case of PS-14 Jacobabad-V.

50. Re-poll at five polling stations was ordered by the Commission *vide* order dated 19-11-1990 upon the complaint of Mr. Ghulam Muhammad Shahlani and the report of the Returning Officer. Re-poll took place on 29-11-1990. Agha Ghulam Ali Buledi secured highest number of votes. Mr. Ghulam Muhammad Shahlani filed a petition under section 103AA of the Representation of the People Act, 1976 alleging therein that grave illegalities have been committed by Agha Ghulam Ali Buledi.

51. The Commission *vide* its detailed order dated 27-12-1990 declared the election of the constituency as void and called upon the entire constituency to elect its representative. Copy of the order is appended and marked as Annex-I.

52. Agha Ghulam Ali Buledi filed a Constitutional Petition in the Sindh High Court, challenging the order dated 27-12-1990 of the Commission. The Constitutional petition was dismissed by the learned Court *vide* judgment dated 12-5-1991 and the Commission's order was maintained. In spite of the order of the Commission dated 27-12-1990, Mr. Ghulam Ali Buledi continued to claim to be a member of the Sindh

Assembly by virtue of an order of status-quo passed by the Sindh High Court and wanted to cast his vote as member of the Sindh Assembly at the Senate election due to be held on March 14, 1991.

53. But Mr. Ghulam Muhammad Shahliani submitted a petition to the Chief Election Commissioner, requesting for deletion of the name of Mr. Ghulam Ali Buledi from the list on the ground of the election in constituency having been declared void by the Election Commission. The petition was allowed by the Chief Election Commissioner *vide* order dated 12-3-1991, whereby the name of Mr. Ghulam Ali Buledi was deleted from the list of voters for the Senate Election. A copy of the order is at Annex-II.

54. Bye-election in PS-14 Jacobabad-V was held on 29th June, 1991, Agha Ghulam Ali Buledi was declared elected. Mr. Abdul Hafeez Pirzada, the rival candidate, challenged the said bye-election before the Chief Election Commissioner by a petition under section 103AA of the Representation of the People Act, 1976 which was dismissed by him *vide* order dated 31-8-1991. The copy of the order of the Chief Election Commissioner is annexed and marked as Annex-III.

Case of PF-25 Swabi-II

55. Mr. Inayat Ullah Khan, a contesting candidate from the constituency filed a petition praying therein that re-counting in the constituency be ordered on the ground that many irregularities were committed by his rival candidate, Mr. Ghafoor Khan Jadoon. The Commission directed *vide* its order dated 31-10-1990 that a copy of the petition be sent to the Returning Officer for taking further action in the light of section 39(6) of the Representation of the People Act, 1976. Mr. Ghafoor Khan Jadoon was notified as returned candidate.

Case of PF-46 Mansehra-V

56. Mr. Sakhi Muhammad, a contesting candidate filed a petition alleging therein that he was declared elected having received 61 votes more than his rival candidate, Mr. Habib-ur-Rehman. But later on, without issuing him any notice, the bags were opened and votes were recounted, as a result of which, Mr. Habib-ur-Rehman was declared elected by a lead of 13 votes.

57. After hearing the parties and the Returning Officer, the Commission ordered re-poll in the entire constituency. As a result, Mr. Sakhi Muhammad was declared elected.

Case of PF-51 Kohistan-II

58. Mr. Muhammad Asmat Ullah and Mr. Abdul Baqi were the main contestants in the constituency.

59. Re-poll at one polling station of the constituency was ordered by the Commission *vide* order dated 9-11-1990 on the petition of Mr. Muhammad Asmat Ullah and also keeping in view the reports of the Returning Officer and the Presiding Officer. As a result of re-poll, Mr. Muhammad Asmat Ullah was declared elected.

60. Mr. Abdul Baqi, the rival candidate, filed a petition praying that 47 challenged votes be excluded from the count. During the hearing, the learned counsel intimated that the petitioner will raise this question before the Election Tribunal by filing an election petition. The petition was accordingly disposed of by the Commission on 28-11-1990.

Case of PF-59 Bannu-II

61. According to preliminary result of the count furnished by the Returning Officer, Mr. Alamgir Khan secured 8296 votes as against his rival, Mr. Baz Muhammad who polled 8258 votes at 54 polling stations out of 55. The polling at polling station No. 14 (Shahbaz Azmat Khel) was stopped by the Presiding Officer due to some disturbance. Therefore, the result of this polling station was not included in the preliminary count.

62. Mr. Alamgir Khan and Mr. Atta Ullah Jan, contesting candidates, filed applications, requesting for re-poll at polling stations Domel and Kotha Jamma Gul.

63. Re-poll at polling station No. 14 was ordered by the Commission *vide* order dated 6-11-1990. However, the request of the petitioner for re-poll at polling stations Domel and Kotha Jamma Gul was rejected. Mr. Baz Muhammad Khan, having polled the highest number of votes, was declared elected.

64. Aggrieved by the order of the Commission, Mr. Alamgir Khan filed a writ petition in the Peshawar High Court which was dismissed *vide* judgment dated 29-4-1991.

Case of PB-15 Killa Saifullah

65. The poll was stopped by Member, Election Commission, due to deteriorated law and order situation. Therefore, re-poll was ordered by the Commission on 28-10-1990. Moulvi Asmatullah having secured the highest number of votes was notified as a returned candidate on 17-11-1990.

Case of PB-35 Lasbela-II

66. The Member, Election Commission, stopped the polling in the whole constituency due to worst law and order situation reported by the Deputy Commissioner, Lasbela and the Returning Officer. Re-polling took place on 6-11-1990 and Mr. Muhammad Saleh Khan securing the highest number of votes was notified as returned candidate.

Case of PB-38 Turbat-II

67. Mr. Muhammad Ayub and Mr. Munshi Muhammad were the main contestants in this constituency. The Member, Election Commission, ordered to stop the poll due to deteriorated law and order situation. Ballot boxes were taken away and the Assistant Presiding Officers were kidnapped at the three polling stations No. 3, 5 and 6 as reported by the Deputy Commissioner, Turbat.

68. Mr. Muhammad Ayub filed a petition under section 103AA of the Representation of the People Act, 1976, praying therein that re-poll may be ordered in 6 more polling stations besides the 3 above due to alleged massive rigging in these polling stations. After summary inquiry, the Commission ordered re-polling at polling stations No. 3, 5 and 6 *vide* order dated 19-11-1990.

69. Mr. Muhammad Ayub assailed the Commission's order through a Constitutional petition filed in the Baluchistan High Court which was pleased to stay the holding of re-poll at three polling stations. Thereafter, the learned Court declared the election in the whole constituency as *void* and ordered re-poll thereat *vide* judgement

dated 6-3-1991. Aggrieved by the judgment of the High Court, Mr. Munshi Muhammad filed a civil appeal in the Supreme Court of Pakistan. The learned Supreme Court suspended the impugned judgment of the High Court, finally accepted the appeal, set aside the impugned judgment and up-held the order of the Commission *vide* judgment dated 27-5-1991. Consequently, re-poll at three polling stations, as ordered by the Commission, was held on 2-7-1991 and Mr. Munshi Muhammad having secured the highest number of votes was notified as returned candidate. Mr. Muhammad Ayub challenged the result of election by a petition under section 103AA of the Representation of the People Act, 1976, on the ground that grave malpractices and illegalities had been committed not only by his opponent but also by election staff. The petition was dismissed by the Election Commission *vide* detailed order dated 5-9-1991.

Conclusion

70. By and large, the poll was held in a peaceful manner. The number of casualties reported on the polling day was not as high as was expected due to intense polarisation between the contesting parties and candidates.

CHAPTER XVIII

ANNOUNCEMENT AND CONSOLIDATION OF RESULTS

Communication Plan

Conscious of the eagerness of the nation and realizing the imperative need for speedy dissemination of all election results, the Election Commission made elaborate arrangements for the collection and announcement of results of the election with utmost speed and accuracy. A well coordinated and well integrated Communication Plan was accordingly prepared on the basis of the plan for communication of preliminary result of the 1988 general elections. Details of Communication plan for the 1990 general elections have already been discussed in Chapter-XV of this report.

2. Similar communication plans were prepared at the district level by the District Returning Officers and for each constituency by the Returning Officers, in accordance with the model provided to them by the Election Commission. At the Provincial level a communication plan was prepared by each Provincial Election Commissioner to coordinate his plan with the District Information Centres functioning under the District Returning Officers (District and Sessions Judges). The entire country was thus knit in a communication system from the polling station to the constituency, from the constituency to the District Information Centre and thence to the Provincial Election Commissioner and the Central Control Room of the Election Commission at Islamabad.

Stages of Collection of Results

3. Preliminary result was collected at four stages. Firstly, the result of a polling station was communicated by the Presiding Officer to the Returning Officer of constituency concerned. Secondly, the Returning Officer, after compiling the results of all polling stations falling in his constituency, communicated the result to the District Information Centre functioning under the supervision of District Returning Officer. The District Information Centre transmitted the

result of each constituency of that district to the Provincial Election Commissioner who communicated it to the Election Commission Secretariat, Islamabad. At each stage, the result was checked and rechecked by the person at the receiving end. After counter checks, the result was released to the information media by the Election Commission through its Central Control Room functioning at Islamabad and by no one else. For further verification, the result was transmitted to Central Control Room through telefax and teleprinter from direct teleprinter circuits from Karachi, Lahore, Peshawar and Quetta.

Receiving Centres

4. The following receiving centres were established in the Commission's Secretariat at Islamabad to receive the result from their counterparts in the office of each Provincial Election Commissioner as in the table:—

Composition of the team		Area allocated		Number and name of the constituencies allocated	
				National Assembly	Provincial Assembly
(1)	Joint Secretary with one Section Officer and necessary Staff.	(1) Rawalpindi Division. (2) Sargodha Division (3) Faisalabad Division; and (4) Gujrat District.	NA-35 Federal Capital to NA-84 Gujrat-V	PP-1 Rawalpindi-I to PP-101 Gujrat-XI	
(2)	Joint Secretary with one Section Officer and necessary staff.	(1) N.W.F.P.; and (2) F.A.T.A.	(1) NA-1 Peshawa-I to NA-26 MPA-cum-Dir. (2) NA-27 Tribal Area-I to NA-34 Tribal Area-VIII	PF-1 Peshawar-I to PF-80 Malakand Protected Area-II.	
(3)	Deputy Secretary with one Section Officer and necessary staff.	(1) Sialkot District (2) D.G. Khan Division (3) Lahore Division (4) Multan Division; and (5) Gujranwala District.	NA-85 Sialkot-I to NA-140 Layyah-II	PP-102 Sialkot-I to PP-217 Layyah-III.	
(4)	Deputy Secretary with one Section Officer and necessary Staff.	(1) Baluchistan Province; and (2) Bahawalpur Division.	(1) NA-197 Quetta-cum-Chagai to NA-207 Turbat-cum-Panjgur (2) NA-141 Bahawalpur-I to NA-150 Rahimyar Khan-IV	PB-1 Quetta-I to PB-40 Gwadar. PP-218 Bahawalpur-I to PP-240 Rahimyar Khan-IV.	
(5)	Deputy Secretary with Research Officer and necessary staff.	Sind Province.	NA-151 Sukkur-I to NA-196 Karachi (East)-V	PS-1 Sukkur-I to PS-100 Karachi (East)-X.	
(6)	Additional Secretary with DPR, DDPR and necessary staff.	Central Control Room.	Announcement of result of all constituencies from the Central Control Room.		

In addition, two more teams were constituted of which one was kept in reserve while the other performed general duties.

Similar centres were set up in the control room of the Provincial Election Commissioners' and District Returning Officers.

Result of whole Constituency Announced

5. In March, 1977, progressive result of election in respect of a few polling stations of constituency was announced in piece-meal. This arrangement was severely criticized by the press and the public. In keeping with the practice of 1985 and 1988 general elections, the Election Commission decided to announce the result of a whole constituency.

6. The PTV, Radio Pakistan, PID, APP, PPI and other leading dailies established their offices in the Election Commission Secretariat, Islamabad and were connected with their respective headquarters by hot-line telephones. A large number of foreign correspondents also remained present in the Central Control Room throughout which was open to press media, observers of Foreign Teams and political parties. Result of a constituency released by the Central Control Room of the Election Commission was invariably announced through the TV and over the Radio. Communication Plan, when pressed into service on the eve of the polls for National Assembly and the Provincial Assemblies, worked with utmost efficiency and success. As in case of the 1988 general elections, the result was made public without any confusion or mistake, within 24 hours. Announcement of the preliminary result of election was an open process held in the presence of leading journalists of the country, representatives of the international press, foreign observers and within the sight of millions of TV viewers.

7. The preliminary result of a few constituencies was however, with-held for the reasons stated against each such constituency in Chapter-XVII.

Counting of Votes and Consolidation of Election Result

8. The procedure for counting of votes at a polling station by the Presiding Officers has been explained in Chapter XVII. . The results of the count furnished by the Presiding Officers of all polling stations of a constituency is consolidated in the prescribed manner by the Returning Officer under section 39 of the said Act.

Consolidation of result by Returning Officer

9. Section 39 of the Representation of the People Act, 1976, requires the Returning Officer to consolidate the result of a constituency as soon as possible, after the polling day. They are further required to give the contesting candidates and their election agents, a notice in writing of the day, time and place fixed for consolidation of the results. They, in the presence of such of the candidates and their election agents as are present, are enjoined to proceed to consolidate the results of all polling stations of a constituency, by including therein the postal ballot papers received by them before undertaking the consolidation of result, within a short span of three or four days.

10. During the consolidation proceedings, the Returning Officers examines the ballot papers excluded from the count by the Presiding officers. If the Returning Officers find that any such ballot paper should not have been so excluded from the count, they count them as the ballot papers cast in favour of the contesting candidate for whom it had been cast.

Counting of Postal Ballot Papers

11. A Returning Officer has, before final consolidation of results, to count the ballot papers received by him by post and to include the votes thus cast in favour of each contesting candidate in the consolidated statement, but only such postal ballot papers are to be taken into account as were received by the Returning Officer before the consolidation of result under the procedure laid down in rule 26(10) of the Representation of the People (Conduct of Election) Rules, 1977. In all, 63,635 votes were cast by postal ballot for election to the National Assembly and 78,844 votes were cast by postal ballot for election to the Provincial Assemblies.

12. The total number of valid votes cast by postal ballot during the five general elections to the National Assembly is tabulated below for comparison:—

Name of Province/Area	Number of valid postal ballot papers				
	1970	1977	1985	1988	1990
Federal Capital		37	191	104	17
Punjab	26,146	19,412	28,703	33,783	37,398
Sind	8,227	4,829	8,275	14,752	8,089
NWFP	5229	10,224	8,358	10,762	14,772
FATA		16	5	5	8
Baluchistan	407	<i>Nil.</i>	1,291	3,235	3,351
Total	40,009	34,518	46,823	62,641	63,635

13. From the above table it is discernible that this time the number of postal ballot papers cast was more only by 994 than the previous general election held in 1988 while the voting strength had increased by 5,87,290. If the increase of postal ballot papers is divided per constituency, the average is less than five votes. The allegation of misuse of postal ballot papers during this election stands belied by the afore-mentioned facts and figures. To quote an example, it was alleged that "24,000 postal ballots were polled by the retired and in-service personnel of the Armed Forces which changed the electoral game in favour of Mr. Ejaz-ul-Haq". According to the result of election consolidated by the Returning Officer for constituency No. NA-39 Rawalpindi-IV, Mr. Ejaz-ul-Haq polled 87,829 votes as against 57,130 votes polled by his nearest rival, Raja Shahid Zafar. The difference of votes between the two candidates was 30,699. In this constituency, the total number of votes cast through postal ballot was 132 only, of which Mr. Ejaz-ul-Haq bagged 90, Raja Shahid Zafar polled 36 and Syed Riaz Hussain Shah secured 6 votes. Further, retired personnel of the armed forces are not entitled to cast their votes by postal ballot. The actual number of ninety postal ballot papers falling to the share of winning candidate was inflated to 24,000 to make a basis for a false propaganda. Press clipping from the daily "Muslim", Islamabad dated 29-10-1990 and another press cutting from the daily "Jang", Rawalpindi dated 30-10-1990 appears at Annex-IV and Annex-V respectively.

Tendered Ballot Paper

14. The question arises as to what is a tendered vote? For that a reference may be made to section 34 of the Representation of the People Act, 1976 which provides as follows:—

- (1) "If a person representing himself to be an elector applies for a ballot paper when another person has already represented himself to be that elector and has voted under the name of the person so applying, he shall be entitled, subject to the provisions of the section to receive a ballot paper (hereinafter referred to as "tendered ballot paper") in the same manner as any other elector.
- (2) A ballot paper issued under sub-section (1) shall, after it has been marked and folded by the elector, be placed in the same condition in separate packet bearing the label "Tendered Ballot Paper" instead of being placed in the ballot box and shall not be included in the count by the Presiding Officer or the Returning Officer.
- (3) The name of the person applying for a ballot paper under sub-section (1) and his number on the electoral roll shall be entered in a list (hereinafter referred to as "the tendered votes list") to be prepared by the Presiding Officer."

During general election 1990 in all 923 tendered votes were cast in the National Assembly elections while for the Provincial Assemblies elections 1,302 tendered votes were cast. Moreover, in this election minimum number of tendered votes were cast as is reflected by the following table:—

General Election	National Assembly	Provincial Assembly
1970	Not available	
1977	21,161	4,849
1985	4,249	5,986
1988	2,507	1,303
1990	923	1,302

15. It further supports the fact that there was no bogus voting on any significant scale or affecting the result in any manner. 923 tendered votes in the National Assembly and 1,302 tendered votes in the Provincial Assemblies if divided amongst all the candidates they will not, on an average increase their voting strength even by one vote per candidate.

Equality of Votes

16. There was no case of equality of votes in any constituency of the National Assembly or any of the Provincial Assemblies during the 1990 general elections.

Recount by Returning Officer

17. The Returning Officer under section 39 (6)(b) of the Act may recount the ballot papers either upon the request of, or challenge in writing made by, a contesting candidate or his election agent, if he is satisfied that the request or challenge so made is reasonable. The Election Commission may also give the direction to the Returning Officer to do so in such manner and at such place as may be directed by the Commission. Under this section, 34 complaints were filed. Recount of ballot papers was ordered in 4 of them. The remaining 30 complaints were dismissed as adequate grounds warranting recount could not be established. Detail of these complaints appears in Chapter-XXI under the caption "Complaints and their Disposal".

Statement of Consolidated Result

18. Immediately after the consolidation of count, the Returning Officers are required to submit to the Election Commission a copy of the consolidated statement of the count, alongwith Result of the count in the prescribed forms. All the Returning Officers completed the consolidation proceedings and forwarded the statements of consolidation of their respective constituencies to the Election Commission within the specified time.

Publication of Result by the Election Commission

19. The law requires the Commission to publish the names of returned candidates and also to declare by public notice the name of the candidate receiving the highest number of votes. The public notice has to contain the names and number of votes polled by each contesting candidate. Timely submission of the consolidation

1	2	3	4
	PROVINCIAL ASSEMBLY, SIND		
PS-72 Thatta-IV	14,942 (IND)	14,892 (PDA)	50
	PROVINCIAL ASSEMBLY, NWFP		
PF-10 Nowshera-II	10,986 (ANP)	10,369 (PDA)	617
PF-25 Swabi-II	11,919 (IJI)	11,208 (PDA)	711
PF-27 Swabi-IV	10,573 (IND)	10,336 (ANP)	237
PF-28 Kohat-I	6,872 (IND)	6,336 (IJI)	536
PF-30 Kohat-III	6,152 (IJI)	5,778 (IND)	374
PF-31 Kohat-IV	10,022 (IJI)	9,796 (IND)	226
PF-44 Mansehra-III	12,117 (IND)	11,791 (JUI (F))	326
PF-67 Swat-V	11,935 (IJI)	11,212 (IND)	423
PF-68 Swat-VI	16,755 (PDA)	16,680 (IJI)	75
PF-78 Dir-VI	6,408 (IJI)	5,680 (PDA)	426
	PROVINCIAL ASSEMBLY, BALUCHISTAN		
PB-3 Quetta-III	4,695 (IJI)	4,535 (PDA)	160
PB-6 Pishin-I	6,267 (JUI (F))	6,120 (PKMAP)	147
PB-7 Pishin-II	7,376 (PKMAP)	7,315 (ANP)	61
PB-13 Zhob-cum-Killa Saifullah	4,473 (IJI)	4,236 (JUI (F))	237
PB-14 Zhob	5,532 (IJI)	5,325 (JUI (F))	207
PB-32 Khuzdar-III	5,893 (IJI)	5,557 (BNM)	336
PB-37 Turbat-I	9,878 (BNM)	9,662 (PNP)	216

CHAPTER XIX

ANALYSIS OF RESULT OF ELECTION

Statistics Relating to National Assembly

Election in three Constituencies of the National Assembly viz. NA-27 Tribal Area-I, NA-34 Tribal Area-VIII and NA-91 Sialkot-VII had ended in uncontested return of candidates. According to the data compiled on the basis of official result consolidated by the Returning Officers in respect of the remaining 204 Muslim Constituencies of the National Assembly, the total number of votes cast, including postal ballot papers, was 2,13,95,479, as against the total voting strength 4,70,65,330. In all 2,31,568 votes were declared invalid. The total number of valid votes polled was 2,11,63,911.

2. The percentage of total votes cast to registered votes was 45.46% and the percentage of valid votes to registered votes was 44.97%. The percentage of invalid votes to total votes polled was 1.08%.

3. The pattern of voting for election to the National Assembly of Pakistan is summarized in the following table:—

Province/Area	Registered Muslim voters		Total No. of votes polled including Postal Ballot		No. of Rejected votes including Postal Ballot		Tendered Votes	Percentage of valid votes polled to registered votes		Percentage of Rejected votes to total votes polled	
	2	3	4	5	6	7		8	9		
N.W.F.P.	59,72,266										
F.A.T.A.	24,148										
Federal Capital	1,89,972										
Punjab	2,82,52,015										
Sindh	1,01,84,567										
Baluchistan	24,42,362										
Total:	*4,70,65,330	2,13,95,479	2,11,63,911	2,31,568	923	44.97%	45.46%	1.08%			

*This figure does not include the number of registered Muslim Voters in respect of Constituencies No. NA-27 Tribal Area-I, NA-34 Tribal Area-VIII and NA-91 Sialkot-VII as the election for these constituencies ended in uncontested return.

Party Position in the National Assembly

4. As against the total number of 4,70,65,330 registered voters for 204 Muslim constituencies of the National Assembly, in all 2,11,63,911 valid votes were cast. The number of candidates, votes polled and the percentage of votes polled by the political parties is given in the following table:—

Name of Political Party	Number of contesting Candidates	Valid votes polled	Percentage of valid votes polled by parties to total valid votes	Number of candidates elected
1	2	3	4	5
(1) Islami Jamhoori Ittehad	154	79,08,513	37.37%	106*
(2) Peoples Democratic Alliance	182	77,95,218	36.83%	44
(3) Haq Parast Group	24	11,72,525	5.54%	15
(4) Jamiat-e-Ulema-e-Islam (Fazalur Rehman Group).	54	6,22,214	2.94%	6
(5) Awami National Party	18	3,56,160	1.68%	6
(6) Jamiat-e-Ulema-Pakistan (Noorani)	44	3,10,953	1.47%	3
(7) Pakistan National Party	10	1,27,287	0.60%	2
(8) Jamhoori Wattan Party	6	1,29,431	0.61%	2
(9) Pakhtoon Khawa Milli Awami Party	7	73,635	0.35%	1
(10) Pakistan Awami Tehreek	60	2,37,492	1.12%	—
(11) Sindh National Front	7	51,990	0.25%	—
(12) Pakistan Democratic Party	6	51,645	0.25%	—
(13) Baluchistan National Movement	7	51,297	0.24%	—
(14) Sind National Alliance (Hamid Jatoi Group).	1	31,125	0.15%	—
(15) Punjabi Pakhtoon Ittehad (Sarwar Awan Group).	2	17,967	0.09%	—
(16) Awami Tehrik (Paleejo Group)	4	14,307	0.07%	—
(17) Qaumi Inqilabi Party	3	12,931	0.06%	—
(18) Pakistan Muslim League (Qaiyum Group).	8	8,521	0.04%	—
(19) Punjabi Pakhtoon Ittehad (Mir Hazar Khan).	4	2,489	0.01%	—
(20) Pakistan Saraiki Party	5	2,160	0.01%	—
(21) Saraiki Qaumi Ittehad	4	2,023	0.01%	—
(22) Jamaat-e-Ahle-Sunnat	1	1,992	0.01%	—
(23) Hazara Front	1	678	—	—
(24) Pakistan Mazdoor Kissan Party (Fatehyab Group).	1	647	—	—
(25) Jamiat-e-Ulema-e-Pakistan (Niazi Group).	1	412	—	—
(26) National Democratic Party	1	204	—	—
(27) Sind National Alliance (Hameeda Khurho Group).	1	139	—	—
(28) Independent candidates	716	21,79,956	10.30%	22*
Total:—	1,332	2,11,63,911	100%	207*

*Including candidates returned uncontested.

Statistics relating to Provincial Assembly, Punjab

5. The total number of Muslim votes for 240 Muslim seats of the Provincial Assembly of the Punjab was 2,84,51,246 against which

1,37,82,570 votes were cast. The number of valid votes was 1,36,77,810 and the number of invalid votes was 1,04,760. The number of tendered votes was 388. Percentage of total votes cast to registered votes was 48.44% and the percentage of valid votes in relation to registered votes was 48.07%. The percentage of rejected votes to total votes polled was 0.76%.

Party Position in Provincial Assembly, Punjab

6. For 240 Muslim constituencies of the Provincial Assembly, Punjab, the number of registered Muslim voters was 2,84,51,246 against which 1,36,77,810 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	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	237	75,40,331	55.13%	214
(2) Peoples Democratic Alliance	231	39,94,191	29.20%	10
(3) Pakistan Democratic Party	10	65,546	00.48%	2
(4) Pakistan Awami Tehreek	103	76,163	00.56%	—
(5) Jamiat-ul-Ulema-e-Pakistan (Noorani Group).	42	1,04,126	00.76%	—
(6) Pakistan Muslim League (Qaiyum Group).	13	18,957	00.14%	—
(7) Jamiat-ul-Ulema-e-Islam (Fazalur Rehman Group).	34	54,911	00.40%	—
(8) Pakistan Saraiki Party	7	2,582	00.02%	—
(9) Saraiki Qaumi Ittehad	2	213	—	—
(10) Jamaat Ahl-e-Sunnat	6	2,172	00.02%	—
(11) Awami National Party	3	984	00.01%	—
(12) Pakistan National Party	2	1,511	00.01%	—
(13) National Democratic Party	1	31	—	—
(14) Jamhoori Wattan Party	1	127	—	—
(15) Punjabi Pukhtoon Ittehad (Mir Hazar Khan).	4	2,845	00.02%	—
(16) Jamiat Ahl-e-Hadis	1	7,889	00.06%	—
(17) Pakistan Muslim League (Sh. Liaquat Group).	1	91	—	—
(18) Pakistan Mazdoor Kissan Party (Fatehyab Group).	1	385	—	—
(19) Progressive Peoples Party Pakistan.	1	859	—	—
(20) Independents	936	18,03,896	13.19%	14
Total:—	1,636	1,36,77,810	100.00%	240

Statistics relating to Provincial Assembly, Sindh

7. Election in constituency No. PS-14 Jacobabad-V was declared void. For Election to the remaining 99 Muslim seats in the Provincial Assembly, Sindh, the total number of Muslim votes was 1,00,93,796, of which 47,43,203 voters participated in the election. The number of valid votes was 47,10,001, and the number of invalid votes was 33,202 whereas the number of tendered votes was 310. The percentage of votes cast to registered votes was 46.99% and the percentage of valid votes polled to registered votes was 46.66%. The percentage of rejected votes to total votes polled was 0.70%.

Party Position to Provincial Assembly, Sindh

8. For election to 99 Muslim seats in the Provincial Assembly of Sindh, the number of registered Muslim voters was 1,00,93,796. The total number of valid votes polled at that election was 47,10,000. The number and percentage of votes polled by the political parties is tabulated below:—

Name of Political Party	Number of contesting candidates	Number of Valid votes polled	Percentage of valid votes polled by parties to total valid votes	Number of seats won
1	2	3	4	5
(1) Peoples Democratic Alliance	99	16,70,356	35.46%	46
(2) Haq Parast Group	51	13,62,878	28.94%	28
(3) Islami Jamhoori Ittehad	45	3,98,279	8.46%	6
(4) Sind National Alliance (Hamid Jatoi Group).	8	67,695	1.44%	1
(5) Pakistan National Party	11	12,321	0.26%	—
(6) Sindh National Front	26	13,211	0.28%	—
(7) Punjabi Pukhtoon Ittehad (Sarwar Awan Group).	2	8,981	0.19%	—
(8) Jamiat-ul-Ulema-e-Islam (Fazalur Rehman Group).	33	38,511	0.82%	—
(9) Awami Tehreek (Paleejo Group)	12	5,653	0.12%	—
(10) Punjabi Pukhtoon Ittehad (Mir Hazar Khan).	6	1,352	0.03%	—
(11) Jamiat-ul-Ulema-e-Pakistan (Noorani Group).	22	13,065	0.28%	—
(12) Sind National Alliance (Hamida Khuro Group).	4	652	0.01%	—
(13) Awami National Party	11	32,188	0.68%	—

	1	2	3	4	5
(14) Pakistan Democratic Party		3	1,447	0.03%	—
(15) Pakistan Awami Tehreek		6	403	0.01%	—
(16) Qaumi Inqalabi Party		1	60	—	—
(17) Pakistan Muslim League (Qaiyum Group).		1	58	—	—
(18) Pakhtoon Khawa Milli Awami Party.		3	943	0.02%	—
(19) Independents		611	10,81,948	22.97%	.19
	Total:—	955	47,10,001	100.00%	*100

*Including the candidate elected in re-election held in constituency No. PS-14 Jacobabad-V.

Statistics relating to Provincial Assembly, NWFP

9. As against 80 Muslim seats in the Provincial Assembly, NWFP, the total Muslim electorate was 59,72,266. In all, 25,399 votes were polled. Of these, 30,191 votes were declared invalid. The number of valid votes was 22,95,208. The number of tendered votes was 388. The percentage of total votes cast in relation to registered votes was 38.94%. and the percentage of valid votes polled to registered votes was 38.43%. Percentage of rejected votes to total votes polled was 1.30%.

Party Position in Provincial Assembly, NWFP

10. Election was held for 80 Muslim constituencies of the Provincial Assembly, NWFP. The number of registered Muslim voters was 59,72,266 against which the total number of valid votes cast at that election was 22,95,208. The number and percentage of valid votes

polled by the contesting political parties is tabulated in the following statement :—

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	53	6,12,167	26.67%	33
(2) Awami National Party	34	3,39,093	14.77%	23
(3) Peoples Democratic Alliance	58	3,62,457	15.79%	6
(4) Jamiat-ul-Ulema-e-Islam (Fazalur Rehman Group).	63	2,30,451	10.04%	2
(5) Pakistan Awami Tehreek	11	2,553	0.11%	—
(6) Jamiat-ul-Ulema-Pakistan (Noorani Group).	6	2,544	0.11%	—
(7) Pakhtoon Khawa Milli Awami Party.	4	3,320	0.14%	—
(8) Pakistan Mazdoor Kissan Party (Fatehyab Group)	2	866	0.04%	—
(9) Pakistan Muslim League (Qaiyum Group).	2	3,370	0.15%	—
(10) Hazara Front	1	54	—	—
(11) Pakistan Democratic Party	2	600	0.03%	—
(12) Qaumi Inqalabi Party	2	142	0.01%	—
(13) Independents	316	7,37,591	32.14%	16
Total.	554	22,95,208	100.00%	80

Statistics relating to Provincial Assembly, Baluchistan

11. Election in constituency No. PB-19 Dera Bugti had ended in uncontested return. For a total number of the remaining 39 Muslim seats, the voting strength of Muslims for Provincial Assembly of Baluchistan was 23,28,016. In all 7,88,479 votes were cast. The number of valid votes was 7,75,214 and that of the rejected votes was 13,265. the number of tendered votes was 174. The percentage of total votes cast in relation to registered votes was 33.87% and the percentage of valid votes polled to registered votes was 33.30%. Percentage of rejected votes to total votes polled was 1.68%.

Party Position in Provincial Assembly, Baluchistan

12. For election to 39 Muslim seats in the Provincial Assembly, Baluchistan, the number of registered voters was 23,28,016. The total number of valid votes polled was 7,75,214. 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) Jamhoori Wattan Party	26	1,34,514	17.35%	10*
(2) Islami Jamhoori Ittehad	16	67,197	8.67%	7
(3) Jamiat-ul-Ulema-e-Islam (Fazalur Rehman Group).	38	1,05,784	13.64%	6
(4) Pakistan National Party	17	89,867	11.59%	5
(5) Pakhtoon Khawa Milli Awami Party.	13	57,749	7.45%	3
(6) Peoples Democratic Alliance	21	73,616	9.50%	2
(7) Baluchistan National Movement	24	65,256	8.42%	2
(8) Awami National Party	11	30,003	3.87%	—
(9) Jamiat-ul-Ulema-e-Pakistan (Noorani Group).	8	1,356	0.18%	—
(10) Qaumi Inqalabi Party	4	5,346	0.69%	—
(11) Pakistan Awami Tehreek	5	819	0.11%	—
(12) Independents	119	1,43,707	18.53%	5
Total:—	302	7,75,214	100.00%	40*

*Including candidate returned uncontested.

Summary of Statistics for Election to the Provincial Assemblies

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

Province	Registered Muslim voters	Total No. of votes polled including Postal Ballot	No. of valid votes polled including Postal Ballot	No. of Rejected votes including Postal Ballot	Tendered Votes	Percentage of Percentage of		Rejected votes to total votes polled
						valid votes polled to registered votes	total votes registered to total votes polled	
1	2	3	4	5	6	7	8	9
N.W.F.P.	59,72,266	23,25,399	22,95,208	30,191	95	38.43%	38.94%	1.30%
Punjab	2,84,51,246	1,37,82,570	1,36,77,810	1,04,760	388	48.07%	48.44%	0.76%
Sindh	1,00,93,796	47,43,203	47,10,001	33,202	310	46.66%	46.99%	0.70%
Baluchistan	23,28,016	7,88,479	7,75,214	13,265	174	33.30%	33.87%	1.68%
Total:—	*4,68,45,324	2,16,39,651	2,14,58,233	1,81,418	967	45.81%	46.19%	0.84%

*This figure does not include the number of registered Muslim voters in respect of constituency No. PS-14, Jacobabad-V where the election was declared void and constituency No. PB-19 Dera Bugti wherefrom the candidate returned uncontested.

Turn-Out of Voters

14. The turn-out of voters in the previous and this election has been indicated in the following statement for comparative study:—

Year of Election	Percentage of total votes polled to registered votes		
	National Assembly	Provincial Assemblies	
1	2	3	
1970	61.45%	58.24%	(including the then Province of East Pakistan).
1977	61.88%	48.24%	
1985	53.69%	57.37%	
1988	43.07%	43.20%	
1990	45.46%	46.19%	

15. 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.

Analysis of Result of the National Assembly

16. The total number of valid votes cast for 204 Muslim constituencies of the National Assembly comes to 2,11,63,911. The number of votes polled by the IJI candidates is 79,08,513 or 37.37% and the PDA candidates polled 77,95,218 or 36.83%. The other minor parties polled 32,80,224 votes or 15.50% and the independent candidates polled 21,79,956 or 10.30% of the votes cast.

17. Province-wise detail of the votes polled by the two major contesting parties is as under:—

Province/Area	IJI			PDA			Variation
	Number of candidates nominated	Votes polled	Number of seats won	Number of candidates nominated	Votes polled	Number of seats won	
Federal Capital	1	56,795 52.84%	1	1	43,467 40.44%	—	(+) 13,328 (12.40%)
Punjab	113	68,60,928 49.46%	92	112	53,53,122 38.59%	14	(+) 15,07,806 (10.87%)
Sindh	15	3,85,403 8.81%	3	43	18,27,612 41.80%	23	(-) 14,42,209 (32.99%)
NWFP	18	5,22,546 24.84%	8	19	4,67,801 22.24%	5	(+) 54,745 (2.60%)
Baluchistan	7	82,841 11.93%	2	7	1,03,216 14.86%	2	(-) 20,375 (2.93%)
Total:—	154	79,08,513 37.37%	106	182	77,95,218 36.83%	44	(+) 1,13,295 (0.54%)

18. It may be seen from the above table that the IJI had a lead of 13,328 votes, in the Federal Capital, 15,07,806 votes in the Punjab and 54,745 votes in the NWFP over the PDA whereas the PDA had a lead of 14,42,209 votes in Sind and 20,375 votes in Baluchistan over the IJI. The lead of 15,07,806 votes over the PDA in the Punjab resulted in 92 seats falling to the share of IJI while the PDA got only 14 seats. Difference in terms of percentage between the two parties is 10.82% in favour of IJI. In aggregate, the IJI has polled 1,13,295 more votes than the PDA, which comes to 0.54%.

19. It is being said that minor difference of percentage has "translated itself into about 130 per cent more seats for the IJI which bagged 106 National Assembly seats against the PDA 44". This assertion is totally based on misunderstanding and is misleading and baseless. It may be remembered, that the percentage indicates the total number of votes polled by a party, and not the number of seats won by that party in any Assembly. Voting strength of a party should not, in any manner, be confused with the number of seats bagged by that party. Under the existing system of election by simple majority vote, the seats are not distributed to the political parties in proportion to the number of votes polled by them. Such a distribution is made only under the system of proportional representation which is not provided in the Representation of the People Act, 1976.

20. The result of election is declared on the basis of highest number of votes polled by the candidates and not on any other basis. To quote an example, two leading candidates in a constituency NA-29 Tribal Area-III polled 956 and 955 votes respectively. The candidates securing 956 votes won the seat with a narrow margin of one vote but the difference of percentage of the votes secured by them would be practically none. The view point is further elaborated by quoting the example of five constituencies where the IJI candidates had won the

election with a narrow margin of votes. The following table indicates the number of votes polled by the IJI and PDA candidates:—

NA-94	Mian Umer Hayat (IJI)	53,352
Lahore-III	Salman Taseer (PDA)	51,953
		<hr/> 1,399
NA-102	Ch. Nazir Ahmad Virk (IJI)	39,430
Sheikhupura-II	Munawar Hussain Manj	38,377
		<hr/> 1,053
NA-111	Syed Sajjad Haider (IJI)	50,723
Okara-II	Mian Mohammad Aslam Khan (PDA)	48,895
		<hr/> 1,833
NA-143	Syed Tasneem Nawaz Gardezi (IJI)	65,321
Bahawalpur-III	Mian Riaz Hussain Pirzada (PDA)	65,052
		<hr/> 269
NA-206	Shahzada Mohammad Yousaf (IJI)	20,487
Lasbela	Ghulam Akbar (PDA)	19,828
		<hr/> 659

21. Out of total number of 5,54,384 votes polled in five constituencies, the IJI got 2,29,318 and the PDA polled 2,24,105 votes, with a margin of 5,213 between the two leading parties. Percentage of the votes polled by the IJI comes to 41.36% and that of the PDA is 40.42%. Thus with a margin of 5,213 votes or 0.94%, the IJI secured five seats and the PDA failed to get even one seat. The same phenomenon as is noticed at national level is discernible in the Province of Sind where PDA got more seats than the number of votes polled. For instance after getting 41.80% votes, it secured 23 seats, whereas all the parties/independents having secured 58.20% only got 22 seats. If PDA logic is accepted then it should have shared seats in the ratio of 40:60.

22. In 1988, the IJI polled 11.32% votes in Sind but it got no seat in the National Assembly. Again, the PPP polled 38.52% votes throughout the country in 1988 as against IJI which polled 30.16%. The difference was 8.36% but the PPP bagged 93 seats and the IJI could capture 54 seats otherwise according to the percentage of votes polled by IJI, they should have secured 72 seats. Thus a difference of 8.36% resulted in 39 more seats falling to the share of the PPP. It is, therefore, falacious to equate the number of seats won or lost to the percentage of number of votes polled.

23. Further it is equally base less to take the percentage of votes polled in Pakistan as a whole. In the Punjab, the IJI polled 49.46% votes while PDA polled 38.59% and thus IJI got 10.87% more votes resulting 78 more seats to IJI.

24. In the present system of election a candidate can win a seat by simply getting one more vote over his rival candidate though the difference in percentage of votes of the two rival candidates may be 0.01. Actual example of it is the one where in one constituency the successful candidate secured 956 votes (FATA) while the losing candidate secured 955 votes as stated herein before.

25. The following additional facts further support this contention:

“(a) The PDA sponsored a total number of 182 candidates as against 154 nominated by the IJI for election to the National Assembly. In other words, the PDA fielded 28 candidates more than the IJI for the same number of seats. In the final tally, 182 candidates of PDA polled 77,95,218 and 154 candidates of the IJI polled 79,08,513 votes. Ordinary student of arithmetic can explain that if a party with eight candidates secures 100 votes, the average share of each candidate will be 12-1/2. As against this, if a party nominates ten candidates and secures the same number of 100 votes, each of its candidates will get only 10 votes. Therefore all the candidates of the first party with less candidates will succeed because they got more votes.

(b) In Sind, 43 candidates of the PDA were able to secure 18,27,612 votes as against 15 IJI candidates who could poll 3,85,403 votes.

- (c) Personal influence of the winning candidates has also played a positive roll, besides greater efforts for the high stakes involved could be the reason. Similar phenomenon is noticeable in case of Larkana NA-166 and NA-164 wherefrom Ms. Benazir Bhutto and Begum Nusrat Bhutto fought elections and got excessively larger number of votes than were cast in favour of PDA in other constituencies. Ms. Benazir Bhutto polled 94,462 votes and her main rival secured 718 votes. Begum Nusrat Bhutto obtained 79,901 votes as against her rival who polled 9,203 votes.
- (d) Further, due to one-to-one contest, the electorate had to choose between the two major candidates. This strategy worked against the candidates sponsored by smaller parties and the independent candidates and, consequently, the votes were mainly divided between the major contestants.

26. The analysis of result carried out by Mr. Ghani Eirabie, a well-known journalist, in his article titled "What lies behind IJI's landslide victory" published in the daily "Muslim", Islamabad, dated 1-11-1990, is quoted below:—

"Those claiming shocked by the electoral upheaval in Pakistan in consequence of a minor shift in popular vote can pacify themselves by recalling precedents from other lands. Only last year, in neighbouring India, the long-established Congress Party slipped by barely eight per cent in national esteem, but lost 222 seats in Lok Sabha. In the same polls, the Bharatiya Janata Party's gain of five per cent in the general vote resulted in raising its parliamentary strength from two to 88 seats. Ten years earlier in UK, the Labour Party lost 50 seats in parliament as a consequence of a two per cent drop in the popular vote, and the Conservatives gain of six per cent in the electoral votes won it an additional 62 seats in the Commons. This, wrote correspondent Derek Brown in the Guardian of October 27, explaining the IJI landslide in Pakistan, it is "a pattern familiar in countries with Westminster-style first-past-the-post elections; a small movement of votes causing high seat turnover."

Under this system, in the latest elections, the Pakistan People's Party shed only two per cent of the popular vote but lost 48 of the National Assembly seats and the IJI's gain of six per cent in the popular vote was rewarded with an additional 50 parliamentary seats. In this, the "winner takes all" system, a candidate wins a seat by simply polling the largest number of votes and not necessarily a majority and small swing in votes has a disproportionate effect on seats.

It would be somewhat odd for the PPP to begin to denounce the system now, for it benefited immensely from it both in 1970 and 1988, when with a minority of the popular vote, it secured a preponderance of seats in the National Assembly. With barely 38/39 per cent of the electoral support, PPP won 59 per cent of parliamentary seats in 1970 and 46 per cent in 1988. It is the same system that has now slashed the tally of its National Assembly seats to 23 per cent".

27. The voting pattern in the General Election held in Bangladesh in February, 1991, has produced almost the same results as in Pakistan. In his article "Bangladesh Poll Watching—issues that proved decisive", published in the daily "Dawn", Karachi, dated the 26th March, 1991, Mr. Nikhil Chakravartty has analyzed the result as under:—

"The Bangladesh electorate this time has given out-right majority in Parliament to no party. Before the poll on February 27, political observers and poll specialists had forecast that the Awami League might get a majority in the House though it could be only a small majority, while the BNP was expected to come up as a close second. The final results proved the forecasters wide of the mark.

When the ballot box was opened, the results did create a surprise with the BNP getting 140 seats out of 298 where elections were held, with the poll having been countermanded in two constituencies, for the house of 300. The Awami League, on the other hand, could bag only 85 seats, with Ershad's Jatiya Party getting as many as 35 seats and Jamaat-i-Islami winning 18 seats. Just as few had

expected, the BNP to emerge as the first party within the reach of the majority, hardly anybody could anticipate Ershad's party getting nearly double the seats secured by the Jamaat.

What a significant is that both the BNP and the Awami League got almost the same number of votes—the BNP 31.44 per cent and the Awami League 31.13 per cent of total votes polled. At the other end, the Jamaat with only 18 seats got 11.73 percentage of votes—that is, just a little more than the Jatiya Party which with 11.69 percentage could capture as many as 35 seats, nearly double that of the Jamaat.

The picture that emerges is that the Awami League popularity has declined *vis-a-vis* the BNP which has gained to be on par with the Awami League, and the Jamaat support base has not widened at all, while Ershad's new entrant party has got the same number of votes as the Jamaat-i-Islami, though it has bagged almost double the seats that Jamaat has got."

28. The point raised with regard to the number of votes polled and the seats won does not stand to reason and is tendentiously aimed at misrepresenting the facts.

29. The elections were conducted honestly, justly, fairly and freely and in accordance with law by the Election Commission. Proof is that not only Ms. Bhutto succeeded in her traditional or ancestral seat but her husband also similarly succeeded from Layari seat though he was in Jail. Similarly some other stalwarts of PPP though in jail succeeded in other seats in Sindh. Foreign observers like the National Democratic Institute, the delegations from Canada, SAARC and other international agencies and the press visited the polling stations, observed the process of election and confirmed the fairness and impartiality of elections in Pakistan.

CHAPTER XX

ELECTION TO THE SEATS RESERVED FOR THE MINORITY COMMUNITIES

Legal Background

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 purpose 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 Qadiani group or the Lahori group (who call themselves Ahmadis).

Population

3. As per 1981 Census, the population of the non-Muslims was 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	2	3	4	5	6	7	8
1. Ahmadis.	1,183	973	63,694	21,210	11,360	5,824	1,04,244
2. Christians.	7,846	5,931	10,61,037	1,76,898	38,583	20,131	13,10,426
3. Hindus.	36	825	29,268	12,21,961	4,428	19,598	12,76,116
4. Sikhs.	3	405	832	393	324	189	2,146
5. Budhists.	5	—	756	1,714	58	106	2,639
6. Parsis.	35	3	1,766	4,305	459	439	7,007
7. Others.	11	2	24,883	45,473	2,179	28,461	1,01,009
Total ..	9,119	8,139	11,82,236	14,71,954	57,391	74,748	28,03,587

4. The total number of votes belonging to the minority communities, as it stood on 5-9-1990, was 13,73,402 as per detail given in the following table:—

Province Area	Number of voters as on 5-9-1990				Total
	Christians	Hindus & Scheduled Castes	Sikhs, Budhists, Parsis & others	Persons belonging to the Quadiani group or the Lahori Group (who call themselves Ahmadis)	
Islamabad.	4,400	4	11	109	4,524
Punjab.	5,62,249	39,029	1,184	2,704	6,05,166
Sindh.	81,696	6,41,455	3,487	402	7,27,024
NWFP.	11,279	1,937	1,889	87	15,192
F.A.T.A.	—	—	—	—	—
Baluchistan.	6,958	14,136	366	20	21,480
Total ..	6,66,582	6,96,561	6,937	3,322	13,73,402

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, Budhist and Parsi communities and other non-Muslims. | 1 seat |
| (4) Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis) | 1 seat |

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 Quadiani group or Lahori group (who call themselves Ahmadis)	Total
1	2	3	4	5	6
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 sizeable 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 Constitution. Similarly, bar against the double membership under Article 223 which was applicable to the candidates for Muslim seats was also applicable to the candidates for the non-Muslim seats.

Returning Officer for National Assembly Election

11. In pursuance of the provisions of section 7 of the Representation of the People Act, 1976 read with section 47 thereof, the Election Commission appointed the District and Sessions Judge, Islamabad as Returning Officer for election to the ten seats reserved in the National Assembly for four communities of the non-Muslims, while the Returning Officers for Muslim constituencies to the National Assembly were appointed to act as Assistant Returning Officers for election to the non-Muslim seats in the National Assembly. However, the appointment of Additional Returning Officers for this election was

dispensed with because the law did not provide for appointment of the same. It may however be mentioned here for the sake of information that during the general elections held in 1985 and 1988, the Provincial Election Commissioners were appointed to act as Additional Returning Officers for this election and were authorised to receive nomination papers and carry out scrutiny thereof and to exercise powers and perform functions of the Returning Officers for their respective provinces.

Appointment of Assistant Returning Officers

12. The whole country for the purpose of this election, forms one constituency with as many seats as are allocated to each community. For facility of the prospective candidates from the Provinces to file their nomination papers for non-Muslim seats in the National Assembly, senior Judicial Officers at the Provincial Headquarters, who were appointed as Returning Officers for Muslim constituencies and Assistant Returning Officers for non-Muslim constituencies in the National Assembly, were authorised to exercise and perform the following powers and functions of the Returning Officer under the control of the Returning Officer :—

- (a) To receive nomination papers from the candidates for election to the non-Muslim seats in the National Assembly;
- (b) to scrutinize the nomination papers;
- (c) to send the list of contesting candidates to the Returning Officer at Islamabad for allocation of symbols; and
- (d) to perform any other function, that may be assigned to him.

13. The officers so authorised were—

- (1) Mr. Alam Zeb Khan,
Additional District & Sessions Judge,
Peshawar, for the NWFP.
- (2) Mr. Muhammad Aslam Sumra,
Additional District & Sessions Judge,
Lahore, for the Punjab.

- (3) Mr. Pir Ali Shah,
Additional District & Sessions Judge,
Karachi Central, for Sind.
- (4) Mr. Muhammad Naeem,
Additional District & Sessions Judge-III,
Quetta, for Baluchistan.

14. Sub-section (3) of section 7 of the Representation of the People Act, 1976, provides that "an Assistant Returning Officer shall assist the Returning Officer in the performance of his functions under this Act and may, subject to any conditions imposed by the Commission, exercise and perform, under the control of the Returning Officers, the powers and functions of the Returning Officer".

Returning Officers for Provincial Assemblies Election

15. For the purpose of election to the non-Muslim seats in the Provincial Assemblies for the four communities of the non-Muslims, the appointments of Returning Officers and Assistant Returning Officers were made as under:—

Name of Provincial Assembly	Returning Officer	Assistant Returning Officer
Provincial Assembly, Punjab	District and Sessions Judge, Lahore.	All Returning Officers for Muslim constituencies of the Provincial Assembly, Punjab.
Provincial Assembly, Sind.	Mr. Iqbal Hassan Rizvi, District & Sessions Judge, Karachi Central.	All Returning Officers for Muslim constituencies of the Provincial Assembly, Sind and Mrs. Qaisar Iqbal, Additional District and Sessions Judge, Karachi West.
Provincial Assembly, NWFP.	District & Sessions Judge, Peshawar.	All Returning Officers for Muslim constituencies of the Provincial Assembly, N-W.F.P.
Provincial Assembly, Baluchistan.	District & Sessions Judge, Quetta.	All Returning Officers for Muslim constituencies of the Provincial Assembly, Baluchis- tan.

Schedule of Election

16. 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 6th and 8th September, 1990 for election to the Muslim constituencies was followed for election to non-Muslim constituencies to the National Assembly and Provincial Assemblies respectively.

Nominations

17. 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 Chapter X and XI.

Ballot Papers

18. Separate ballot papers were printed for election to the seats for Christians, the seats allocated to Hindus and Scheduled Castes, seats reserved for Sikh, Buddhist and Parsi communities, etc. and the seats reserved for the persons belonging to Quadiani group or the Lahori group (who call themselves Ahmadis). The ballot papers for each community were printed on paper of different colour to distinguish them from the ballot papers for the Muslims seats for facility of counting of votes.

Voting Procedure

19. 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.

20. The poll for election of non-Muslim members of the National Assembly was held on October 24, 1990 and the poll for non-Muslim seats in the Provincial Assemblies was held on October 27, 1990, 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

21. 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.

22. The Assistant Returning Officers consolidated the results furnished by the Presiding Officers. Thereafter they forwarded the consolidated statement of the result of count for election to the National Assembly constituency of their respective Provinces including in the statement the postal ballot papers received by them before the commencement of consolidation to the Returning Officer at Islamabad.

Final Consolidation

23. On receipt of the result from Assistant Returning Officers, the Returning Officer finally consolidated the Province-wise result of entire constituency of the National Assembly and submitted the final statement to the Election Commission.

24. In case of consolidation of results of Provincial Assemblies the result received from the Assistant Returning Officers (Returning Officers for Muslim constituencies of the Provincial Assemblies) was consolidated by the Returning Officers and the final consolidated statement of each non-Muslim constituency in the Provincial Assembly was submitted to the Election Commission.

Publication of Result in the Official Gazette

25. The Election Commission published in the official Gazette in accordance with the provisions of sub-rule 4 of rule 93 of the Representation of the People (Conduct of Elections) Rules, 1977 read with section 47A of the Representation of the People Act, 1976, the names of returned candidates to non-Muslim seats on November 3, 1990 and the detailed result of the count on November 5, 1990.

Statistics Relating to Non-Muslim seats in the National Assembly

26. For election of ten members, the voting strength of the non-Muslims was 13,73,402. 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.	6,66,582	2,48,635	1,476	2,47,159	4	37.30%
2. Hindus and Scheduled Castes.	6,96,561	2,33,727	2,749	2,30,978	4	33.55%
3. Sikh, Budhist, Parsi and other non-Muslims.	6,937	4,112	54	4,058	1	59.28%
4. Persons belonging to the Quadiani group or Lahori group (who call themselves Ahmadis).	3,322	150	—	150	1	4.53%
TOTAL:—	13,73,402	4,86,624	4,279	4,82,345	10	35.43%

Statistics Relating to Non-Muslim seats in the Provincial Assembly, Punjab

27. Total number of non-Muslim voters in the Punjab was 6,05,166 for election of eight members. Detail of the votes cast by them is as under:—

Community	Registered votes	Total votes cast	Number of votes rejected	Total valid votes	No. of seats to be filled	Percentage of votes cast to registered votes
1. Christians.	5,62,249	2,36,631	—	2,36,631	5	42.09%
2. Hindus and Scheduled Castes.	39,029	16,968	—	16,968	1	43.48%
3. Sikh, Budhist, Parsi and other non-Muslims.	1,184	705	—	705	1	59.54%
4. Persons belonging to the Quadiani group or Lahori group (who call themselves Ahmadis).	2,704	182	—	182	1	6.73%
TOTAL:—	6,05,166	2,54,486	—	2,54,486	8	42.05%

Statistics Relating to Non-Muslim seats in the Provincial Assembly, Sind

28. For election of nine members of the Provincial Assembly of Sind, the total number of non-Muslim voters was 7,27,040. Detail of the votes cast by the non-Muslim voters is as under:—

Community	Registered votes	Total votes cast	Number of votes rejected	Total valid votes	No. of seats to be filled	Percentage of votes cast to registered votes
1. Christians.	81,696	38,133	53	38,080	2	46.68%
2. Hindus and Scheduled Castes.	6,41,455	2,49,131	574	2,48,557	5	38.84%
3. Sikh, Budhist, Parsi and other non-Muslims.	3,487	1,728	—	1,728	1	49.56%
4. Persons belonging to the Quadiani group or Lahori group (who call themselves Ahmadis).	402	72	—	72	1	17.91%
TOTAL:—	7,27,040	2,89,064	627	2,88,437	9	39.76%

Statistics Relating to Non-Muslim seats in the Provincial Assembly, NWFP

29. Three seats were allocated to the non-Muslims in the Provincial Assembly of NWFP. Their total voting strength was 15,192. Detail of the votes cast by them is tabulated below:—

Community	Registered votes	Total votes cast	Number of votes rejected	Total valid votes	No. of seats to be filled	Percentage of votes cast to registered votes
1. Christians.	11,279	6,234	19	6,305	1	56.07%
2. Sikh, Budhist, Parsi and other non-Muslims (including Hindus and Scheduled Castes).	3,826	2,571	21	2,550	1	67.20%
3. Persons belonging to the Quadiani group or Lahori group (who call themselves Ahmadis).	87	30	—	30	1	34.48%
TOTAL:—	15,192	8,925	40	8,885	3	58.75%

Statistics Relating to non-Muslim seats in the Provincial Assembly, Baluchistan

30. Three seats were reserved for the non-Muslims in the Provincial Assembly, Baluchistan. The total number of registered voters in the Province was 21,460 excluding Quadiani (Ahmadis). Detail of their voting pattern is as under:—

Community	Registered votes	Total votes cast	Number of votes rejected	Total valid votes	No. of seats to be filled	Percentage of votes cast to registered votes
1. Christians.	6,958	4,227	46	4,181	1	60.75%
2. Hindus and Scheduled Castes.	14,136	8,588	67	8,521	1	60.75%
3. Sikh, Budhist, Parsi and other non-Muslims.	366	301	2	299	1	82.24%
TOTAL:—	21,460	13,116	115	13,001	3	61.12%

CHAPTER XXI

COMPLAINTS AND THEIR DISPOSAL

General Political Atmosphere

From the very outset, the Election Commission was fully conscious of the fact that the 1990 general elections were being held in an atmosphere of extreme political confrontation and polarisation. In their election campaign, the leaders and candidates of rival political parties repeatedly levelled allegations and counter-allegations against each other. The political atmosphere, highly charged with tension, therefore, made the task of the Election Commission more difficult.

Guide-Lines for the Caretaker Governments

2. As a first step towards holding free, fair and impartial elections, the Election Commission fore-warned the Federal and Provincial Ministers and Advisors of the Caretaker Governments against the misuse of official position and resources and laid down general principles for observance by them during their election campaign. A communication was accordingly addressed by the Commission on September 17, 1990, to all the Federal Ministers, Chief Ministers and the Provincial Ministers and Advisors as under:—

“Article 218 of the Constitution provides that it shall be the duty of the Election Commission, constituted in relation to an election, to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.

(2) In connection with the present process of general elections, the Election Commission has received some complaints against the misuse of public/Government facilities and staff in the election campaign.

(3) These complaints have not been verified. However, it is not only important that election proceedings be fair and orderly but that the public is assured that the requirements of law are being respected by the candidates, the electorates, administration and Government functionaries at all levels. In this context, the Election Commission has deemed it necessary to highlight some of the provisions of the electoral law, and to direct that these provisions be meticulously observed.

(4) Under section 81 of the Representation of the People Act, 1976, the exercise of undue influence is prohibited. The various forms of undue influence have been defined in section 81 and include threat of force, calling down divine displeasure, maligning the Armed Forces and use of official influence or Government patronage.

(5) Section 81 of the Representation of the People Act, 1976, prohibiting use of official influence or governmental patronage and section 83 prohibiting procurement of assistance of any person in the service of Pakistan to further or hinder the election of a candidate, require the exercise of utmost discretion on the part of those persons, who are both candidates as well as are holding offices in Government. While it is not the intention that Ministers give up any of the personal privileges, which they enjoy under the law and rules and which are essential for the performance of their official duties, it is obvious that personal privileges do not extend to the use of general facilities of the Government for election purposes. For example, utilisation of departmental transport (as distinct from the transport allotted to a Minister for his personal use, both private and public, including transport for public escort) for electoral campaign is not permissible.

(6) Candidates, particularly those holding public offices and seeking election, must be careful not to employ public servants for electoral work, since apart from the risk to candidates, the public official himself would be, at hazard, under the provisions of section 92 of the Representation of the People Act, 1976.

(7) The use of Government patronage for influencing election results is prohibited. All those persons entrusted with powers to sanction funds must bear in mind their moral and legal obligation to exercise these powers in a fair manner which precludes suspicion of electoral partiality or bias.

(8) The Election Commission are confident that all candidates, including holders of public offices seeking elections, and public servants will strictly conform to the provisions of law both in letter and spirit. The legal provisions are clear and unambiguous. The law and experience of past elections should provide sufficient guidance as to proper conduct, in relation to the forthcoming elections.

(9) The Election Commission of Pakistan expects that above mentioned principles will be observed by the members of the caretaker Governments in discharging their duties and in the process of their election campaign.

(10) The Election Commission also hopes that all the candidates contesting the general elections to abide, in their own interest, by the provisions of the Representation of the People Act, 1976 and the rules made thereunder and show to the world exemplary conduct of their election campaign.”

Instructions to the Returning Officers

3. In addition, Mr. Justice Naimuddin, Chief Election Commissioner, personally instructed the Returning Officers to act in a highly impartial and judicial manner in providing prompt relief to the persons making complaint to them or on the complaints referred to them by the Commission. In this connection, he addressed a demi-official letter to the Returning Officers of the National Assembly constituencies and the Provincial Assemblies constituencies on October 12, 1990, to the following effect:—

“My dear Returning Officer,

Article 218 of the Constitution provides that it shall be the duty of the Election Commission, constituted in relation to

an election, to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.

(2) In connection with the present process of general elections, the Election Commission has received some complaints against the misuse of public/Government facilities and staff in the election campaign.

(3) These complaints have not been verified. However, it is not only important that election proceedings be fair and orderly but that the public is assured that the requirements of law are being respected by the candidates, the electorates, administration and Government functionaries at all levels. In this context, the Election Commission has deemed it necessary to highlight some of the provisions of the electoral law, and to direct that these provisions be meticulously observed.

(4) Under section 81 of the Representation of the People Act, 1976, the exercise of undue influence is prohibited. The various forms of undue influence have been defined in section 81 and include threat of force, calling down divine displeasure, maligning the Armed Forces and use of official influence of Government patronage.

(5) Section 81 of the Representation of the People Act, 1976, prohibiting use of official influence or governmental patronage and section 83 prohibiting procurement of assistance of any person in the service of Pakistan to further or hinder the election of a candidate, require the exercise of utmost discretion on the part of those persons, who are both candidates as well as are holding offices in Government.

(6) Such candidates, particularly those holding public offices and seeking election, must be careful not to employ public servants for electoral work, since apart from the risk to candidates, the public official himself would be at hazard, under the provisions of section 92 of the Representation of the People Act, 1976.

(7) The use of Government patronage for influencing election results is prohibited. All those persons entrusted with powers to sanction funds must bear in mind their moral and legal obligation to exercise these powers in a fair manner which precludes suspicion of electoral partiality or bias.

(8) You being the Returning Officer of the constituency concerned have also an important role to play in organising and conducting the election within the constituency and making such arrangements as are necessary to ensure that the general election to the National and Provincial Assemblies is conducted honestly, justly, fairly and in accordance with law and that corrupt practices are guarded against.

(9) I would, therefore, request you to look into all complaints forwarded to you by the Election Commission or directly brought to your notice for inquiry and/or necessary action and provide redress to the genuine complainants in accordance with election laws, rules and the instructions issued by the Election Commission from time to time and fulfil your obligation as a competent, honest and impartial judicial officer.

(10) I am equally sure that by your exemplary conduct you will enhance the prestige of the judiciary and the Commission.

With regards,

Yours sincerely,

Sd/-

JUSTICE NAIMUDDIN

All Returning Officers of
National and Provincial Assemblies
constituencies. (by name).”

President's Directive

4. For the purpose of holding free, fair and impartial elections and for smooth transfer of power to the popularly elected Governments at the federal and provincial level, the President of Pakistan issued a Directive to all Governors and Chief Ministers, with a copy to the Prime Minister, Chief Election Commissioner, Chief of the Army Staff, Secretary Cabinet and Secretary Interior. Text of the President's Directive No. 2 of 1990 dated the 2nd October, 1990, is reproduced below:—

“At the time of the November 1988 elections, I had issued a Directive to all the concerned authorities and agencies to take adequate and effective measures for holding free, fair and impartial elections. For the first time the elections were held under the supervision of the Judiciary, and the Provincial and Federal Administration was geared to provide full assistance to the Election Commission under the provisions of Article 220 of the Constitution of the Islamic Republic of Pakistan, which reads: “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.”

(2) I am drawing your attention to that Directive once again.....and I endorse a copy of it.....for achieving the same purpose, for which it was issued on the previous occasion *viz*: the holding of free, fair and impartial general elections to the Assemblies. This time the circumstances are somewhat different from those prevailing in 1988. I need not go into details except to say that while we should respect the political views of all political leaders and their parties and extend to them all due courtesies, no interference from any quarter in the law and order situation or the process of holding of peaceful elections shall be tolerated.

(3) The Election Commission has made all the necessary preparations and the Electoral Laws have been updated to conform exactly to the same provisions under which the elections of 1988 were held except that, following the decision of the Supreme Court, a right of objection to

candidature has been given to elector also alongwith the right of appeal at appropriate judicial level. The Election Commission has since announced the schedule of elections of which the first phase of nominations, objections, appeals and withdrawals has just concluded. The Commission is now in the process of setting up infrastructural arrangements on the ground and undertaking measures for the actual conduct of the elections. I would, therefore, appreciate if Government both at the Federal and Provincial level will extend to the Commission all the help and assistance that it may need to enable it to hold the elections in a credibly free, fair and impartial manner. Irrespective of the responsibility of the caretaker Governments I have a responsibility of my own in this respect and I have no doubt that the Governors of the Provinces and the Armed Forces will duly honour and fully carry out my commitment to the nation for the holding of free, fair and impartial elections through the instrumentality of the Election Commission. The Election Commission has also, through its circular D.O. letter of September 17, 1990, laid down general principles to be observed during the elections. A copy of these instructions is also enclosed which may be strictly complied with.

(4) I hope and trust that all the agencies and its officers, at all levels, would endeavour to discharge their respective functions in the overall interest of the country and not for furthering the interest of any particular individual or political party. I would expect the law enforcing agencies to ensure peace, harmony and tranquility to prevail throughout the period and, of course, in the post election phase as well. For this, the Armed Forces would keep themselves ready in an appropriate manner for assisting the civil law enforcing agencies if, and when, called upon to do so.

(5) The whole nation is looking forward to the holding of peaceful, free, fair and impartial elections and the smooth transfer of power to the popularly elected Governments. I am sure you would all help me in fulfilling the nation's aspirations and in honouring my commitment.

Sd/-

(GHULAM ISHAQ KHAN)"

Number of Complaints

5. During the process of 1990 general elections, the Election Commission had, in all, received 1,323 complaints, including telegrams and complaints of very ordinary and routine nature. The Commission maintained complete record of all such complaints. All complaints were got investigated at the appropriate level and action, wherever required, was taken promptly. Most of the complaints were stereotyped and were not proved or substantiated by evidence.

Specific Complaints

6. Specific complaints are listed below:—

- (i) It was alleged in a complaint that all sorts of corrupt practices were being committed to boost up the election campaign of the candidates of a party. The corrupt practices included allocation of public funds to the candidates of that party, use of official transport, harassment of opposition candidates/workers, posting and transfers of officers, the validity of election schedule and grant of concession to Lumberdars. The Election Commission considered all the points raised in the complaint and in consequence informed the complainant that election schedule was lawfully framed, and that all the Chief Ministers and Provincial Ministers have already been asked to act within the framework of the law & rules. After making the necessary inquiries regarding other allegations, the Commission found that the allegations were vague and of general nature as no specific instance was quoted.
- (ii) It was apprehended that prominent opposition leaders will be arrested during their tour of the Punjab under the Maintenance of Public Order Ordinance. A notice was issued to the complainant to appear before the Commission to explain his case. He failed to attend the proceedings on account of paucity of time and instead sent another complaint repeating his previous allegations, and adding a few more. He further alleged that lady Presiding Officers were directed not to question disparity of age indicated on the identity cards, use of public transport for the benefit of

candidates of a party, distribution of flags of a party by the S.H.Os. etc. The Commission found that the complaint was based on apprehensions and that the allegations were vague and no specific instance was quoted to substantiate them.

- (iii) It was reported in a section of the Press that Government development funds were being misused and that the candidates of a particular party were converting the same to further their election campaign. The Local Government and Rural Development Department took notice thereof and addressed a letter to the Chief Election Commissioner in which the news was described as baseless. It was stated that it was part of normal Annual Development Programme and no political motive was kept in view.
- (iv) Another complaint was made to the following effect:—
- (a) District Council, Jacobabad was dissolved, Chairman, District Council Shikarpur was arrested and Chairman of Municipal Committees of Moro and Larkana were removed. All this was done to use undue influence on the respective voters and candidates.
 - (b) A large number of candidates of a party and their supporters were arrested in Sind on baseless charges and were intimidated.
 - (c) Civil servants were actively involved in supporting the candidates of a particular party and they had been lured through promotions etc.

A report was called by the Commission from the Government of Sind in this behalf. The Home Secretary categorically denied all the charges. He stated *inter alia* that some persons were arrested on account of criminal charges against them and that no political motives were involved in their arrest. As regards dissolution of District Council Jacobabad and removal of Chairman of other Councils, it was stated that the actions were taken on account of irregularities committed by them. Based on the aforesaid report, a detailed and comprehensive reply was sent to the complainant.

- (v) Another prominent leader made a complaint to the I.G. Police, Punjab that pre-poll rigging was planned by the Caretaker Punjab Government, as students were encouraged to display lethal firearms in public in order to overawe and intimidate voters and candidates of the PDA. In response to a notice issued by the Commission to the complainant, his counsel appeared before the Commission and argued on other matters and did not say anything in respect of the allegations under reference. The complaint was based on apprehensions as no evidence was adduced in support thereof.
- (vi) A complaint was made with regard to inclusion of 476 bogus votes in the electoral rolls relating to a constituency of Lahore. Report on the complaint was called from the Provincial Election Commissioner, Punjab who, after necessary investigation, reported that the allegation was baseless. The counsel for the complainant appeared before the Commission to argue his case. The complaint was disposed of with the observations that the bogus voters were neither identified in the complaint nor any affidavit was filed in that behalf.
- (vii) There was yet another complaint alleging that Lumberdars were given undue concessions by the Caretaker Government, 30 constables were placed at the service of each IJI candidate, rupees 20 crores were placed at the disposal of such candidates etc. etc. The counsel for the complainant failed to substantiate his allegations or to adduce any documentary evidence/proof.
- (viii) A complaint containing as many as, 13 allegations was filed by another leader. He alleged *inter alia* that few selected opposition candidates were subjected to accountability; electronic media were used to boost election campaign of IJI candidates and negligible time was given to the opposition candidates; huge funds were allocated for the benefits of rival candidates, unjustified postings and transfers were made and state land was distributed to win support in favour of IJI candidates. In response to a notice issued by the Commission, counsel for the complainant appeared and was patiently heard. He, however, failed to satisfy the

Commission on the point of its justification to grant relief on the points raised by him. Moreover, no affidavit or any documentary evidence was produced by him in support of his allegations.

(ix) The Commission, however, called a report from the Ministry of Information on the following allegations:—

“(a) That the Television and Radio, just to quote two sources, are being used by these temporary and illegal entrants in the caretaker cabinets, to the disadvantage of the PDA and the PDA does not have equal opportunity to defend itself or expose the illegal actions of the President/caretaker cabinets to the millions of viewers/listeners of TV/Radio.

(b) That under the garb of initiating a programme entitled “Qaumi Siyasat”, the TV is projecting the various components of IJI who are being prompted to accuse and abuse the former government (PPP). This condemnation in absentia, without an opportunity of defending oneself, is against the norms of justice. The principle of equality of time during election days is being violated every day with impunity both in the news bulletins of the TV/Radio and as well as the other programmes on the electronic media.”

The Commission further desired to know the policy, the basis of the policy, on which the political leaders were being interviewed, on the Television as also the apportionment of time between various political parties in the news.

7. In its communication dated 16th October, 1991, the Ministry of Information and Broadcasting clarified the position as under:—

“Before recording my comments on the allegations, I would like to state the principles of the policy on which the Caretaker Government has been directing the operations of the Electronic Media. The Caretaker Government has been all along conscious of its basic obligation to hold free and fair elections on the 24th October, 1990. The Government therefore, geared the Media towards the achievement of this

goal. Very clear and unambiguous instructions were given to the Media to the effect that all political parties represented in the dissolved National Assembly have a right to reach the people through the Electronic Media and that whenever any leader of national status of any of those parties was undertaking any major political activity he or she should be covered by the TV. This has been the hall-mark of the Caretaker Government that all political parties and leaders who are even opposed to it have been regularly getting coverage. This did not happen even during the regime of the dismissed government when most of the time the opposition was blacked out from the screen and denied access to the Radio. However, I will add that if a political leader was not doing any thing news-worthy on a particular date he or she obviously did not get any share of the Raido-TV time.

(2) The PTV and PBC started a special programme on elections entitled "Qaumi Siyasat" with a very noble objective in view. The principle on which this programme is based was clearly stated by the Minister for Information and Broadcasting in her personal letters to the National Leaders of all important Political Parties on 13th September, 1990. I would like to quote from this letter to illustrate what I have stated:

"1. The basic responsibility of the Caretaker Government, led by the Prime Minister, Mr. Ghulam Mustafa Jatoi, is to ensure free and fair elections in October, 1990. Towards this end, the Government has taken all possible measures which it could during the short span of 10 weeks it has. You must have noticed that by now all the legal procedures required to set the electoral process in motion have been initiated. But we will need unstinted support of all the political leaders who have a commitment to the success of this process. The Government is firmly of the view that all political parties should have access to the electronic media. Political leaders have a right to reach the electorate and explain to them the principles, the objectives and the policies they stand for, in the same way as the electorate have a right to know what the political parties have

planned for the future of the nation. We intend to use the power and potential of the electronic media to make this inter-communication possible.

2. To achieve this end, I propose to launch a special election programme on the TV and the Radio that will include panel discussions by political leaders of all major political parties in Pakistan. Through these discussions, they will be able to project the policies of the political parties they represent and their own position on national and international issues in which the voters are interested. This programme will be of 35 to 40 minutes duration and is likely to commence in the next few days. I would solicit your cooperation in turning this programme into a useful vehicle of communication and political education of the electorate."

× × × × × × × ×

3. "Election Commission would appreciate that never before in the history of Pakistan the official media provided such an opportunity to all the political parties to project themselves in this manner. It is unfortunate that the former Prime Minister has chosen to abstain from this programme."

× × × × × × × ×

4. "It is obvious that the present period in the national life is devoted entirely to matters relating to the forthcoming elections. Election campaign of all the parties is the focus of the media as well. The political scene is dominated by two Alliances, *i.e.*, IJI & PDA. As stated earlier, IJI has larger number of political parties as compared to the PDA. Obviously, all the components of IJI will not be extending compliments to their political opponents. While discussing the political situation and commenting on the performance of the last Government they are bound to be critical. The only way PDA could respond to this criticism was to participate in the programme which was developed with a

view to project all the points of view to the electorate. It may also be added that the political leaders who have appeared in the "Qaumi Siyasat" are respected leaders of standing. It will be an infantile assumption that such political leaders could be tutored by the PTV and PBC against PDA."

× × × × × × × ×

5. "In conclusion, I may assure the Election Commission that the Electronic Media will continue to project all the important political parties and the activities of their leaders to the best of their ability and within the constraints of time available."

8. Reply of the Information Ministry was communicated to the complainant who did not thereafter press his point.

(x) It was complained that the PTV was planning to make some Indian agents appear for the purpose of involving a former Federal Minister of State with the object of maligning the opposition leader. A report was called from the Ministry of Information who denied the allegations. Nor did the Indian agents appear on the TV at any stage as apprehended by the complainant.

(xi) Another complaint was made to the effect that election results would be announced by district administration, that the district administration will interfere in the election process and that arrests of a number of opposition workers were made. The matter was thoroughly looked into by the Commission and found that all the allegations were without substance and basis.

(xii) It was reported that an officer of the Provincial Government was actively participating in the election campaign of his father who was a candidate for election to Provincial Assembly. Entry of this officer was completely banned in the concerned district during the pendency of electoral process.

Disposal of the major and specific complaints has been highlighted in Volume III of this Report.

Complaints Filed under Different Provisions of Law

9. Out of 1,323 complaints, 103 complaints were filed before the Commission under specific provisions of the Representation of the People Act, 1976, which were judicially disposed of by the Commission after giving notice to the parties and hearing them at length. The detail of such complaints and their disposal is given in the succeeding paragraphs.

Fresh Polls

10. The Election Commission is vested with the powers under section 27(2) to order fresh poll at those polling stations of a constituency where the polling is suspended/stopped for reasons beyond the control of the Presiding Officers. Twelves complaints were filed praying for repoll at some of the polling stations on account of gross illegalities allegedly committed by the returned candidates. Four complaints were accepted and fresh poll was ordered at some of the polling stations of three constituencies concerned. Re-poll in one constituency was also ordered. The remaining 8 complaints were, however, dismissed as the complainants failed to substantiate the charges mentioned therein.

Recounting of Votes

11. Section 39(6) (b), *as quoted below*, envisages that re-count of votes is to be done by the Returning Officer, if so directed by the Election Commission:

“(6) 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 the challenge is reasonable, or

(b) if so directed by the Commission, in which case the recount shall be held in such manner and at such place as may be directed by the Commission.”

12. Under section 33 complaints were filed. Recount of ballot papers was ordered on four complaints. Mr. Noor Sayed Mian,

having secured 968 votes as against 966 obtained by Malik Speen Gul, was declared elected from constituency No. NA-29 Tribal Area-III. On an application from the latter, the Election Commission ordered recounting of votes in the whole constituency *vide* order dated 29-10-1990. Upon the recounting held on 5-10-1990, Malik Speen Gul was declared elected with 956 votes whereas Mr. Noor Sayed Mian bagged 955 votes.

Action under Section 103

13. The Election Commission is charged with the duty to ensure fair election. Section 103 envisages that it can stop poll at any stage of the election due to malpractices, review an order passed by an officer under the Act, issue such orders and exercise such powers (including re-poll in a constituency or at some polling stations thereof) etc. in this behalf. Nine complaints were filed under this provision and only one succeeded. Fresh poll was ordered in one constituency. The complainants in the remaining complaints failed to bring home the charges and as such their complaints were dismissed.

Exercise of Powers of Summary Inquiry

14. Section 103AA confers upon the Election Commission the powers to declare a poll void if from the facts apparent from the face of the record and after a summary enquiry it is satisfied that grave illegalities were committed and such a declaration was justifiable. As many as 41 complaints were filed, invoking the jurisdiction of the Commission under this provision of law. Only 4 of them were accepted. Re-poll at three constituencies and at 13 polling stations of a constituency was ordered. The remaining 37 complaints were dismissed as the allegations contained therein could not be substantiated by the complainants.

Miscellaneous Complaints

15. Another 8 miscellaneous complaints were also received wherein the Commission was requested to disqualify certain returned candidates on account of misusing Government funds, official position etc. One of the complainants prayed that malpractices be stopped. Another sought prosecution of a returned candidate under section 95 of the Act. None of these complainants could prove the

charges before the Commission and their complaints were dismissed accordingly.

Summary of Disposal of Complaints by the Election Commission

16. To sum up the position stated in the preceding paragraphs, the Commission ordered re-poll to the extent noted below against each constituency.

NUMBER & NAME OF CONSTITUENCY

<i>No. & name of constituency</i>	<i>Order</i>
(1) PF-51 Kohistan-II	Repoll at one polling station
(2) PF-46 Mansehra-V	Repoll in entire constituency
(3) PF-59 Bannu-II	Repoll at one polling station
(4) PB-38 Turbat-II	Repoll at 3 polling stations
(5) PS-14 Jacobabad-V	(i) Repoll at 5 polling stations. (ii) However, after repoll the election of entire constituency was declared void under order of Election Commission dated 27-12-1990. A constitutional petition was filed in the Sind High Court against the order of the Commission. The High Court dismissed the petition upholding decision of the Commission. decision of the Commission.
(6) PP-82 Gujranwala-VI	Repoll at 13 polling station.
(7) PP-134 Sheikhpura-I	Repoll at 21 polling stations.
(8) PB-15 Killa Saifullah	Repoll in entire constituency.
(9) PB-35 Lasbela-II	Repoll in entire constituency.

17. The Commission ordered recount of votes as under:—

<i>No. & name of constituency</i>	<i>Order</i>
(1) NA-156 Jacobabad-I	Recount of votes at all polling stations except 16 polling stations.
(2) PS-97 Karachi (E)-VII	Recount of votes at two polling stations.
(3) NA-29 Tribal Area-III	Recount of votes of entire constituency.
(4) PF-25 Swabi-II	Recount of votes at specific polling stations by Returning Officer concerned.

Summary

18. Disposal of complaints filed under specific provisions of law is summarized in the following table:—

Section	Accepted	Dismissed	Total
(1) 103 (Commission to ensure fair election etc.)	1	8	9
(2) 103AA (Power of Commission to declare a poll void)	4	37	41
(3) 39(6) (b) (Recount on Commission's directions)	4	29	33
(4) 27(2) (Commission's power to Order fresh poll at certain polling stations)	4	8	12
(5) Miscellaneous (Cases falling under other provisions)	—	8	8
Total:	13	90	103

Comparative Statement of Complaints

19. The number of complaints including appeals for re-count/re-poll and petitions relating to the general elections is tabulated below for the sake of comparison:—

(i) 1970 General Elections	Not available
(ii) 1977 General Elections	3,463
(iii) 1985 General Elections	1,907
(iv) 1988 General Elections	1,371
(v) 1990 General Elections	1,323

Conclusion

20. It would appear from the above figures, the number of complaints filed during the 1990 general elections is even less than the complaints relating to the previous elections. These complaints were mostly stereotyped and of general nature. The Commission, however, maintained complete record thereof and disposed them of according to the merit and law. Major complaints filed under specific provisions of law have been discussed in detail in the preceding paragraphs.

21. It will be appreciated that the Election Commission not only organized and conducted the general elections within a short span of 78 days but also heard and judiciously disposed of all the complaints under law referred to it by working almost round the clock within the specified period of 60 days as required by law.

22. It is gratifying to note that no order passed by the Election Commission has so far been set aside by the High Court or the Supreme Court although most of the petitions or appeals filed against them have been disposed of. Order passed by the Election Commission in case of constituency No. PB-38 Turbat-II was set aside by the Baluchistan High Court. On appeal of the respondent, the Supreme Court upheld the order passed by the Election Commission. The following statement indicates the detail of the petitions filed against the orders of the Election Commission and their disposal by the High Court/Supreme Court:—

STATEMENT SHOWING THE DETAILS OF CONSTITUTIONAL PETITIONS FILED IN THE HIGH COURTS AGAINST THE ORDERS OF THE ELECTION COMMISSION

Sl. No.	No. and Name of Constituency	Parties Name	Nature of complaint	Order against	Result
1	2	3	4	5	6
1.	—	Mr. Manzoor Ahmed Bhatti <i>versus</i> Election Commission of Pakistan (W.P. No. 887/90)	Allocation of symbol	20-9-1990	Dismissed by the Lahore High Court on 7-10-1990.
2.	—	Mr. Mushtaq Ahmed Mughal <i>versus</i> Election Commission of Pakistan (W.P. No. 898/90)	Allocation of symbol	20-9-1990	Dismissed by the Lahore High Court on 7-10-1990
3.	—	Mr. Nawaz A. Jajja <i>versus</i> Election Commission of Pakistan (Constitutional Peti- tion No. 1117/90)	Allocation of symbol	20-9-1990	Still pending in the Lahore High Court
4.	PP-134 Sheikhupura-I	Mr. Muhammad Malik Butter <i>versus</i> Election Commission of Pakistan (W.P. No. 7973/90)	Repolling in 21 polling stations of the constituency	Election Commission order dated 3-11-1990 for fresh polling in 21 polling stations.	The Lahore High Court dismissed the W.P. in limine on 13-11-1990 and main- tained the order of Election Commission.
5.	PP-134 Sheikhupura-I	Mr. Muhammad Gulifam Ashraf <i>versus</i> Election Commission of Pakistan (W.P. No. 7915/90)	Repolling in 21 polling stations of the constituency	Election Commission order dated 3-11-1991 for fresh polling in 21 polling stations	The Lahore High Court dismissed the W.P. in limine on 13-11-1990 and main- tained the order of Election Commission.

1	2	3	4	5	6
6. NA-156 Jacobabad-I	Mr. Ilahi Bakhsh Soomro <i>versus</i> Election Commission of Pakistan (C.P. No. 1346/90)	Recounting of votes	Election order dated 20-11-1990	Commission's 20-11-1990	Disposed of by the Court on 19-1-1991 as withdrawn.
7. PB-38 Turbat-II	Mr. Muhammad Ayub <i>versus</i> Election Commission of Pakistan (C.P. No. 294/90)	Repolling at three polling stations in the constituency	Election order dated 19-11-1990	Commission's 19-11-1990	The High Court of Balu- chistan accepted the petition and declared the poll void in the said constituency and ordered for fresh election in the whole constituency. A civil petition filed by Munshi Muhammad in the Supreme Court. The Supreme Court has suspended the order of the High Court. The petition was allowed by the Supreme Court, order of the High Court was set aside and the Commission's order was upheld
8. NA-174 Tharparkar-I	Syed Qurban Ali Shah <i>versus</i> Election Commission of Pakistan (C.P. No. 1367/90)	Recounting of votes in the constituency	Election order dated 20-11-1990	Commission's 20-11-1990	Still pending.
9. PF-59 Baunur-II	Mr. Alamgir Khan <i>versus</i> Election Commission of Pakistan (W.P. No. 628/90)	Repolling at one polling station	Election order dated 6-11-1990	Commission's 6-11-1990	Pending in the Peshawar High Court.
10. PS-14 Jacobabad-V	Agha Ghulam Ali <i>versus</i> Election Commission of Pakistan (C.P. No. 15/91)	Repolling	Election order dated 27-12-1990	Commission's 27-12-1990	The Sindh High Court has dismissed the petition on 12-5-1991

1.	2	3	4	5	6
11. NA-156 Jacobabad-I	Sardar Muhammad Muqueem Khosro	<i>versus</i> Election Commission of Pakistan (C.P. No. 126/91)	Recounting of votes	Election Commission's order dated 27-12-1990	The Sind High Court has dismissed the petition on 15-4-1991.
12. NA-108 Kasur-IV	Rana Mohammad Hayat <i>versus</i> Election Commission of Pakistan (W.P. No. 1076/91)	Inspection of polling record was allowed by the Election Commission	Election Commission's order dated 10-11-1990	The Lahore High Court has restrained the inspection of all kinds of ballot papers <i>vide</i> its order dated 8-5-1991.	
13.	Mr. M.P. Bhindara <i>versus</i> Election Commission of Pakistan (W.P. No. 7671/90)	Grouping of "Sansi" voters with Hindu and scheduled castes instead of Parsis, Sikh and Budhist.	Election Commission's order dated 21-10-1990	Writ petition was allowed by the High Court <i>vide</i> judge- ment dated 23-10-1990. An appeal against the said Judgement has been filed in Supreme Court.	
14.	Mr. Mohammad Anwar Durrani <i>versus</i> Election Commission of Pakistan (C.P. No. 66/91)	Rejection of nomination papers for Senate election	Chief Election Commis- sioner's order dated 6-3-1991	The Baluchistan High Court has dismissed the petition on 12-3-1991.	

CHAPTER XXII

DEPOSITS AND FORFEITURES

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 before the General Elections held in 1988 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 2341 and number of candidates nominated for the seats reserved for the non-Muslims was

101 respectively. In all, 2442 candidates were nominated for national Assembly elections and the total amount of security deposited by them was Rs. 97,68,000.

Deposits for Provincial Assemblies

5. A total number of 6806 candidates were nominated for election to the four Provincial Assemblies and they deposited a sum of Rs. 1,36,12,000 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		
Punjab	3,275	115	3,390	67,80,000
Sind	1,439	138	1,577	31,54,000
NWFP	1,147	22	1,169	23,38,000
Baluchistan	645	25	670	13,40,000
Total :-	6,506	300	6,806	1,36,12,000

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 2,442 persons nominated for election to the National Assembly, the deposits amounting to Rs. 62,28,000 made by 1557 candidates were refundable to them. Of these, 1512 candidates were for the Muslim Constituencies, 45 candidates belonged to the seats reserved for the minority communities.

Amount refundable for Provincial Assembly Election

8. A total sum of Rs. 8,518,000 was refundable to 4,259 candidates for election to the Provincial Assemblies as under:—

Provincial Assembly	No. of candidates	Refundable amount
1	2	3
Punjab	2,255	45,10,000
Sind	724	14,48,000
NWFP	820	16,40,000
Baluchistan	460	9,20,000
Total :	4,259	85,18,000

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 885 candidates amounting to Rs. 3,540,000 were forfeited to the Federal Government for having received less than the requisite number of votes. Of these, 829 were candidates for the Muslim seats, 56 were candidates for the non-Muslim seats.

Forfeiture of Security for Provincial Assemblies Elections

11. The deposits in respect of 2547 candidates amounting to Rs. 50,94,000 were forfeited to the Federal Government in case of election to the Provincial Assemblies, as under:—

Provincial Assembly	No. of candidates whose deposits forfeited			Amount forfeited
	Muslims	Non- Muslims	Total	
1	2	3	4	5
				Rs.
Punjab	1039	96	1,135	Rs.22,70,000
Sind	763	90	853	Rs.17,06,000
NWFP	339	10	349	Rs.61,98,000
Baluchistan	200	10	210	Rs. 4,20,000
Total :	2341	206	2547	Rs. 50,94,000

12. The information, with regard to the additional amount which is also likely to be forfeited to the Government in case of those candidates for National Assembly and the Provincial Assemblies elections who did not apply for refund of their deposits within the specified period, is being collected.

13. The total amount thus forfeited to the Government for general elections to the National Assembly and the Provincial Assemblies, excluding the unclaimed amount comes to Rs. 86,34,000.

CHAPTER XXIII

ELECTION EXPENSES OF CANDIDATES

Definition of Election Expenses

In section 48 of the Representation of the People Act, 1976, the term "election expenses" is defined as 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 under section 13.

Ceiling of Expenses

2. As envisaged by section 49 of the Act, the maximum limit of expenses to be incurred by a candidate for election to the National Assembly is five hundred thousand rupees, and for candidate for election to the Provincial Assembly it is three hundred thousand rupees. Contravention of this provision was at the time of election a corrupt practice within the meaning of section 78 of the Act and was punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both, as envisaged by section 82 of the Act.

Return of Election Expenses

3. Section 50 of the Act enjoined every contesting candidate to file with the Returning Officer a return of election expenses incurred by him in the prescribed form containing the following information:—

- (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 candidate was required to file an affidavit alongwith the return of election expenses in the form prescribed under the rules.

Inspection of Returns

5. In pursuance of section 51 of the Act, the election expenses returns were required to be kept by the Returning Officer for a period of one year from the date of their receipt. The returns are open to public inspection and copies thereof can be supplied on payment of the prescribed fee.

Period for Filing the Returns

6. Every contesting candidate was required to submit to the Returning Officer concerned the election expenses return within a period of thirty days after the publication of the name of the returned candidate in the official Gazette.

7. The names of the returned candidates to the National Assembly and the Provincial Assemblies were notified respectively on 31st October, 1990 and 2nd November, 1990, hence the last date for filing election expenses returns in the former case expired on 30th November 1990, whereas in the latter case, the returns could be filed on or before 2nd December, 1990, both days inclusive. The failure to file the returns within the stipulated period was at the relevant time an illegal practice which is an offence under section 83 of the Act. A delinquent was liable to be punished with fine which may extend to two thousand rupees.

Defaulting Candidates for National Assembly Elections

8. Soon after the notification of the names of the returned candidates in the official Gazette, a press note was issued by the Election Commission on November 4, 1990, drawing attention of the contesting candidates to the legal provisions in respect of filing of the

election expenses returns and the consequences accruing in the event of contravention thereof. Detailed instructions were also issued to all the Returning Officers on November 5, 1990 in this behalf and they were asked to submit the statement showing the position of the returns of election expenses to the Election Commission. The details furnished by the Returning Officers in this Context is tabulated below:—

TABLE 1

Province/Area	Total number of contesting candidates	Nature of default			Total No. of defaulting candidates
		Excess expenditure	Non-Submission of return	Delayed Submission of return	
(1) Federal Capital	37	—	4	—	4
(2) Punjab	679	—	134	5	139
(3) Sind	386	—	92	6	98
(4) NWFP	150	—	24	3	27
(5) FATA	73	—	11	—	11
(6) Baluchistan	89	—	25	1	26
Total:—	1,414	—	290	15	305

Defaulting Candidates for Provincial Assemblies Election

9. Likewise, the position in respect of return of election expenses relating to the Provincial Assemblies is as under:—

TABLE 2

Province Assembly	Total No. of contesting candidates	Nature of default			Total number of defaulting candidates
		Excess expenditure	Non-Submission of returns	Delayed Submission of returns	
Provincial Assembly, Punjab.	1,738	2	514	28	544
Provincial Assembly, Sindh	1,066	—	398	28	426
Provincial Assembly, NWFP.	573	1	124	8	133
Provincial Assembly, Baluchistan	319	—	73	4	77
Total:—	3,696	1	1,109	1,180	1,180

Court Proceedings

10. Section 96 of the Act authorizes the Election Commission to direct the Returning Officers to launch proceedings against persons who contravene the provisions of section 49 or fail to comply with the provisions of section 50.

11. Before any directions could be given to the Returning Officers in this behalf, the Representation of the People (Amendment) Ordinance, 1991 (Ordinance No. XI of 1991) was promulgated on 15th April, 1991, through which sections 48 to 51 were omitted. Before the expiry of the Ordinance, the Representation of the People (Amendment) Act, 1991 (Act No. IX of 1991) was enacted which was to the same effect. The effect of this amendment is under active consideration of the Election Commission and appropriate action will be taken in due course.

Recommendations

12. The provisions in respect of election expenses relating to National and Provincial Assemblies were omitted under the Representation of the People (Amendment) Act, 1991 (Act No. IX of 1991), whereas identical provisions relating to Senate elections continue to remain in force. The legislature may like to consider the propriety of removing this inconsistency in respect of both the Houses and the Provincial Assemblies.

13. In order to provide a fair chance to the middle class and low-income aspiring candidates for the election to the National and Provincial Assemblies *vis-a-vis* the rich and the privileged ones, it is further recommended that a moderate and reasonable ceiling of election expenses may be fixed and a mechanism be devised to regulate the election expenses of a candidate effectively.

CHAPTER XXIV

CONDUCT OF BYE-ELECTIONS

Time-Limit for Bye-Election

Clause (4) of Article 224 of the Constitution lays down that when, except by dissolution of the National Assembly or a Provincial Assembly, a seat in any such Assembly has become vacant not later than 120 days before the term of that Assembly is due to expire, an election to fill the seat shall be held within sixty days from the occurrence of the vacancy.

Seats Vacated on Account of Double Membership

2. Article 223 of the Constitution provides that no person shall, at the same time, be a member of both Houses, or a House and a Provincial Assembly, or the Assemblies of two or more Provinces or a House or a Provincial Assembly in respect of more than one seat. If a Person is declared elected from more than one seat, he is entitled to retain one seat of his choice and resign from the other seats. Thirty persons were elected to more than one seat in the National Assembly or a Provincial Assembly. They retained one seat each of their choice and vacated the other seats. The resultant vacancies are tabulated below:—

Number and name of National Assembly/Provincial Assembly constituencies			
Name of returned candidates	Where-from the candidate had been elected	Which the returned candidate has retained	Vacated by the returned candidate
I	2	3	4
1. Khan Mir Afzal Khan.	(1) Member of the Senate since 1988 (2) NA-7 Mardan-II (3) PF-18 Mardan-I (4) PF-20 Mardan-III	PF-18 Mardan-I	Senate. NA-7 Mardan-II. PF-20 Mardan-III.
2. Sardar Mehtab Ahmed Khan.	(1) NA-11 Abbottabad-I (2) PF-35 Abbottabad-II	NA-11 Abbottabad-I	PF-35 Abbottabad-II.
3. Mr. Muhammad Ejaz-ul-Haq.	(1) NA-39 Rawalpindi-IV (2) NA-72 Toba Tek Singh-II	NA-39 Rawalpindi-IV	NA-72 Toba Tek Singh-II.
4. Ch. Nisar Ali Khan.	(1) NA-40 Rawalpindi-V (2) PP-6 Rawalpindi-VI	NA-40 Rawalpindi-V	PP-6 Rawalpindi-VI.
5. Mian Nawaz Sharif.	(1) NA-48 Sargodha-II (2) NA-95 Lahore-IV (3) PP-113 Sialkot-XII (4) PP-123 Lahore-VIII	NA-95 Lahore-IV	NA-48 Sargodha-II. PP-113 Sialkot-XII. PP-123 Lahore-VIII.
6. Haji Gul Hamid Khan Rokhatri.	(1) NA-54 Mianwali-II (2) PP-38 Mianwali-III	NA-54 Mianwali-II	PP-38 Mianwali-III.
7. Ch. Muhammad Nazir Ahmed.	(1) NA-61 Faisalabad-V (2) PP-58 Faisalabad-XVI	NA-61 Faisalabad-V	PP-58 Faisalabad-XVI.
8. Ch. Sher Ali.	(1) NA-65 Faisalabad-IX (2) PP-59 Faisalabad-XXVII	NA-65 Faisalabad-IX	PP-59 Faisalabad-XXVII.
9. Mr. Muhammad Khan Juncjo.	(1) NA-62 Faisalabad-VI (2) NA-175 Tharparkar-II	NA-175 Tharparkar-II	NA-62 Faisalabad-VI.

- | | | | |
|--|---|---------------------------|--|
| 10. Qari Isarul Qasmi. | (1) NA-68 Jhang-III
(2) PP-65 Jhang-V | NA-68 Jhang-III. | PP-65 Jhang-V. |
| 11. Ch. Hamid Nasir Chatta. | (1) NA-74 Gujranwala-I
(2) PP-78 Gujranwala-II | NA-74 Gujranwala-I | PP-78 Gujranwala-II. |
| 12. Mr. Ghulam Mustafa. | (1) NA-90 Sialkot-VI
(2) NA-158 Naushero Feroze-I | NA-158 Naushero Feroze-I | NA-90 Sialkot-VI. |
| 13. Mian Shahbaz Sharif. | (1) NA-96 Lahore-V
(2) PP-124 Lahore-IX | NA-96 Lahore-V | PP-124 Lahore-IX. |
| 14. Mian Manzoor Ahmed Khan. | (1) NA-112 Okara-III
(2) PP-159 Okara-VII | PP-159 Okara-VII | NA-112 Okara-III. |
| 15. Mr. Ghulam Haider Wyne. | (1) NA-123 Khanewal-III
(2) PP-178 Khanewal-V | PP-178 Khanewal-V | NA-123 Khanewal-III. |
| 16. Malik Ghulam Muhammad
Mustafa Khar. | (1) NA-137 Muzaffargarh-III
(2) NA-138 Muzaffargarh-IV
(3) PP-214 Muzaffargarh-VIII | NA-138 Muzaffargarh-IV | NA-137 Muzaffargarh-III
PP-214 Muzaffargarh-VIII. |
| 17. Sardar Nasrullah Khan
Dareshak | (1) PP-204 Rajanpur-I
(2) PP-205 Rajanpur-II | PP-204 Rajanpur-I | PP-205 Rajanpur-II. |
| 18. Ch. Abdul Ghafoor. | (1) NA-146 Bahawalnagar-III
(2) PP-229 Bahawalnagar-V | NA-146 Bahawalnagar-III | PP-229 Bahawalnagar-V. |
| 19. Mr. Ghulam Murtaza Khan. | (1) NA-160 Nawabshah-I
(2) PS-18 Naushero Feroze-IV | NA-160 Nawabshah-I | PS-18 Naushero Feroze-IV. |
| 20. Mr. Bizen Bizinjo. | (1) NA-205 Khuzdar
(2) NA-207 Turbat-cum-Panjgur | NA-207 Turbat-cum-Panjgur | NA-205 Khuzdar. |

1	2	3	4
21. Shahzada Muhammad Yousaf.	(1) NA-206 Lasbela-cum-Gawadar (2) PB-34 Lasbela-I	NA-206 Lasbela-cum-Gawadar	PB-34 Lasbela-I.
22. Pir Sibghat-ullah Shah.	(1) PS-25 Khairpur-II (2) PS-64 Sanghar-I	PS-25 Khairpur-II	PS-64 Sanghar-I.
23. Ch. Akhtar Ali.	(1) PP-103 Sialkot-II (2) PP-106 Sialkot-V	PP-106 Sialkot-V	PP-103 Sialkot-II.
24. Malik Khuda Bakhsh Khan.	(1) NA-52 Khushab (2) PP-34 Khushab-II	PP-34 Khushab-II	NA-52 Khushab.
25. Sardar Muhammad Yousaf.	(1) NA-14 Manshra-I (2) PF-45 Manshra-IV	NA-14 Manshra-I	PF-45 Manshra-IV.
26. Syed Iftikhar Hussain Gillani.	NA-9 Kohat		
27. Mir Hazar Khan.	NA-157 Jacobabad-II		
28. Mr. Salim Saifullah	PF-62 Bannu-V		
29. Syed Asghar Ali Shah	PS-16 Naushero Feroze-I		
30. Syed Shaukat Hussain Shah	PS-71 Thatta-III		

Elected as Senators but vacated their seats as such.

Programme of bye-election

3. Pursuant to the provisions of section 11 and 108 of the Representation of the People Act, 1976, read with Article 224(4) of the Constitution, the following programme for holding bye-election in 30 constituencies referred to at paragraph 2, was notified on December 2, 1990:—

- | | |
|---|---------------|
| (a) Last date for the filing of nomination papers. | 15-12-1990 |
| (b) Filing of objections to the nomination of candidates by other candidates and the electors with the Returning Officer. | 16/17-12-1990 |
| (c) Scrutiny of nomination papers by the Returning Officer. | 18-12-1990 |
| (d) Last date for filing of appeals against the decision of Returning Officer rejecting/accepting the nomination papers and rejecting the objections. | 22-12-1990 |
| (e) Last date for deciding appeals and objections by the Tribunal. | 29-12-1990 |
| (f) Last date for withdrawal of candidature. | 30-12-1990 |
| (g) Publication of revised list of candidates. | 31-12-1990 |
| (h) Polling day | 10-01-1991 |

Programme of bye-election withheld

4. The poll for bye-elections in constituencies No. PF-35 Abbottabad-II and PF-45 Mansehra-IV were deferred to April 28, 1991 due to inclement weather in the constituencies.

5. On account of tense law and order situation prevailing in Jhang district, bye-election in constituency No. PP-65 Jhang-V could not be held till this date.

Appointment of Returning Officers

6. The bye-elections were held under the supervision of judicial officers. The same officers; as had conducted the general elections, were appointed to act as District Returning Officers, Returning Officers and Assistant Returning Officers for the bye-elections as well.

Arrangements for Bye-elections

7. The same arrangements were made for the bye-elections as were made for the general elections 1990.

Proceeding of Bye-elections

8. In Punjab, 31 candidates contested election for 7 seats in the National Assembly. One of the candidates, namely, Syed Ghous Ali Shah, returned uncontested from constituency No. NA-90 Sialkot-VI. In all, 46 candidates contested election to 12 seats in the Provincial Assembly of the Punjab. One of the candidates, Mr. Nawazish Ali, returned uncontested from constituency No. PP-78 Gujranwala-II.

9. Twelve candidates contested election for two seats in the Provincial Assembly of Sind and one candidate, namely, Haji Khuda Bakhsh Nizamani was declared elected uncontested from constituency No. PS-64 Sanghar-I.

10. In NWFP, 4 candidates contested election for one seat in the National Assembly and 15 candidates contested election for 3 seats in the Provincial Assembly.

11. In Baluchistan, 3 candidates contested election for one seat in the National Assembly and 2 candidates contested election for one seat in the Provincial Assembly.

Result of Bye-election

12. The following candidates, who secured the highest number of votes, or who returned unopposed were declared elected from the constituencies noted against their names:—

Number and name of constituency	Name of the returned candidate	Party Affiliation
NATIONAL ASSEMBLY OF PAKISTAN		
(1) NA-7 Mardan-II	Haji Sarfraz Khan	PDA
(2) NA-48 Sargodha-II	Ch. Qadir Bakhsh	IJI
(3) NA-52 Khushab	Malik Ghulam Muhammad Khan Tiwana	IJI
(4) NA-62 Faisalabad-VI	Raja Nadir Pervaiz	IJI
(5) NA-72 Toba Tek Singh-II	Mian Abdul Waheed	IJI
(6) NA-90 Sialkot-VI	Syed Ghaus Ali Shah	IJI (Uncontested)
(7) NA-112 Okara-III	Qaiser Ali Khan	IJI
(8) NA-123 Khanewal-III	Pir Shujaat Husnain Qureshi	IJI
(9) NA-137 Muzaffargarh-III	Malik Ghulam Muhammad Noor Rabani Khar	IJI
(10) NA-205 Khuzdar	Hasil Khan	IND
PROVINCIAL ASSEMBLY OF PUNJAB		
(1) PP-6 Rawalpindi-VI	Ch. Waqar Ali Khan	IJI
(2) PP-38 Mianwali-III	Mian Riaz Ahmed Shah	IJI
(3) PP-58 Faisalabad-XVI	Shahid Nazeer	IJI
(4) PP-59 Faisalabad-XVII	Rana Sanaullah Khan	PDA

Number and name of constituency	Name of the returned candidate	Party Affiliation
(5) PP-65 Jhang-V	Bye-election not held due to disturbances.	
(6) PP-78 Gujranwala-II	Nawazish Ali	IJI (Uncontested)
(7) PP-103 Sialkot-II	Kh. Muhammad Manshaullah	IJI
(8) PP-113 Sialkot-XII	Akhlaq Ahmed Khan	IJI
(9) PP-123 Lahore-VIII	Farid Ahmed Paracha	IJI
(10) PP-124 Lahore-IX	Abdul Sattar	IJI
(11) PP-205 Rajanpur-II	Sardar Haji Ghulam Mujtaba Khan Dreshak	IJI
(12) PP-214 Muzaffargarh-VIII	Malik Muhammad Rafiq	IJI
(13) PP-229 Bahawalnagar-V	Ch. Zafar Iqbal	IJI
PROVINCIAL ASSEMBLY OF SIND		
(1) PS-18 Naushero Feroze-IV	Ghulam Rasool Khan Jatoti	IND
(2) PS-64 Sanghar-I	Haji Khuda Bakhsh Nizimani	IND (Uncontested)
(3) PS-71 Thatta-III (MPA died on 8-11-1990)	Syed Shafique Ahmed Shah	IND
PROVINCIAL ASSEMBLY OF N.W.F.P.		
(1) PF-20 Mardan-III	Abdul Akbar Khan	PDA
(2) PF-35 Abbottabad-II	Sardar Fida Muhammad Khan	IJI
(3) PF-45 Mansehra-IV	Faiz Muhammad Khan	IND
PROVINCIAL ASSEMBLY OF BALUCHISTAN		
(1) PB-34 Lasbella-I	Shahzada Ali Akbar	IJI

Fresh proceedings

13. In addition to the bye-elections detailed in the preceding paragraphs, election to fill one seat in the National Assembly from constituency No. NA-91 Sialkot-VII was held on January 26, 1991. During the general elections, proceedings for election in this constituency were terminated under section 18 of the Representation of the People Act, 1976, because of the assassination of Mr. Idrees Taj, one of the candidates contesting on the ticket of IJI. Fresh proceedings were drawn and election from this constituency ended in the uncontested return of Mr. Muhammad Ashfaq Taj, brother of deceased candidate Mr. Idrees Taj. The name of Mr. Ashfaq Taj was notified in the official Gazette on 27-1-1991.

14. According to the result of election, the IJI bagged eight seats in the National Assembly as against one seat won by the PDA and one by an independent candidate. In case of the Provincial Assembly, Punjab, the IJI captured eleven seats and the PDA secured one seat. Three seats were won by independent candidates in the Sind Provincial Assembly. In the Provincial Assembly of NWFP, IJI, PDA and independents shared one seat each. IJI won the only seat in Baluchistan Provincial Assembly.

15. In case of election to ten seats of the National Assembly, the IJI polled 3,39,665 votes or 54.57% of the total votes and bagged eight seats, while the PDA polled 1,47,688 or 23.73% and secured one seat. The independent candidates obtained 1,30,996 votes or 21.05% of the total votes polled and captured one seat.

16. Votes polled and the percentage of votes in respect of the National Assembly constituencies is tabulated below:

Name of Province	IJI			PDA			Independents		
	Votes	Percentage	Seats	Votes	Percentage	Seats	Votes	Percentage	Seats
I	2	3	4	5	6	7	8	9	10
Punjab	3,34,061	62.55%	8	1,27,981	23.96%	—	67,981	12.73%	—
Sind	—	—	—	—	—	—	—	—	—
NWFP	5,604	10.03%	—	19,707	35.27%	1	30,556	54.69%	—
Baluchistan	—	—	—	—	—	—	32,459	100%	1
Total:	3,39,665	54.57%	8	1,47,688	23.73%	1	1,30,996	21.05	1

17. In case of election to the Provincial Assemblies, the number of votes and percentage of votes is as under:—

Assembly	IJI			PDA			Independents		
	Votes	Percentage	Seats	Votes	Percentage	Seats	Votes	Percentage	Seats
Provincial Assembly, Punjab	2,69,756	63.20%	11	81,870	19.18%	1	75,202	17.62	—
Provincial Assembly, Sind	—	—	—	10,165	9.05%	—	95,968	85.44%	3
Provincial Assembly, NWFP	12,295	17.07%	1	11,317	15.72%	1	48,396	67.21%	1
Provincial Assembly, Baluchistan	13,635	64.61%	1	7,470	35.39%	—	—	—	—

18. The turn out of voters at the bye-elections was 32.41% which is less than the percentage of the last general elections.

19. The result of bye-election is consistent with the result of general elections. A glance at the result of bye-election confirms the pattern of voting by the electorate at the general election and belies the claim of rigging. Detail of Bye-elections appears at Annex VII.

CHAPTER-XXV

ELECTION DISPUTES

Statutory Provisions

Section 52 of the Representation of the People Act, 1976 envisages that no election can be questioned or challenged except by an election petition. The statutory provisions with regard to filing and disposal of election petitions are contained in sections 52 to 77 of the Representation of the People Act, 1976.

Limitation Period

2. Election petitions are required to be filed within 45 days of the publication in the official Gazette of the name of the returned candidates under the Representation of the People Act, 1976 and there is no provision with regard to application of the Limitation Act thereto.

Security Deposits

3. It is incumbent upon the petitioners to deposit a sum of Rs. 1000 in respect of the petitions filed under the Representation of the People Act, 1976 as security for the costs of the petitions. The amount is required to be deposited at any branch of the National Bank or at a Government Treasury or sub-Treasury.

Presentation of Petition

4. A petitioner can present his election petition to the Secretary to the Election Commission either personally or through a person duly authorised in writing by him or by means of registered post. An election petition mailed by registered post within the stipulated period of limitation shall be deemed to have been presented within time.

Parties to Petition

5. The petitioner is enjoined to join as respondents to his petition all contesting candidates and any other candidate against

whom any allegation of illegal or corrupt practice is levelled and shall serve personally or by means of registered post a copy of the petition on each such respondent.

Contents of Petition

6. The petitioner is obliged to include a precise statement of the material facts, basing his claim thereon, together with full particulars of any illegal or corrupt practice allegedly committed and the names of the persons responsible thereof and also to mention the dates and places of such occurrences. The petitioner may claim by way of relief, any of the following declaration :—

- (a) that the election of the returned candidate is void;
- (b) that the election of the returned candidate is void and that the petitioner or some other person has been duly elected; or
- (c) that the election as a whole is void.

Every election petition and its annexures are required to be signed and verified by the petitioner in the manner provided in the Code of Civil Procedure for verification of pleadings.

Grounds for Declaring Election Void

7. The election of a returned candidate has to be declared void if it is proved to the satisfaction of the Tribunal that :—

- (a) the nomination of the returned candidate suffered from any invalidity;
- (b) the returned candidate was not, on the day of nomination, qualified for, or was disqualified from being elected as a member;
- (c) the election of the returned candidate was obtained or influenced by any corrupt or illegal practice; or
- (d) the returned candidate or his election agent or any other person, with his connivance, indulged in a corrupt or illegal practice.

8. The Election Tribunal is competent, to declare the election of a returned candidate as void and adjudge the petitioner or any other contesting candidate to be elected, if so claimed by them, and if there are valid grounds warranting such order.

9. The election as a whole has to be declared void and set aside if it is proved to the satisfaction of the Tribunal that the result of the election has been materially affected or influenced by:—

- (a) the failure of any person to comply with the provisions of the Act or the rules framed thereunder; or
- (b) the commission of large scale corrupt or illegal practices during the election.

These provisions have been enacted to prevent the Returning Officer and other members of the polling staff from misusing their official powers and indulging in corrupt or illegal practices.

Dismissal of Petition by the C.E.C.

10. The Chief Election Commissioner is vested with the powers to dismiss an election petition in a summary way under section 56 of Act which is reproduced below:—

“56. Procedure on receipt of petition by the Commissioner.—(1) If the Commissioner finds that any provision of section 52, section 53 or section 54 has not been complied with, the petition shall be dismissed forthwith.

(2) If an election petition is not dismissed under subsection (1), the Commissioner shall refer it for trial to a Tribunal.

Section 52, 53 and 54 of the Act are as under:—

“52. Election petition.—(1) No election shall be called in question except by an election petition made by a candidate for that election (hereafter in this Chapter referred to as the petitioner)

Proviso (* * * *)

(2) An election petition shall be presented to the Commissioner within (forty-five) days of the publication in the official Gazette of the name of the returned candidate and shall be accompanied by a receipt showing that the petitioner has deposited at any branch of the National Bank of Pakistan or at a Government Treasury or sub-Treasury in favour of the Commissioner, under the prescribed head of account, as security for the costs of the petition, a sum of one thousand rupees.

53. *Presentation of petition.*—(1) An election petition shall be presented by a petitioner and shall be deemed to have been presented.—

(a) when it is delivered in person to the Secretary to the Commission or to such other officer as may be appointed by the Commission in that behalf,—

(i) by the petitioner; or

(ii) by a person authorised in writing in this behalf by the petitioner; or

(b) When delivered by registered post to the Secretary to the Commission or to such other officer as aforesaid.

(2) An election petition, if sent by registered post, shall be deemed to have been presented in time if it is posted within the period specified in sub-section (2) of section 52.

54. *Parties to the Petition.*—The petitioner shall join as respondents to his election petition.—

(a) all contesting candidates, and

(b) any other candidate against whom any allegation of any corrupt or illegal practice is made and shall serve personally or by registered post on each such respondent a copy of the petition.

Explanation.—In this section and in the following provisions of this chapter, “corrupt or illegal practice”

means a "corrupt practice" or an "illegal practice" within the meaning of Chapter VIII.

As many as 15 such petitions were dismissed by the Chief Election Commissioner on the aforementioned grounds.

Procedure before Election Tribunal

11. A procedure for the trial of election petitions by the Election Tribunals has been laid down under section 62 of the Representation of the People Act, 1976 and the text thereof, as notified in the official Gazette dated the 17th March, 1985, is reproduced 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 receipts indicating that the copies of the petition and the attached documents and the affidavits annexed to the petition have been supplied to the respondents.
- (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 Tribunals

12. As many as 26 Election Tribunals have been appointed to hear election petitions relating to the elections to the National and Provincial Assemblies as per details given below:—

Province	Number of Election Tribunals
Punjab	16
Sind	06
NWFP	03
Baluchistan	02
Total:—	27

Appeal Against the Decision of the Tribunal

13. Any person aggrieved by the decision of the Election Tribunal can file an appeal before the Supreme Court within thirty days of the pronouncement of the decision and the decision of the Supreme Court thereon shall be final. This provision is equally applicable to the cases relating to the elections to the Assemblies and the Senate.

Number of Election Petitions

14. In all 145 election petitions relating to the general election 1990 were filed. The detail is as follows:—

Province/ Area	Number of election petitions filed from the constituencies of					
	Muslims	Christians	Hindus and Scheduled Castes	Sikhs, Budhists, Parsis and other non- Muslims	Quadianis	Total
1	2	3	4	5	6	7
NATIONAL ASSEMBLY						
NWFP	2	—	—	—	—	2
FATA	3	—	—	—	—	3
Federal Capital	—	—	—	—	—	—
Punjab	44	3	—	1	—	48
Sind	9	—	1	—	—	10
Baluchistan	4	—	—	—	—	4
Total:	62	3	1	1	—	67
PROVINCIAL ASSEMBLIES						
Punjab	32	—	—	1	—	33
Sind	18	2	3	—	—	23
NWFP	10	—	—	—	—	10
Baluchistan	12	—	—	—	—	12
Total:	72	2	3	1	—	78

Number of Election Petitions Disposed of

15. Of the 145 election petitions, 15 petitions were dismissed by the Chief Election Commissioner, under section 56(1) of the Representation of the People Act, 1976, for non-compliance of the provisions of section 52 and section 54 thereof. So far, nine Election Petitions have been disposed of by the Election Tribunals.

Comparison with Petitions filed in Respect of Previous Elections

16. 219 and 116 election petitions were filed in respect of 1985 and 1988 general elections respectively. A comparison of these figures with the figure of 145 petitions filed in connection with 1990 general election shows that while a substantial decrease occurred in the case of 1985 general elections, a minor increase took place in relation to 1988 general elections. Thus the figures pertaining to the last general elections are perfectly normal.

17. The Chief Election Commissioner, after appointing Election Tribunals and referring the election petitions to them for trial, becomes functus officio, except the power to transfer a petition from one Tribunal to the other under section 58 of the Representation of the People Act, 1976. The delay caused in the disposal of the election petitions is on account of two main reasons. Firstly, the Tribunals are also sitting Honourable Judges of the High Courts and they have to attend to their normal court work as well. Secondly, the main respondents, who are MNAs/MPAs remain busy in connection with Assembly sessions and the meetings of Privilege Committees and request for postponement of hearings which impedes the smooth and expeditious hearing of the cases.

18. For expeditious disposal of election petitions, the possibility of amending the law may be considered by the Government in order to enable the Election Tribunals to hear the cases on day-to-day basis and decide the petitions within specified period.

CHAPTER XXVI

SUMMARY OF RECOMMENDATIONS

Electoral Rolls

The following recommendations are made to make the electoral rolls as accurate and authentic as possible:—

- (1) The experience of adopting minimal unit of an electoral area, such as, sub-ward, sub-unit, etc., for the preparation of electoral roll has proved to be a success. Due to this arrangement, the assignment of voters of an electoral area, whether enrolled at the initial stage or at a later stage, to one and the same polling station has become possible. For convenience of the voters, this practice should be followed in future as well.
- (2) For the sake of distinction, the electoral roll for different communities were printed on coloured paper in 1987. This innovation has also served the purpose well and the rolls should in future be prepared keeping in view the model of existing rolls.
- (3) The scheme for automation of the National Registration System and preparation of the draft electoral rolls as a by-product thereof should jointly be implemented by the Election Commission and the Registration Organization in a phased programme, as and when considered financially feasible.
- (4) The number of National Identity Card should, in future, appear in the electoral roll against the name of each voter.

Polling Stations

2. It would be more advantageous to have pre-fixed polling sites in each electoral area. The list of such sites should be maintained and revised periodically by the local administration. Changes, if any, may be made by the District Returning Officer, on the recommendations of local administration who may give full justification therefor.

Allocation of Symbols

3. There is no denying the fact that allocation of symbols to political parties is a serious matter. The law in this subject, as amended in the light of the Supreme Court's Judgement in Constitution Petition No. 2-R/1988, is that any political party or a combination of two or more political parties can apply to the Election Commission for allocation of symbols. However, there is no provision in the law to gauge and assess the credibility or standing of the applicant party(s). The result of this omission is more than obvious. Mushroomed parties, without any office bearer other than the respective founders and without credentials, are free to apply for allotment of symbols. Two of such parties, aggrieved of the Commission's order rejecting their applications for allotment of symbol, had even gone in writ petitions before the High Court, which were dismissed and the Commission was dragged into uncalled for litigation.

4. It is high time that the process of allocation of symbols to the political parties may be regulated by law and suitable amendments in section 21 of the Representation of the People Act, 1976 and rule 9 of the People (Conduct of Election) Rules, 1977 be made in the light of the criteria laid down by the Commission, as mentioned at paragraph 6 of Chapter-XIII.

Training of Polling Agents

5. It has generally been observed that the polling agents of the candidates are not fully conversant with the polling process and are, therefore, not in a position to safeguard the interest of their candidates effectively. The candidates and political parties are advised, in their own interest and in the interest of fair play, to arrange proper training for their polling agents in the procedural matters. A vigilant and knowledgeable poll watcher will not only be able to watch the interest of his candidate and party but will also be of great help to the polling staff in the efficient and disciplined conduct of the poll.

Code of Ethics for Political Parties

6. In democratic countries, in the election campaign national and basic issues confronting the country and party's programme and position are discussed. The political parties entering the electoral arena restrict the electoral debates to such issues, programmes and policies

rather than make opponent parties and leaders the target of vilification and slanderous attacks. The political parties in Pakistan should give proper thought to this aspect of their activity and take practical steps to observe the rules of the game and to set the tradition of decent political behaviour during the electoral campaign. It should be borne in mind that there is more political awareness in the country today than ever before and no one can easily be attracted or deceived by catchy slogans any longer.

7. In order to achieve the desired object, a "Code of Conduct", evolved with the consent of all parties contesting the election, should be made part of the law for general elections in future.

Election Expenses

8. The provisions in respect of election expenses relating to National and Provincial Assemblies were omitted under the Representation of the People (Amendment) Act, 1991 (Act No. IX of 1991), whereas identical provisions relating to Senate election continue to remain in force. The legislature may like to consider the propriety of removing this inconsistency in respect of both the Houses and the Provincial Assemblies.

9. In order to provide a fair chance to the middle class and low-income aspiring candidates for the election to the National and Provincial Assemblies *vis-a-vis* the rich and the privileged ones, it is further recommended that a moderate and reasonable ceiling of election expenses may be fixed and a mechanism be devised to regulate the election expenses of a candidate effectively.

Ban on use of Buntings, etc.

10. Use of buntings, banners and wall-chalking as part of election campaign should be banned by amending the law, after examining the validity thereof.

Disposal of Election Petitions

11. For expeditious disposal of election petitions, the possibility of amending the law may be considered by the Government in order to enable the Election Tribunals to hear the cases on day-to-day basis and decide the petitions within a specified period.

Powers of the Commission to punish for contempt

12. Under section 103A of the Representation of the People Act, 1976, the Election Commission and the Chief Election Commissioner have the same power as the High Court has to punish any person for contempt of court and the provisions of the Contempt of Court Act, 1976 (XLIV of 1976) have been made applicable for this purpose. The Representation of the People Act, 1976 provides for the conduct of election to the National Assembly and Provincial Assemblies and the power to punish for contempt of court is, therefore, restricted to the conduct of these elections only.

13. Apart from the conduct of election, the Chief Election Commissioner is required to prepare and revise the electoral rolls under the Electoral Rolls Act, 1974 and the Commission to carve out constituencies for election to the National Assembly and the Provincial Assemblies in accordance with the provisions of the Delimitation of Constituencies Act, 1974. It is recommended that a provision may be added to the Electoral Rolls Act, 1974, and the Delimitation of Constituencies Act, 1974, on the lines of section 103A of the Representation of the People Act, 1976, so as to equip the Election Commission and the Chief Election Commissioner with necessary powers to punish for contempt in the process of preparation and revision of electoral rolls and the delimitation of constituencies.

Power to suspend any officer in connection with preparation of electoral rolls and Delimitation of constituencies

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

CHAPTER XXVII

COMMENTS OF THE NATIONAL AND
INTERNATIONAL AGENCIES

The citizens of Pakistan had exercised their right of franchise peacefully. The process was so smooth, disciplined and orderly that it was acclaimed at home and abroad. Since the elections were observed by the national and international teams and press media, the people all over the world appreciated the elaborate arrangements made by the Election Commission for conducting the elections in a most well knit well organized and systematic manner. The Chairman Senate while visiting the Central Control Room of the Election Commission on 24th October, 1990 spontaneously expressed that election 1990 would herald an important era in the political history of the country.

2. The international community watched with keen interest the process of general elections in Pakistan. Quite a large number of foreign organizations and dignitaries visited Pakistan on the eve of the polls to have an overview of the election campaign and to see actual conduct of the polls.

Certification of US President George Bush

3. In pursuance of the provisions of the Foreign Operations, Export Financing and Related Programmes Appropriations Act, 1991, Mr. George Bush has certified that "the 1990 general elections of Pakistan were free and fair which reflected the will of the people. All seats in the election were contested in a popular vote with universal suffrage. The voting process was generally open, free from violence and orderly. The role of the Election Commission was laudable and the elections were administered by an independent legal mechanism—the Election Commission headed by a Judge of the Supreme Court of Pakistan."

4. The U.S. President authorised and directed the Secretary of State, James Baker, to transmit his certification to the Congress. President Bush endorsed that—

- (i) "the State of Emergency (as declared by the caretaker Government of Ghulam Mustafa Jatoi) in Pakistan did not interfere in the fair conduct of National Assembly elections ;

- (ii) the government of Pakistan held timely, free, fair and internationally monitored National Assembly elections, open to full participation of all legal parties and all legal candidates;
- (iii) the proceedings of the Special Courts established on August 8 and August 21, 1990 did not interfere with the conduct of free and fair elections; and
- (iv) the progress of convening the National Assembly is progressing without interference."

Report of the team of the US National Democratic Institute for International Affairs (NDI).

5. The United States National Democratic Institute for International Affairs (NDI) based in Washington DC had organized a 40 member international delegation in order to observe the general elections 1990. The NDI also sent its delegation to Pakistan during 1988 general elections who had observed that "the process established by law and regulations for the conduct of the November, 1988 elections in Pakistan is highly impressive and compares favourably with those of democratic countries around the world."

6. The delegation arrived in Islamabad on Saturday, the 20th October, 1990—four days before the elections. It was led by former Turkish Foreign Minister, Vehit Halefoglu and Polish Senator Stanislaw Dembinski comprising parliamentarians, leaders of the political parties and election experts from 17 countries, including United States, Sri Lanka, Senegal, Turkey, New Zealand, the Gambia, the Philippines, Egypt, U.K., Kenya, Namibia, Japan, Czechoslovakia, Bulgaria and Sweden, and also Gugile Nkwinti, an official of the African National Congress (ANC) South Africa.

7. The NDI observers team reported that the elections were fair, free and without any interference from the Administration. The results of the National Assembly elections reflected the will of the electorate. The leader of the delegation observed that "the elections were generally open, orderly and well administered." According to the report of delegation the counting process was conducted expeditiously and in the presence of party agents.

8. It was categorically stated in the NDI report that "the delegation received no evidence to substantiate allegations concerning irregular vote totals," and that "no evidence has been presented by any of the parties that shows discrepancies between the results obtained by party agents and those reported by the Election Commission."

9. The members of the delegation visited 500 polling stations throughout the country and while meticulously observing the arrangements made by the Election Commission on the polling day, could not help but to exclaim that "the election personnel involved in administering the process were usually well versed in the system. They appeared to be impartial and effective." The leader of the team on a question made it clear that the delegation had selected polling stations themselves and were not conducted by officials to the polling stations of their choice.

10. Mr. Halefoglou as a final comment had expressed the hope that the level of cooperation between local party agents that they witnessed on the polling day would lead to the peaceful evolution of democracy in Pakistan. The NDI Report says that 1990 general elections were viewed as signifying an important step in Pakistan's transition to democracy.

Report of SAARC Observer Mission

11. A non-governmental SAARC Observer Mission visited Pakistan with an objective to monitor the poll and to undertake a study of electoral process, procedures and the laws. A similar ten member delegation had also observed the process of elections in 1988. The mission consisted of 16 persons-jurists, academics, journalists and diplomats drawn from Bangladesh, India, Nepal and Sri Lanka. It was observed that the actual process of polling appeared to be free, fair and orderly in a majority of the polling stations visited by the mission. There was no sign of rigging and none complained against the elections. The mission expressed satisfaction over the polling process.

Comments of the Canadian Team

12. A four member observer team from Canada comprising Canadian Parliamentarians came to Pakistan in order to see the arrangements for the conduct of elections to the National Assembly

and the Provincial Assemblies. They were fully satisfied with the arrangements of polls and termed the elections as "fair and free, firm and friendly" under excellent system. The members went around the various polling stations of their own choice on both the occasions.

13. The members of the team narrated their experiences of the polling they visited "We cannot say there was some foul play". "Our report is based on what we saw and not what we heard, though we heard both sides and heard a lot," said Dr. Charles Eugene Marin, leader of the team. He further went on to say that "besides the rival candidates we freely talked to voters queued up outside the polling stations and also had the opportunity to photograph them. We also talked to the presiding officers and the agents of the candidates."

14. Jesse Flis M.P., a member of the team praised the arrangements made by the Election Commission and said that he observed the procedure at the polling booth what he had been briefed by the Chief Election Commissioner Mr. Justice Naimuddin.

15. Allen Koury, an other member who visited Jhang, Faisalabad and Gujrat said "I feel the system being carried out in Pakistan is extremely good." He appreciated the identity card system and termed it a useful method to avoid foul play. It was reported in the daily "Pakistan Times" on 30th October, 1990.

Remarks of the French Observers Team

16. The French Observers Team arrived in Karachi on 24th October, 1990, the polling day for National Assembly election at about 1.30 p.m. They visited a few polling stations at Karachi and then flew to Islamabad the same day at 4.00 p.m., arriving at Islamabad Airport after 5.30 p.m. when the poll was over. They had no occasion or chance to visit any polling station in Rawalpindi or Islamabad. No complaint was received by the Commission. Only one election petition has been filed in case of election from 13 National Assembly constituencies of Karachi where the French Team had seen the polling process. They made no comments at Karachi. The statement made by them is based on hearsay and not on their personal observation or on facts. They had absolutely no idea of the polling procedure in Pakistan. Their statement that the elections were not fair as the election results were manipulated during transit of the ballot boxes from polling stations to the central place for counting is factually incorrect. According to the

procedure prescribed under the law, the counting is done at the polling stations immediately after the closing hour and not at a central place, within the sight of the candidates and their polling agents. The ballot boxes are not taken out of the polling station and no central counting is required to be done under the law. It is still a mystery as to who sponsored their visit to Pakistan to oversee the polling process.

17. This was supported by the U.S. Assistant Secretary of State John Kelly, when he observed "a four member French team arrived on the election day and had monitored a few polling stations only in Karachi. He said part of their judgement was based on second-hand information supplied by some political parties who had a vested interest."

Comments of International Press

18. As reported by the daily "Nation" Lahore, "Pakistan Times" Islamabad and "Frontier Post" Peshawar on 26th October, 1990, "the American Print and Electronic Media gave prominent coverage to the elections held in Pakistan, though they were busy with federal budget and Iraq-related developments." The ABC-TV said on its main bulletin that the polls "appeared to be fair" while another network said the polling was "orderly", "Main Television networks showed clips of scenes at various polling stations with leaders of the rival alliances casting their votes."

19. The New York Times said "Reporters who visited dozens of polling stations found little visible evidence of rigging charges." The atmosphere at polling places was generally genial with polling agents of Peoples Democratic Alliance and the Islami Democratic Alliance sitting side by side."

20. "Times" correspondent wrote, "there were no complaints of harassment or fraud in the limited sample of polling places."

21. Daily "Nation" Lahore and "Muslim" Islamabad quoting the APP's special correspondent from Washington reported on 31st October, 1990 that the United States accepted the results of the National Assembly elections. Responding to a question the State Department's spokeswoman Margaret Tutwiler said that the U.S. accepted the conclusions of NDI team which described the national polls as "generally open, orderly and well-administered", though the

team noted some irregularities, but these could not have significantly altered the election results. "Nothing in our own observations would lead us to question the observer team's findings."

22. U.S. Congressman Charles Wilson observed that "I was very hopeful that the elections would be fair and that the reports that I got were that by and large, the elections were fair, with a minimum of fraud and that the international observers Report indicated that there was only a minimum of problems."

23. The United States, as reported by "Frontier Post, Peshawar on 4th November, 1990, told a congressional hearing presided by Stephen Solarz that its preliminary judgement on the Pakistani elections was "that the overall outcome was not significantly altered by reported malpractices". "The national elections seems us to have given the Pakistani people a generally fair opportunity to choose their governments."

24. The US was in agreement with the preliminary findings of the 40 members international observers team that the elections were generally, open, orderly and well-administered."

25. In its annual report, the International Institute of Strategic Studies, London, described the 1990 elections in Pakistan as fair and just and affirmed that no rigging had taken place in these elections, (daily "Pakistan" Lahore dated 1-6-1991).

NATIONAL PRESS

صدر مملکت غلام اسحاق خان نے پاکستان میں آزادانہ، منصفانہ اور پرامن انتخابات کے انعقاد پر الیکشن کمیشن آف پاکستان کو مبارک باد دی۔ صدر مملکت نے چیف الیکشن کمشنر جناب جسٹس نعیم الدین اور ان کی وساطت سے الیکشن کمیشن کے دوسرے ارکان اور عملے کا شکریہ ادا کیا اور کہا کہ الیکشن کمیشن قوم کی امتگوں پر پورا اترتا ہے۔ اور اس نے بے حد منصفانہ، آزادانہ الیکشن کرائے ہیں۔ یہ خبر روزنامہ جنگ راولپنڈی نے مورخہ 2 نومبر 1990ء کو شائع کی۔

سینٹ کے چیئرمین وسیم سجاد نے چیف الیکشن کمشنر جسٹس نعیم الدین کے نام اپنے ایک تہنیتی پیغام میں کہا کہ "عام انتخابات ایک انتہائی اہم ذمہ داری تھی۔ جس کا بوجھ قوم نے آپ

کے کندھوں پر ڈالا تھا اور یہ دیکھ کر انتہائی مسرت ہوتی ہے کہ الیکشن کمیشن نے یہ کام مختصر ترین مدت میں منظم ترین انداز میں کیا۔ انہوں نے کہا کہ قوم کو اپنے نمائندوں کے چناؤ کے لئے فوراً آپ نے فراہم کیا۔ آپ اور آپ کے کمیشن کے رفقاء بجا طور پر اس خراج تحسین کے مستحق ہیں جو آپ کو قوم اور غیر ملکی مبصرین نے پیش کیا۔“

The daily "Pakistan Times" on 2nd November, 1990 reported that Admiral Iftikhar Ahmed Sirohy, Chairman Joint Chiefs of Staff Committee has congratulated the CEC Mr. Justice Naimuddin on successful completion of general elections. He said that it would not have been possible without "your detailed guidance and a very objective approach towards performance of this sacred duty". "Your untiring efforts in discharging this onerous responsibility will be gratefully remembered and acknowledged by all". "The teams of the CEC both for national and provincial elections also deserved commendation"

روز نامہ "مساوات" لاہور نے مورخہ 3 نومبر 1990ء کو لکھا کہ بری فوج کے سربراہ جنرل مرزا اسلم بیگ نے قومی اور صوبائی اسمبلیوں کے منصفانہ اور پرامن انتخابات کرانے پر چیف الیکشن کمشنر جناب جسٹس نعیم الدین کو مبارکباد دی اور کہا کہ جمہوری نظام کے قیام کیلئے یہ منصفانہ انتخابات اہم ترین قدم ہیں۔

روز نامہ "نوائے وقت" راولپنڈی نے مورخہ 4 نومبر کو "شکریہ الیکشن کمشنر" کے عنوان سے مندرجہ ذیل ادارہ تحریر کیا ہے۔

"یہ بات انتہائی اطمینان بخش ہے کہ پاکستان الیکشن کمیشن آزادانہ اور منصفانہ انتخابات کرنے میں کامیاب رہا ہے۔ اس طرح وہ اپنے ان فرائض سے باوقار طریقے سے عمدہ برآہوا ہے جو قوم نے اس کے سپرد کئے تھے۔ پاکستانی عوام نے خود مشاہدہ کیا ہے کہ انتخابات بڑے امن و امان اور منظم طریقے سے منعقد ہوئے اور چھوٹی موٹی کوتاہیوں کو چھوڑ کر کسی جگہ سے بھی کسی ناخوشگوار واقعے کی اطلاع نہیں ملی۔ انتخابات سے پہلے ملک کے دو بڑے اتحادوں آئی جے آئی اور پی ڈی اے کے درمیان محاذ آرائی اور گرم گرمی کا جو سلسلہ جاری تھا اس سے اس بات کا خطرہ محسوس کیا جا رہا تھا کہ شاید پرامن انتخابات کا انعقاد ممکن نہ ہو سکے

لیکن الیکشن کمیشن انتظامیہ اور فرج کی مدد سے اس انتہائی مشکل چیلنج سے جس کامیابی سے سے عمدہ بر آہو اس پر وہ واقعی مبارکباد کا مستحق ہے، اگرچہ بعض مقامات پر دنگے فساد کے اکاد کا واقعات رونما ہوئے اور چند افراد قتل بھی ہوئے لیکن بحیثیت مجموعی الیکشن پر امن رہے اور لوگوں نے آزادانہ طور پر اپنی رائے کا اظہار کیا۔ ان انتخابات کا مشاہدہ کرنے کیلئے ہمت سے غیر ملکی مبصر پاکستان آئے تھے۔ انہوں نے بھی بالعموم اس بات کی گواہی دی ہے کہ انتخابات آزادانہ اور منصفانہ فضاء میں منعقد ہوئے ہیں اور ہمیں کسی بھی حلقے سے بد عنوانی کی اطلاع نہیں ملی۔ اگرچہ ہم غیر ممالک کے سرٹیفکیٹ کے محتاج نہیں ہیں اور ہم خود اپنے انتخابات کے بارے میں فیصلہ کر سکتے ہیں کہ کس حد تک منصفانہ ہیں لیکن اس کے باوجود اکثر و بیشتر غیر ملکی مبصرین کی آراء ہمارے لئے حوصلہ افزاء ہیں۔ اس کے لئے الیکشن کمیشن قوم کے شکرینے کا مستحق ہے۔

روزنامہ ”نوائے وقت“ راولپنڈی نے مورخہ 4 نومبر 1990ء کو فار ایئرٹن اکنانک ریویو کے حوالے سے خبر شائع کی کہ پاکستان کے انتخابات کے بارے میں مذکورہ رسالے نے اپنے ایک تبصرے میں کہا ہے کہ ”بے نظیر بھٹو اور ان کے ساتھیوں نے انتخابی مہم شروع ہوتے ہی یہ خدشہ ظاہر کرنا شروع کر دیا تھا کہ ان کے خلاف انتخابات میں دھاندلی ہوگی۔ انتخابات کے بعد انہوں نے توقع کے مطابق دھاندلی کے الزامات عائد کر دیئے۔ مگر اصل صورت حال یہ ہے کہ دھاندلی کی باتیں تو سنی ہیں مگر کہیں دیکھی نہیں گئی۔“

روزنامہ ”جنگ“ راولپنڈی نے مورخہ 3 نومبر 1990ء کی اشاعت میں تحریر کیا ہے کہ ”برطانوی دفتر خارجہ نے کہا ہے کہ ”پاکستان میں عام انتخابات آزادانہ اور منصفانہ ہوئے ہیں“..... ”انہوں نے کہا جو اطلاعات ملی ہیں ان کے مطابق پاکستان میں انتخابات پر امن ہوئے ہیں“..... ”برطانوی حکومت نے یہ پہلی بار پاکستان کے عام انتخابات کے بارے میں اپنی پوزیشن واضح کی“

According to Observer's Report, Mona Makram Ereid, head of the Arab and International Affairs Committee of Egyptian Opposition political party al-Wafd, who accompanied the NDI team to observe the polls in Pakistan said in her comment on the elections published in

daily Al-Wafd on 1st November, 1990, that "the people of Pakistan took the elections seriously and that the elections were held in an atmosphere of true competition. The voters were keenly interested in exercising their right of franchise in a way that was not less civilized than the standards prevailing in India or Western democracies"

روزنامہ ”نوائے وقت“ راولپنڈی نے مورخہ 17 جنوری 1991ء کی اشاعت میں ادارہ تحریر کیا ہے جس میں پاکستان کے عام انتخابات کا جائزہ لینے کے لئے بین الاقوامی مبصرین کے گروپ کی طرف سے جاری کردہ تفصیلی رپورٹ کا ذکر ہے کہ ”انتخابات میں کسی منظم دھاندلی کا ثبوت نہیں ملا اور 15 فیصد حلقوں میں مقامی سطح پر بعض انتخابی بے قاعدگیوں سے قطع نظر بھی آئی جے آئی کی کامیابی یقینی تھی“ ”اس رپورٹ نے بنیادی طور پر اس تاثر اور پروپیگنڈے کو قطعی غلط اور بلاجواز ثابت کر دیا ہے کہ حالیہ انتخابات میں کسی منظم دھاندلی کا ارتکاب کیا گیا۔“

روزنامہ ”جنگ“ راولپنڈی نے مورخہ 26 اکتوبر کو واشنگٹن پوسٹ کے حوالے سے خبر شائع کی ہے جس میں واشنگٹن پوسٹ نے کہا ہے کہ ”ان انتخابات میں وسیع پیمانے پر دھاندلی کی فوری شہادت نہیں ملی ہے“ ”یہاں انتخابات کے بارے میں پاکستانی برادری نے جوش و خروش کا مظاہرہ کیا اور پاکستانی سفارت خانے نے لوگوں کو نتائج سے آگاہ کرنے کے لئے انتظامات کر رکھے تھے۔ تمام لوگوں نے نتائج پر اطمینان کا اظہار کیا۔“

روزنامہ ”جنگ“ ہی نے مورخہ 27 اکتوبر کو بی بی سی کی رپورٹ شائع کی جس کے مطابق ”امریکی محکمہ خارجہ نے کہا ہے کہ پاکستان میں انتخابات منصفانہ تھے بینظیر بھٹو جس دھاندلی کا ذکر کر رہی ہیں اس کا کوئی ثبوت نہیں۔“

روزنامہ ”نوائے وقت“ راولپنڈی نے اپنی 27 اکتوبر کی اشاعت میں تحریر کیا ہے کہ ”وائس آف جرمنی نے آج (26 اکتوبر) پاکستان کی قومی اسمبلی کے انتخابات کے بارے میں اپنے طویل تبصروں میں بتایا کہ ان نتائج پر ہر طرف حیرت کا اظہار کیا گیا۔“ ”دھاندلی کے الزامات پر انی رسم کی حیثیت رکھتے ہیں۔“

روزنامہ ”جنگ“ راولپنڈی نے مورخہ 30 اکتوبر کو ”اچھی روایت قائم کریں“ کے عنوان سے ادارہ میں تحریر کیا ہے کہ وہ حالیہ انتخابات کے لئے الیکشن کمیشن کی طرف سے وضع کئے جانے والے قواعد و ضوابط اور انتخابات کو پر امن، آزادانہ اور منصفانہ طریقہ سے کرانے

کیلئے کئے جانے والے انتظامات کی ساری دنیا کے غیر جانبدار حلقوں کی طرف سے تعریف کی گئی ہے۔ غیر ملکی مبصرین اور ذرائع ابلاغ نے بھی انتخابات کے طریقہ کار کے بارے میں اطمینان کا اظہار کیا ہے اور انتخابات کو آزادانہ اور منصفانہ قرار دیا ہے۔“

روزنامہ ”جنگ“ نے ”انتخابات کا کامیاب انعقاد“ کے عنوان سے مضمون میں تحریر کیا ہے کہ اس مرتبہ قومی اور صوبائی اسمبلیوں کے انتخابات جن حالات افواہوں اور متضاد سمتوں میں وباؤ ڈالنے والے بے شمار مرئی اور غیر مرئی عوامل کے تناظر میں ہوئے وہ ان انتخابات کی غیر معمولی خصوصیت تھی۔ اور یہی وجہ ہے کہ انتخابات کے پروگرام کے مطابق انعقاد اور مکمل طور پر آزادانہ، منصفانہ انتخابی ماحول کی فراہمی پاکستان الیکشن کمیشن کی بہت بڑی کامیابی ہے۔ جس کے لئے چیف الیکشن کمشنر جناب جسٹس نعیم الدین اور کمیشن کے تمام چھوٹے بڑے ارکان بجا طور پر مبارک باد کے مستحق ہیں..... رہنماؤں اور کارکنوں کا مزاج کچھ اس طرح کا بن چکا ہے کہ وہ انتخابات میں اپنی کامیابی کے علاوہ کسی دوسری صورت کو نخل کے ساتھ قبول کرنے پر تیار نہیں ہوتے۔ اس غلط تصور کی وجہ سے ”ہمارے ملک میں انتخابات میں دھاندلی وغیرہ کی ایک طویل اور ناقابل رشک تاریخ ہے اور ناجائز طریقے اختیار کرنے سے انتخاب جیتنے کا امکان ہمیشہ موجود رہتا ہے۔ لیکن اس کے ساتھ ہمیں یہ بھی تسلیم کرنا پڑے گا کہ نومبر 1988ء اور اس کے بعد حالیہ انتخابات بڑے آزادانہ، منصفانہ اور قابل تعریف حد تک غیر جانبدارانہ ماحول میں ہوئے۔ یاد رہے کہ نومبر 1988ء کے انتخابات جن نگران حکومتوں کی زیر نگرانی ہوئے تھے ان حکومتوں کے اپنے متعدد ارکان اور وزراء انتخابات میں بری طرح شکست کھا گئے تھے اور مرکز میں حکومت ان کی مخالف سیاسی جماعت کی بنی تھی اس مرتبہ بھی الیکشن کمیشن نے جس خوش اسلوبی سے انتخابی انتظامات کئے ان میں بوگس ووٹنگ یا اسی نوعیت کی دوسری انتخابی دھاندلیوں کا امکان قریب قریب ختم ہو کر رہ گیا اس حقیقت کا ایک ٹھوس اور مضبوط ثبوت غیر ملکی مبصرین کی اس ٹیم کے تاثرات کی صورت میں سامنے آچکا ہے جس کا کام ہی ہمارے انتخابات کے طریقے کار، انتظامات اور ان کے آزادانہ اور منصفانہ ہونے یا نہ ہونے کا جائزہ لینا تھا۔ قریب قریب تمام قابل ذکر غیر ملکی ذرائع ابلاغ اور نشریاتی اداروں نے بھی ہمارے انتخابی قواعد و ضوابط اور انتخابات کے عمل کی تعریف کرتے ہوئے انہیں مسلمہ اصولوں اور معیار کے مطابق قرار دیا ہے“ ان انتخابات کے کامیاب انعقاد کا ایک اہم نتیجہ یہ نکلے گا کہ

ان سے ملک کے اندر جمہوری عمل کو استحکام ملے گا عام لوگوں کا جمہوریت کے مستقبل پر یقین بڑھے گا اور جمہوری عمل میں تعطل کے خدشے دم توڑ جائیں گے۔

روزنامہ ”نوائے وقت“ راولپنڈی مورخہ 4 نومبر کے مطابق امیر جماعت اسلامی سینیٹر قاضی حسین احمد نے ملک میں آزادانہ، منصفانہ اور غیر جانبدارانہ انتخابات کے بروقت انعقاد اور محنت و دیانتداری سے فرائض انجام دینے پر چیف الیکشن کمشنر اور الیکشن کمیشن کے ارکان کو مبارک باد دی۔

Judged by any standard, including the arrangements for maintenance of law and order, the 1990 general elections could be termed as the fairest of all elections held in Pakistan. This contention will find support from the data compiled and tabulated in the following statement for comparative study, especially the number of tendered ballot papers which was the lowest of all the elections:—

Sl. No.		1970	1977	1985	1988	1990	
1.	No. of registered voters and percentage of increase.	25730280	30899152 (20.09%)	34396661 (11.32%)	48061670 (39.73%)	48648960 (1.22%)	
2.	No. of candidates who were prevented from filing nomination papers.	NA PA	— 10 37	— —	— —	— —	
3.	No. of persons filing nomination papers.	NA PA	1084 3440	1199 4097	1333 4590	1859 5587	2341 6506
4.	No. of persons whose nomination papers rejected.	NA PA	13 66	67 319	30 108	26 61	27 89
5.	No. of appeals filed against acceptance/rejection of nomination papers.	NA PA	10 31	30 131	38 65	20 33	48* 35
6.	No. of appeals accepted against rejection and acceptance of nomination papers.	NA PA	5 22	9 110	7 26	9 15	3** 12
7.	No. of unopposed candidates.	NA PA	1 —	19 60	7 12	— —	3*** 1
8.	No. of contesting candidates (Muslim constituencies).	NA PA	798 2385	715 2124	1095 3571	1167 3408	1331 3447
9.	Percentage of turn out of voters.	NA PA	61.45% 58.24%	61.88% 48.24%	53.69% 57.37%	43.07% 43.20%	45.46% 46.10%
10.	No. of tenderd votes.	NA PA	Not available	21161 4849	4249 5986	2507 1303	923 1302

* In 1990 election, right of appeal for acceptance or rejection of nomination papers was also given to the voters.

** In 1990 election, appeals were heard by a Bench of three High Court Judges. Formerly the appeals were heard by a single Judge.

*** Two Members to the National Assembly were elected unopposed from FATA and one from the Punjab Province.

Sl. No.		1970	1977	1985	1988	1990
11.	No. of votes cast by postal ballot.	NA 40009	34518	46823	62641	63635
12.	No. of complaints, including appeals for recount/repoll and petitions under section 103AA (in case of 1985, 1988 and 1990).	NA Not available	3463	1907	1371	1323 ¹
13.	No. of election petitions.	NA 22 PA 59	22 ² 34	76 143	42+10 61+3	67 78
	Total	81	56	219	116	145
14.	No. of ballot papers printed for NA/PA.	140766400	—	83910000	114338000	111729000

¹ Miscellaneous complaints	1239
Repoll (Section 27)	12
Recount (Section 39)	35
Summary inquiry (Section 103AA)	37

² The number of election petitions is low, due to the boycott of Provincial Assembly election and the PNA agitation.

ANNEXURES

LIST OF ANNEXURES

Annexure No.	Reference	Particulars
ANNEXURE-I	Para 51 Chapter-XVII	Election Commission's Order dated 27-12-1990 in the case of PS-14 Jacobabad-V.
ANNEXURE-II	Para 53 Chapter-XVII	Chief Election Commissioner's Order dated 12-3-1991 regarding deletion of name of Mr. Ghulam Ali Buledi (PS-14 Jacobabad-V) from the list of voters for Senate Election.
ANNEXURE-III	Para 54 Chapter-XVII	Chief Election Commissioner's Order dated 31-8-1991 dismissing the petition filed by Mr. Abdul Hafeez Pirzada under section 103AA of the Representation of the People Act, 1976 challenging the bye-election in constituency PS-14 Jacobabad-V held on 29-6-1991.
ANNEXURE-IV	Para 13 Chapter-XVIII	Press Clipping from the daily "Muslim", Islamabad dated 29-10-1990 regarding allegation of misuse of postal ballot papers.
ANNEXURE-V	Para 13 Chapter-XVIII	Press Clipping from the daily "Jang", Rawalpindi dated 30-10-1990 regarding misuse of postal ballot papers.
ANNEXURE-VI	Para 19 Chapter-XVIII	Names and addresses of the members of the National Assembly.
ANNEXURE-VII	Para 19 Chapter-XXIV	Detail of bye-elections.

**BEFORE THE ELECTION COMMISSION OF
PAKISTAN AT KARACHI**

PRESENT :

Mr. Justice Naimuddin, Chief Election Commissioner.
Mr. Justice Khalil-ur-Rehman Khan, Member.
Mr. Justice Amirul Mulk Mengal, Member.

CONSTITUENCY PS-14 — JACOBABAD-V.

ORDER

Mr. Abdul Hafeez Pirzada for the petitioner.
Mr. Ahmad Mian Soomro for the respondent.

Amirul Mulk Mengal, Member.—The petitioner initially moved an application to the Chief Election Commissioner of Pakistan on 29-11-1990 against alleged bogus voting, corrupt practices and lawlessness in the conduct of re-poll at following three polling stations of PS-14 Jacobabad-V:—

- (1) Polling Station No. 28 ;
- (2) Polling Station No. 32 ;
- (3) Polling Station No. 41.

However, subsequently on 4-12-1990 at petition under Article 218(3) of the Constitution of Islamic Republic of Pakistan, 1973 read with section 27, 103 and 103AA of the Representation of Peoples Act, 1976 (hereinafter referred to as the Act) was moved in which the following prayer was made:—

“The petitioner therefore prayed for order for re-poll at all the five polling stations with cast iron safeguards to prevent recurrence of the illegalities. In the alternate, the petitioner prays that due to grave illegalities and violation of the Constitution and law, the entire poll in the Constituency ought to be declared void and fresh elections may be ordered.”

2. Briefly the facts leading to the filing of the petition are that after the poll conducted on 27-10-1990 the petitioner filed a petition under section 103AA of the Act which was heard by the Commission and with the consent of the parties repoll was ordered in the following five polling stations of the aforesaid Constituency:—

- (1) P.S. 26 Rasoolabad,
- (2) P.S. 28 Amirabad,
- (3) P.S. 32 Piaro Umrani,
- (4) P.S. 41 Jaffarabad,
- (5) P.S. 46 Allahabad.

The repoll was to take place on 29-11-1990. The petitioner sent various telegrams to the Commission prior to and during the day of repolling alleging that his main opponent Ghulam Ali Buledi was involved in malpractices and bogus voting and that his polling agents were denied access to three polling stations till 10.00 a.m. and that it was only with the help of the police that they managed to enter the polling stations and they were shocked to note that a large number of votes had already been cast. In the petition filed on 4-12-1990 it was also alleged that the voters were prevented from casting their votes as three cordons were thrown around polling stations at various distances. It was also alleged that Provincial and District Administration officials alongwith other influential persons completely took over the three polling stations namely Amirabad, Piaro Umrani and Jafferabad and illegally stuffed ballot papers into ballot boxes.

3. Heard Mr. Abdul Hafeez Pirzada for the petitioner and Mr. Ahmad Mian Soomro for respondent Ghulam Ali Buledi.

4. At the outset we would like to point out that petitioner in his petition dated 29-11-1990 had grievance only in respect of three polling stations number 28, 32 and 41 whereas in petition dated 4-12-1990 the petitioner requested repoll in five polling stations including Rasoolabad and Allahbad. When the counsel for the petitioner was confronted with this fact he candidly admitted that he would confine his arguments regarding the three polling stations as mentioned in the earlier petition dated 29-11-1990;

5. The main thrust of attack of the petitioner was that the turn out of votes in three polling stations namely Amirabad, Piaro Umrani and Jaffarabad was surprisingly very high and that it was an

impossibility that turn out of the voters can be as high as 98% of the total registered votes. Learned counsel whilst substantiating his arguments reproduced the following tabulation for comparative study:—

Polling Station	Petitioner	Agha Ghulam Ali	Total
(a) Rasoolabad (26)	2180	44	2235
(b) Allahbad (46)	2015	6	2188
(c) Jafferabad (41)	15	2490	2514
(d) Amirabad (28)	259	1713	2000
(e) Piaro Umrani (32)	157	1709	1876
Total ..	4626	5970	10813

5. That in the repoll held on 29-11-1990, the position is as under:—

(a) Rasoolabad (26)	323	3	331
(b) Allahbad (46)	136	9	157
(c) Jafferabad (41)	10	2673	2694
(d) Amirabad (28)	32	1905	1937
(e) Piaro Umrani (32)	42	1740	1792
Total ..	543	6330	6911

6. On the basis of the aforesaid tabulation, the learned counsel argued that percentage of the votes in two polling stations under the influence of petitioner shrunked from a very high turn out into the lowest ebb whereas on the other hand the percentage of votes in three polling stations within the area of influence of contesting respondent was so increased that in one of the polling stations it reached 98% of the total registered votes. While further giving the details it was pointed out that the turn out in polling station Amirabad was about 93%, of polling station Piaro Umrani it touched 91% and of polling station Jaffarabad it was about 98%. He therefore tried to convince us that this

variation was on the face of it abnormal and sufficient to support the contention of the petitioner that his voters were prevented to cast their votes whereas their agents were not allowed to enter the three polling stations atleast till 10.00 a.m., whereafter with the help of Police they managed to enter the polling station. He urged that it was rather a virtual impossibility that the turnout of the votes can be as high as indicated in the above tabulation particularly in view of the fact that almost half of the voters in the area are lady voters living in rural areas, who usually do not come to cast their votes particularly in a tense situation.

7. In reply thereto Mr. Ahmad Mian Soomro, Advocate for contesting respondent argued that since repoll was ordered only in five polling stations by the Commission, therefore, the candidates put all their efforts to convince the voters to exercise their right of franchise and it was as a result of such convincing that there was heavy turn out which may not be taken as abnormal or alarming.

8. It cannot be laid down as a rule that high percentage of turn out of voters *ipso facto* should lead to inescapable conclusion that there was some malpractice or grave illegality. However in the instant case the question to be seen is whether the circumstances emerging from the record do *prima facie* establish that the polling on the three polling stations was conducted in free and fair manner.

9. Before advertng to the aforesaid moot question, we would like to dilate upon and discuss the scope of jurisdiction to be exercised by the Commission under section 103AA of the Act. The primary duty of the Election Commission is to ensure that the elections are conducted honestly, justly, fairly and in accordance with law and that corrupt practices are guarded against. To achieve this object, it will be the constitutional duty of the Election Commission to see that there was no grave illegality rendering the conduct of elections to a travesty. Thus when it is brought to the notice of the Election Commission by a party or when Election Commission otherwise comes to know regarding some corrupt practices, it may even take such *suo motu* actions which are necessary to ensure the conduct of honest, just and fair elections.

10. In the instant case we passed order of repoll only in five polling stations, with the consent of the parties. We were even at that

time mindful of the fact that there were some grave illegalities as for instance missing of two ballot boxes and putting off light in order to facilitate the disappearance of the election record. However, it may not be out of place to mention that even at that time the high percentage of turn out in some polling stations of the petitioner and in others of the respondent had been alleged.

11. The petitioner as well as other contesting candidates started sending numerous telegrams complaining to the Chief Election Commissioner regarding the conduct of polls. The first telegram was sent on 28-11-1990 by the petitioner that his agents were being arrested with a view to prevent them to reach polling station Jafferabad, polling station Amirabad and polling station Allahbad. Similarly petitioner's election agent also sent a telegram with the effect that only a day earlier to the polls, the Deputy Commissioner of the area was transferred as also the Superintendent of Police. Likewise Anwar Shah, another candidate sent another telegram that his agents and agents of the petitioner were not being allowed to enter the polling station by respondent Agha Ghulam Ali Buledi. In this regard yet another telegram by Bilawal Buriro was sent on the polling day that the Police has blockaded different roads leading to Jafferabad and Piaro Umrani where votes were being stamped and stuffed by the workers of the respondent. Lastly on 29-11-1990 the petitioner while repeating all the aforesaid allegations sent a detailed telegram to the Chief Election Commissioner.

12. As far as the contesting respondent is concerned, prior to the polls, he moved an application for removal of the Assistant Returning Officer which was allowed, but the Commission specifically ordered that he would not be replaced by any other person for the simple reason that the Returning Officer shall supervise the conduct of elections of only five polling stations.

13. It may be noted that no rejoinder has been filed by the contesting respondent repudiating the allegations. However, the contesting respondent has relied on the statement of the Returning Officer and of Presiding Officers. But it may also be noted that Mr. Pirzada took strong exception to the statement of Presiding Officers stating that in order to prove that they have given the aforesaid statements they should be summoned personally and examined by the Commission.

14. On the day of hearing Returning Officer was present. Some queries were made from him and he was unable to properly reply the question and he appeared to justify that nothing went wrong and in that he tried to conceal the receipt of the complaint filed by the petitioner to him on the polling day. It may further be noted that on the complaints, the Commission asked for the comments of the Returning Officer in which he submitted that he had received no complaint either by the petitioner or his polling agents. But in his detailed comments submitted on 4-12-1990 in para-2 he has referred to a complaint made by the petitioner, which according to Returning Officer was factually dropped before his steno while he was away on visiting different polling stations at about 4.15 p.m. In the same comments according to Returning Officer he visited four polling stations. Obviously he must have gone at late hours because as per statement of the Presiding Officers, the polling agents of the petitioner left the polling stations on the pretext of taking meal and then did not turn up. We, however, want to make it clear that since the Presiding Officers were not before us, therefore, no credibility can be attached to their statements. However, even if taken as it is, such statements *ex-facie* bely the stand of the Returning Officer. None of the Presiding Officers stated that the Returning Officer ever visited the polling stations and that two of them stated that the polling agents of the petitioner left the polling stations voluntarily at about meal time and thereafter never came back. This gives an impression that conduct of poll was not normal, smooth or fair, otherwise there was no reason to believe that agents of only one of the parties would voluntarily leave polling stations in such a hotly contested election. In this context the assertion that the personnel of Provincial and District Administration specifically named took over the three polling stations under the direction of the Deputy Commissioner who was posted to the District on a day before the poll. Due to the aforesaid factors we are inclined to hold that grave illegalities were committed and that election was not conducted fairly, honestly and justly in this Constituency.

15. The effect of the grave illegalities committed at the three polling stations is that the poll in the constituency ought to be declared void as in the remaining polling stations of the constituency the votes obtained by the petitioner and the respondent respectively are 13,966 and 11,249. The total votes assigned at the three polling stations are 6,639 while the total registered votes assigned to all the aforesaid five polling stations are 11,562.

16. We, therefore, declare the election of PS-14 Jacobabad-V as void and keeping in view the principle as laid down in *Muhammad Ayub Khan vs. Alamzeb Khan* by the Supreme Court of Pakistan and resultantly call upon the entire constituency to elect a member in the manner provided for in section 108 of the Representation of the People Act, 1976.

Sd/-

(JUSTICE AMIR-UL-MULK MENGAL)

Member.

Sd/-

(JUSTICE NAIMUDDIN)

Chief Election Commissioner.

Sd/-

(JUSTICE KHALIL-UR-REHMAN KHAN),

Member.

Annexure-II
(Para-53, Chapter XVII)

**BEFORE THE CHIEF ELECTION COMMISSIONER OF
PAKISTAN AT ISLAMABAD**

CONSTITUENCY NO. PS-14 JACOBABAD-V

**PETITION FILLED BY MR. GHULAM MUHAMMAD
SHAHLIANI AGAINST AGHA GHULAM ALI BULEDI
RE: EXCLUSION OF HIS NAME FROM THE LIST OF
VOTERS FROM SINDH FOR THE ENSUING
ELECTION TO THE SENATE.**

PRESENT :

**MR. A. H. PIRZADA, ADVOCATE ALONGWITH GHULAM
MUHAMMAD SHAHLIANI.**

Date of Hearing: 12th March, 1991

ORDER

This is a petition dated 10th March, 1991 by Ghulam Muhammad Shahliani for exclusion of the name of Agha Ghulam Ali Buledi from the list of voters from Sindh for the election to the Senate due to be held on 14th March, 1991.

2. The relevant facts are that Ghulam Muhammad Shahliani and the respondent Agha Ghulam Ali Buledi contested the election to the Provincial Assembly, Sindh from constituency No. PS-14 Jacobabad-V held on 27th October, 1990. On the report of the Returning Officer and after notice and hearing, the Election Commission of Pakistan by its Order dated 19th November, 1990 directed re-poll at the five polling stations of this constituency.

3. Accordingly, fresh polls were held on 29th November, 1990. At the conclusion of the fresh polls, Agha Ghulam Ali Buledi was declared successful and his name was notified as a returned candidate in the official Gazette.

4. Ghulam Muhammad Shahliani challenged the election of Agha Ghulam Ali Buledi by a petition under Article 218(3) of the Constitution read with sections 27, 103 and 103AA of the Representation of the People Act, 1976, dated 4-12-1990 before the Election Commission praying for re-poll at all the five polling stations. In the alternative, fresh poll in the entire constituency was prayed for. After notice and hearing the contesting candidates and the Returning Officer, the Commission by the Order dated 27th December, 1990 declared the election from constituency No. PS-14 Jacobabad-V as void.

5. Meanwhile, on 17-12-1990 Agha Ghulam Ali Buledi made oath as Member of the Provincial Assembly of Sindh.

6. In consequence of declaration of election void as a whole and before any further action as provided in section 103AA of the Act could be taken, Agha Ghulam Ali Buledi filed a petition under Article 199 of the Constitution before the High Court of Sindh questioning the Order of the Election Commission of Pakistan.

7. The High Court on 15-1-1991, *inter alia*, passed the following order:—

“In the meantime, the parties shall maintain *status-quo*”.

8. In consequence of the above Order, the Office could not take further action pursuant to the Order dated 27th December, 1990 passed by the Election Commission.

9. Now by the present petition Ghulam Muhammad Shahliani contends that by virtue of Order dated 27-12-1990 of the Election Commission of Pakistan whereby the election of Agha Buledi was declared void, he (Agha Ghulam Ali Buledi) ceases to be a Member of Provincial Assembly, Sindh and is not entitled to vote at the election of the Senate scheduled to be held on 14th March, 1991.

10. This petition was received on fax followed by a type-written petition. On receipt of the petition, notice of hearing of this petition was issued to both the parties. A reply to the petition has been received from Agha Ghulam Ali Buledi wherein he has stated that his advocate is unable to attend the hearing due to short notice. He has, however, stated his pleas in reply to the petition claiming that he continues to be

a Member of the Provincial Assembly, Sindh by virtue of the order of *status-quo* passed by the High Court of Sindh on 15-1-1991.

11. Mr. Sharaf Faridi, learned advocate of Agha Ghulam Ali Buledi, also informed that he would not be able to come personally.

12. Since the question has to be decided immediately as the elections are due to be held on 14th March, 1991 and there is no time, therefore, the hearing cannot be adjourned when there is no request for it also.

13. Mr. A. H. Pirzada, advocate with his client are present. Mr. Buledi is not present. Mr. Pirzada has produced certified copies of the orders passed by the High Court on the following dates :

- (1) 9-1-1991
- (2) 15-1-1991
- (3) 25-1-1991
- (4) 7-3-1991

He submits that on the last date of hearing after arguments, the High Court did not extend the order of *status-quo* as is reflected by the absence of such directions in the order itself. Although in the previous orders on other dates the High Court extended the order of *status-quo* till the next date of hearing but on 7th March, 1991 the hearing has been adjourned to 17th March, 1991 without extension of order of *status-quo*. Therefore, Agha Ghulam Ali Buledi can no more claim to continue to be a Member of the Provincial Assembly. He even otherwise, submitted that once the Election Commission of Pakistan had declared his election as void he ceases to be a Member by virtue of definition of voter given in section 2(1)(q) of the Senate (Election) Act, 1975, which reads as follows :

“Voter means in relation to a Province, a person who is a Member of the Provincial Assembly of that Province.”

14. He submitted that Agha Ghulam Ali Buledi, in his application for interim relief, had prayed for suspension or stay of the operation of the order of the Election Commission passed on 27-12-1990, but the Court had not granted that interim relief prayer and only passed order of *status-quo* which has also now not been extended.

15. In either case, he submitted that Agha Ghulam Ali Buledi cannot now exercise his right of vote at the Senate election in his capacity as a Member of the Assembly, because once his election was declared as void and the operation of the order of the Election Commission was not stayed or suspended by the High Court, he ceased to be a Member of the Assembly.

16. I agree with him. The order of *status-quo* has to be seen in the context of the bye-election. By the order of *status-quo*, the High Court obviously intended that the bye-election may not be held until the order of *status-quo* remains in operation. The bye-election is not being held under the Representation of the People Act, 1976 in pursuance of the Order of the Election Commission of Pakistan dated 27-12-1990.

17. Here the main question is whether Agha Ghulam Ali Buledi on that date is a Member or not. The answer is simple. His election has been declared to be void. Therefore, whether the order of *status-quo* is vacated or remains in force, it has no bearing so far as the election of the Senate is concerned. There is no doubt that by virtue of the order of *status-quo*, his name was included as a voter in the list of voter. Now when the order of *status-quo* is not there and even otherwise when he is not a Member of the Provincial Assembly and when the order of the Election Commission is not suspended or vacated or operation thereof is stayed, Agha Ghulam Ali Buledi cannot claim to be a voter.

18. For the aforesaid reasons I would accept this petition and order that the name of Agha Ghulam Ali Buledi be excluded from the list of voters supplied to the Returning Officer for election to the Senate.

19. Ghulam Muhammad Shahliani has filed an affidavit, but I have not taken it into consideration for the purpose of this order as he has not supplied a copy thereof to Agha Ghulam Ali Buledi who is absent. However, the affidavit is placed on record.

Sd/-
(JUSTICE NAIMUDDIN)
Chief Election Commissioner.

Dated: 12th March, 1991.

BEFORE THE CHIEF ELECTION COMMISSIONER
AT KARACHI

CONSTITUENCY No. PS-14 JACOBABAD-V

Abdul Hafeez Pirzada	Petitioner
vs.	
Agha Ghulam Ali Buledi & others.	Respondents
For the Petitioner:	Mr. Rasheed Rizvi and Mr. Ikramullah Advocates.
For the respondent-1:	Mr. Sharaf Faridi, Advocate.
Respondents 2—11:	N.R.
Date of hearing:	29-8-1991.

JUDGEMENT

Naimuddin, CEC. This is a petition under section 39(6) read with section 103, read with section 103AA, read with section 108(2) of the Representation of the People Act, 1976 read with Article 218(3) and 219(b) of the Constitution of Pakistan, filed by Mr. Abdul Hafeez Pirzada against the election of Mr. Agha Ghulam Ali Buledi from PS-14 Jacobabad-V in the bye-election held on 29-6-1991. Section 103AA reads as follows:

- “103AA. Power of Commission to declare a poll void. (1) Notwithstanding anything contained in this Act, if, from facts apparent on the face of the record and after such summary inquiry as it may deem necessary the Commission is satisfied that, by reason of grave illegalities or violation of the provisions of this Act or the rules, the poll in any constituency ought to be declared void, the Commission may make a declaration accordingly and, by notification in the official Gazette, call upon that constituency to elect a member in the manner provided for in section 108.
- (2) Notwithstanding the publication of the name of a returned candidate under sub-section (4) of section 42, the Commission may exercise the powers conferred on it by sub-section

- (1) before the expiration of sixty days after such publication; and, where the Commission does not finally dispose of a case within the said period, the election of the returned candidate shall be deemed to have become final, subject to a decision of a Tribunal.
- (3) While exercising the powers conferred on it by sub-section (1), the Commission shall be deemed to be a Tribunal to which an election petition has been presented and shall, notwithstanding anything contained in Chapter VII, regulate its own procedure.”

2. This bye-election has a background. In the General Elections held on 27-10-1990 Mr. Ghulam Mohammad Shahliani a nominee of PDA and Mr. Agha Ghulam Ali Buledi, an independent candidate and some other candidates contested the election. Mr. Shahliani secured 14,361 votes while Mr. Buledi secured 17,060 votes. These votes were secured by the above two candidates at 52 polling stations out of 54 polling stations as the votes polled at two polling stations, namely, P.S. 26 (Rasoolabad) and PS 46 (Primary School Allahabad) were not taken into account as the Presiding Officers alongwith their entire record disappeared.

3. Mr. Shahliani filed an application against Mr. Buledi and other contesting candidates and the Returning Officer also submitted a report regarding dis-appearance of the Presiding Officers of the above two polling stations and the polling bags containing the election material of these polling stations. The application came up for hearing before the Election Commission on 19-11-1990 and the following order was passed by the Commission:

“We have heard the learned counsel for the parties and the contesting candidates, present in person, as well as the Returning Officer and the Presiding Officer. We have also gone through the record and the reports, including those of the A.R.O. and *Mukhtiarkar*. We have also seen the consolidated statement of count in respect of the polling stations excepting polling stations PS 26-Rasoolabad, and PS 46-Allahabad.

Contesting candidates as well as their learned counsel have finally agreed that repolling be directed in the following polling stations:

- (1) P.S. 26-Rasoolabad
- (2) P.S. 28-Amirabad
- (3) P.S. 32-Piyaro Umrani
- (4) P.S. 41-Jafferabad
- (5) P.S. 46-Allahabad.

As the aforesaid agreement advances the interest of fair and just election, we accept the agreed arrangement and direct that re-poll shall be held at the aforesaid five polling stations on the date to be fixed by the Commission.

This disposes of the report and application submitted by Mr. Ghulam Mohammad Shahliani.”

4. Accordingly re-poll at the above mentioned five polling stations was held as a result of which Agha Buledi secured 17,575 votes and Mr. Shahliani secured 14,509 votes, and in the result, Mr. Buledi was declared elected and he took oath of office. However, Mr. Shahliani again filed a petition before the Election Commission and the Commission, by a very detailed order dated 27-12-1990, allowed the petition and declared the election of PS-14 Jacobabad-V as void. In this petition Mr. Abdul Hafeez Pirzada, who was appearing for Mr. Shahliani, questioned the results of only three polling stations, namely, PS 28-Amirabad, PS 32-Piyaro Umrani, and PS 41-Jafferabad on the ground that very high percentage of votes *i.e.* 98 per cent of the total registered votes, were cast. It may be useful if paras 3, 4 and 5 of the order are reproduced here, which read as under:

“3. Heard Mr. Abdul Hafeez Pirzada for the petitioner and Mr. Ahmad Mian Soomro for respondent Ghulam Ali Buledi.

(4) At the outset we would like to point out that petitioner in his petition dated 29-11-1990 had grievance only in respect of three polling stations number 28, 32 and 41 whereas in petition dated 4-12-1990 the petitioner requested repoll in five polling stations including Rasoolabad and Allahabad. When the counsel for the petitioner was confronted with this fact he candidly admitted that he would confine his

arguments regarding the three polling stations as mentioned in the earlier petition dated 29-11-1990.

- (5) The main thrust of attack of the petitioner was that the turn out of votes in three polling stations namely, Amirabad, Piaro Umrani and Jafferabad was surprisingly very high and that it was an impossibility that turn out of the voters can be as high as 98% of the total registered votes. Learned counsel whilst substantiating his arguments reproduced the following tabulation for comparative study:—

<i>Polling Station</i>	<i>Petitioner</i>	<i>Agha Ghulam Ali</i>	<i>Total</i>
(a) Rasoolabad (26)	2180	44	2235
(b) Allahabad (46)	2015	6	2188
(c) Jafferabad (41)	15	2490	2514
(d) Amirabad (28)	259	1713	2000
(e) Piaro Umrani (32)	157	1709	1876
Total:	4626	5970	10813

That in the re-poll held on 29-11-1990, the position is as under:—

(a) Rasoolabad (26)	323	03	331
(b) Allahabad (46)	136	09	157
(c) Jafferabad (41)	10	2673	2694
(d) Amirabad (28)	32	1905	1937
(e) Piaro Umrani (32)	42	1740	1792
Total:	543	6330	6911"

5. Mr. Buledi questioned the order of the Election Commission in Constitution Petition No. 15 of 1991 in the High Court of Sindh, which was ultimately dismissed. From the order of the High Court a petition for leave to appeal was filed in the Supreme Court, which too was dismissed. It may be mentioned that in the High Court and also in the Supreme Court Mr. Abdul Hafeez Pirzada appeared for Mr. Shahliani.

6. As a result bye-election was held on 29-6-91 in the constituency in which among others Mr. Abdul Hafeez Prizada and Mr. Buledi became candidates and according to the notification issued by the Election Commission of Pakistan, dated 2nd July, 1991, Mr. Buledi secured 16,561 votes while Mr. Pirzada secured 6,191 votes, 275 votes were rejected. The total votes polled in this constituency were 23,379. It is not necessary to mention in detail that other 9 candidates secured from maximum 119 to minimum 4 votes. Accordingly, Mr. Buledi was declared by the Notification dated 2nd July, 1991, as elected.

7. As stated before, Mr. Pirzada filed the petition, questioning the election of Mr. Buledi on the ground that grave and blatant illegalities have been committed by the Administration of Sindh Government and their official candidate Agha Ghulam Ali Buledi and his agents. In para 2, the petitioner has listed 6 polling stations where, according to him, Mr. Buledi's votes have been increased. It may be convenient if para 2 of the petition is re-produced here. It reads:—

“2. That extremely grave and blatant illegalities have been committed by the administration of the Sindh Government and their official candidate Agha Ghulam Ali Buledi and his agents, which has rendered the Election null and void. These are listed separately hereinafter:—

- (a) At polling station No. 13, P.S. Khairwah, a total of 141 votes were cast out of which the petitioner secured 30 votes as against 99 secured by Agha Ghulam Ali Buledi. Form XIV statement of count given by the Presiding Officer is attached marked as A/1.

As against this, the result sheet, on the basis of which unofficial results were announced by the Commission shows that Agha Ghulam Ali Buledi has secured 317 votes. Photostat copy of the result sheet obtained by two Advocates from Thatta, Arbab Abdus Sattar and Mr. Shams, from the office of Returning Officer is attached as annexure “B”.

- (b) At polling station No. 28 Primary School Amirabad, 160 votes were cast out of which Agha Ghulam Ali Buledi received 82 against Petitioner's 65. Statement of count is

attached marked as A/2. However annexure "B", the result sheet shows that Buledi has secured 1082 votes.

- (c) At P.S. 32 only 99 votes were cast with petitioner receiving 53, and Buledi 40 only. According to the result sheet, Buledi has received 638 votes. Form XIV is filed as Annexure A/3.
- (d) At P.S. 37 (36) Nadir Ali Shah, only 187 votes were cast with 171 for Buledi. Certificate is annexed as A/4. As per the result sheet Buledi has been awarded 670 votes.
- (e) At P.S. 42, Sunho Luhar, a total of 208 votes were cast, Petitioner getting 158 and Buledi getting 44. As per result sheet Buledi has been awarded 765 votes.
- (f) At P.S. 44 Allahando Jamali, Petitioner secured 93 votes against 6 for Agha Buledi. In this respect a piece of paper signed by the Returning Officer is attached as A/6 and application made the same day to the Returning Officer is attached as annexure "C". Two and a half hours (2-1/2) before submission of annexure "C", the Petitioner had conveyed this incident to Mr. Zaidi by telephone. Annexure "C" may be adopted as a part thereof.

According to the result sheet annexure "B", Buledi has been awarded 705 votes.

All the six grave illegalities are patent on the face of the record."

8. The next grievance of the petitioner is that agents of Mr. Buledi completely blocked and cut off the approaches to the following four polling stations which delayed the arrival of his polling agents to the extent mentioned against each and thus some 2000 bogus votes were stuffed in favour of the respondent in the absence of his agents:

- (a) P.S. 41 Jafferabad 9.30 a.m.
- (b) P.S. 33 Jani Wandh 10.30 a.m.
- (c) P.S. 51 Miranpur 11.30 a.m.
- (d) P.S. 25 Buxlani 12.50 p.m.

9. His further grievance is that three polling stations, namely, P.S. 11, P.S. 12 and P.S. 14 were completely sealed off by the police and the voters were driven away by force so that at P.S. 11 only 14 votes were cast out of 1630, at P.S. 12 only 70 out of 3517 and at P.S. 14 no vote has been cast out of 947 and thus more than 6000 voters were disfranchised at these three polling stations. In support he relied on written representation made to the Returning Officer in respect of P.S. 48-Budhani, P.S. 49-Jiand, P.S. 31-Saif-ul-Jakhrani and P.S. 42-Sunho Luhar.

10. His next grievance was that no count as required under section 38 of the Act was done by Presiding Officers at Polling stations 20, 31, 41, 42, 48, 49, 50 and 54 and that all the Presiding Officers with polling bags were taken away by Revenue and Police personnel and at some of these polling stations polling agents of the petitioner were also kidnapped.

11. His next grievance is that at 35 polling stations out of 54, which are not controversial only 10% of the registered votes were cast. According to the petitioner this fact conclusively establishes that the massive police force of some 16000 personnel was deployed in uniform and plain clothes to prevent the voters from exercising their right of franchise.

12. The respondent, Agha Ghulam Ali Buledi, in his written reply/objection raised three preliminary objections questioning the vires and the powers to be exercised by the C.E.C. under section 103AA of the Act and the existence of Ordinance No. V of 1990 and the powers of C.E.C. to hear the petition, which all were rejected by me by the order dated 13th August, 1991, which ran into four pages.

13. The respondent in a lengthy written reply/objections has controverted each and every averment made in the petition and he has also denied the genuineness of the so called Forms XIV photo copies whereof annexed to the petition. It may be stated that out of the six so called forms XIV only two photo copies, relating to P.S. 13 and 32, appear to be on the prescribed proforma (But original of these have not been produced) and the rest are on plain papers. Mr. Pirzada in his oral submissions and the respondent in his written reply/objections relied on the inspection report of the two Teams constituted by the Chief Election Commissioner pursuant to the request of Mr. Pirzada

contained in para 8 of his representation dated 26-5-1991, to monitor the bye-election.

14. Except the petition and the annexures, Mr. Pirzada has not placed any other material on record except what is mentioned herein. The averments in the petition though on oath, have been controverted by the respondent in his written reply/objections, which is also on oath. Mr. Pirzada made an application on 2-7-1991 for bringing entire election record to Karachi and depositing the same in a suitable strong room under the Federal Institutions. I had rejected this application by a detailed order dated 21st July, 1991, because the same was based on mere apprehension. While dismissing this application, I however, observed that if at the time of hearing of this petition inspection of the polling record was required for any valid reason, then the request made by Mr. Pirzada would be re-considered. It may also be pertinent to mention that Mr. Pirzada made an application for the first time on 10-8-1991 for summoning the Presiding Officers of polling stations Nos. 13, 28, 32, 36, 42 and 44 to prove annexures A/1 to A/6. On this application I passed the following order on 13-8-1991 :—

“Mr. Pirzada has applied for summoning the six Presiding Officers at polling stations Nos. 13, 28, 32, 36, 42 and 44.

Let they be summoned on the next date of hearing provided Mr. Pirzada files affidavits of his polling agents who allegedly received the forms (copies of Annexures A/1 to A/6) from the Presiding Officers of the above polling stations by 20th August, 1991. Thereafter, the aforesaid Presiding Officers will be summoned to appear in person. The travelling expenses of the six Presiding Officers will be deposited by the Petitioner before 20th.

At the request of Mr. Pirzada and by consent of Mr. Faridi to come up on 24th August, 1991 at 9-30 a.m.”

15. From the above order it is clear that time was granted on 13-8-1991 at the request of Mr. Pirzada and hearing was adjourned to 24th August, 1991 at 9.30 a.m. Even upto 24th August, Mr. Pirzada did not deposit the travelling expenses for summoning the Presiding Officers. On 20-8-1991 only photo copies of three affidavits out of six polling agents, were filed in the office. However, on 24-8-1991 their originals were filed and much after the proceedings of that day were

over, the petitioner filed in the office one more affidavit of his polling agent but without any application for accepting the same out of time and without depositing travelling expenses for summoning him. Nonetheless, I extended the time till 25-8-1991 for depositing Rs. 1500 as travelling expenses for summoning the three Presiding Officers by a detailed order dated 24-8-1991. A part of the order dated 24-8-1991 is reproduced below:—

“2. I asked Mr. Pirzada whether he wanted to summon these three Presiding Officers after paying their travelling expenses. Mr. Pirzada stated that he has filed affidavits of his polling agents pertaining to P.S. No. 13, 32 and 44 and the Presiding Officers of these polling stations may be summoned. The aforesaid Presiding Officers will be summoned if their actual travel expenses are deposited by Mr. Pirzada by tomorrow *i.e.* 25-8-1991 — 2.30 p.m. Mr. Pirzada will deposit tentatively Rs. 1500.

Mr. Pirzada at the hearing produced some photographs in support of his submission that roads were blocked. But mere production of the photographs without evidence as to the place, date and time when they were taken and to whom the vehicles, appearing in the photographs, belonged and the place where they were parked, would not establish anything. Such evidence could be produced by the petitioner in the proceeding of election petition under section 52 of the Representation of the People Act.

However, on that date I heard Mr. Pirzada upto 4.30 p.m. He insisted on summoning the record consisting of Form XIV and XV (contained in the polling bags), tick marked list of electoral rolls and the counter-foil of used ballot papers in respect of the following 12 polling stations: (1) PS-20-Chang, (2) PS 25-Buxlani, (3) PS-31-Saiful Jakhani, (4) PS 28-Amirabad, (5) PS 36-Nadir Ali Shah, (6) PS 41-Jaffarabad, (7) PS 42-Sohna Lohar, (8) PS 44-Allahind Jamali, (9) PS 48-Budhani, (10) PS 49-Jianrind, (11) PS 50-Punhoon Bhatti and (12) PS 54-Ghulab Mari.

Mr. Pirzada, however, submitted that if for any reason I was not inclined to summon the record mentioned above, atleast he might be granted certified copies of the aforementioned documents. Indeed, I would have myself gone to Jacobabad to inspect the polling record in the interest of justice, had the petitioner made out a case for the same

but to do so simply because the petitioner made allegation and failed to apply and obtain copies of the record in time and place the same on the record of the petition, would amount to favouring him which was not possible. However, on 24-8-1991 I reserved the order to be announced on 26-8-1991. On this date I granted the request for supplying certified copies of the above mentioned documents in respect of the 12 polling stations mentioned above. The relevant part of the order may be reproduced below, which reads as under : -

- “7. Mr. Abdul Hafeez Pirzada, however, submits that if, for any reason, the Chief Election Commissioner is not inclined to summon the record, at least he may be granted certified copies of the documents requested by him, namely, Form XIV and XV, Tick marked lists of Electoral Rolls and the counter-foil of used ballot papers of the 12 polling stations referred in paragraph No. 2 of this order.
8. I would grant the oral request of Mr. Pirzada and direct the Returning Officer to supply him the certified copies of the above mentioned documents on payment of requisite cost. The copies shall be supplied without delay. However, the following precautionary measures shall be observed:
- “1. The Returning Officer shall issue a notice to all contesting candidates from this constituency of the place, date and time of taking certified photo copies of the documents mentioned hereinbefore.
2. The polling bags containing the documents shall be opened in the presence of such candidates or their authorised representatives as may choose to be present on that occasion, as per notice.
3. After taking copies, the polling bags shall be sealed in the presence of the candidates and/or their authorised representatives, who choose to be present, and deposited in the treasury.
4. The Returning Officer shall make adequate security arrangements for the transportation of polling bags to and from the treasury and also in the premises where copies are taken.

5. The District Returning Officer shall also remain present during the process of taking copies of the documents.”

16. Copies of this order were supplied to the counsel for the petitioner as well as the respondent. Arrangements were made for supplying the certified copies of the documents without delay. In this connection two Fax messages dated 28th and 29th August, 1991 and a telegram dated 28th August, 1991 were received from the Returning Officer may be re-produced here. Fax message dated 28-8-1991 reads as under :—

“In compliance to the order dated 26-8-1991 of Honourable Chief Election Commissioner of Pakistan, the notices were issued to all the Candidates, to attend the office of undersigned at 2.00 P.M. today. Notices were sent to the A.D.M. Jacobabad for immediate service. Mr. Agha Ghulam Ali Khan Buledi, Sardar Hamidullah Khan Buledi and Mr. Fazal Haque Buledi attended.

District Magistrate and Superintendent of Police were requested for security arrangements. One SIP Abdul Karim of Jacobabad police appeared alongwith police contingency.

District Magistrate was further requested to direct the Treasury Officer, Jacobabad to remain present in his office till further orders in order to make arrangements of withdrawal of the Election material through Mr. Ali Sher Habibani, Assistant Returning Officer. Mr. Pirzada was contacted at his Karachi office and such message was given to his partner Mr. Rana informing him to attend the office of undersigned at 2.00 P.M. today.

Till 3.00 P.M. none candidate including Mr. Abdul Hafeez Pirzada nor his authorised representatives were appeared except above three candidates nor any body deposited the costs for certified copies, even none candidate has sent any intimation for his non-appearance. Since Mr. Pirzada has not attended uptill 3.00 P.M., therefore, required election material has not been withdrawn from the strong room of the Treasury Office.

Mr. Ali Sher Habibani, Assistant Returning Officer was present. Further orders are solicited.”

Telegraphic message dated 28-8-1991 reads as under:-

“FROM: RETURNING OFFICER PS-14 JACOBABAD-V

To,

MR. ABDUL HAFIZ PIRZADA
419-Clifton Centre, KDA,
Scheme No. 22, Kahkishan, Karachi.

Proceedings to obtain true copies by you were fixed today at 2.00 P.M. Waited for you till 3.00 P.M., You or any of your authorised agent failed to attend though such notice was issued. Also you were informed on phone through your partner Mr. Rana, Again the same proceedings are fixed at eleven (11) on 29-8-1991 in my office you are to attend personally or through authorised agent. Such phone message is also sent to you.”

The Fax message dated 29-8-1991 reads as under :-

“The proceedings of inspection and to obtain the certified copies of the documents of 12 polling stations was fixed at 11.00 A.M. today. All the candidates have been informed on Telephone through Addl. District Magistrate Jacobabad, required security measures and availability of the Treasury staff was confirmed through District Magistrate and Superintendent of Police Jacobabad. Mr. Abdul Hafeez Pirzada was informed on Telephone through Mr. Ali Sher Habibani, Assistant Returning Officer at about 7.00 p.m. on 28-8-1991.

“Till 12.00 Noon only Agha Ghulam Ali Khan Buledi candidate attended, rest of the candidates including Mr. Abdul Hafeez Pirzada did not attend either personally or through their authorised representative, though all the required arrangements for the inspection and obtaining of the certified copies of the documents of specified 12 polling stations have been made including at least 15 photo state copying Machines in order to meet-out the shortage of the time and to complete the task within time.

Further orders are solicited.”

17. It may be mentioned that the hearing of the case was adjourned to 30th August, 1991 but before the order was passed, it

was pointed out that 30th was Friday and, therefore, it was ante dated to 29th when the learned Advocates for the petitioner placed a statement, making certain grievances, on record which in concluding para states as follows:—

“In view of what has been stated above, it is apparent that entire Petition has been rendered infructuous by failure to exercise jurisdiction as required by the law and Constitution and therefore the Petitioner has nothing further to submit beyond what is stated hereinabove.”

18. Since Mr. Sharaf Faridi was not heard in reply to the arguments advanced by Mr. Pirzada, he was heard on 29-8-1991 in the presence of the counsel of the petitioner.

19. In view of what is stated above, I do not consider it necessary to deal with each and every allegation made in the statement placed on record. However, I may state that under section 44 of the Act, the petitioner could obtain certified copies of the documents. This he could do immediately after the result of election was notified on 2-7-1991 and should have produced the same alongwith his petition or even thereafter. It will be seen that the petitioner for the first time orally requested for supply of these copies on 24-8-1991, which oral request was granted by the order dated 26-8-1991. So far as the Election Commission and the Returning Officer are concerned, all necessary steps were taken to supply him the required copies without delay, so much so that 15 photo copying machines were arranged and security arrangements were also made. It may be mentioned that whenever the Commission granted inspection of the documents or passed order for supply of the documents, it has always imposed those conditions mentioned herein before in order to ensure security of the polling record. Therefore, the petitioner could not throw any blame on the Election Commission or the Returning Officer. If the petitioner was really interested in obtaining copies even at this late stage, he should have vigorously pursued the matter and, at least, should have deposited some amount towards the cost of copies, which he failed to do so.

20. On merits the petitioner has raised a factual controversy which could be gone into only in an election petition under section 52 of the Representation of the People Act, as all the allegations made in the petition have been controverted on Oath by the respondent.

21. Now, reverting to the allegations made in the petition I may state, firstly, that the petitioner failed to summon the Presiding Officers on account of his failure to comply with the orders dated 13-8-1991 and 24-8-1991 by failing to file affidavits of three polling agents and by failing to deposit the travelling expenses of the Presiding Officers. Even otherwise, he has not filed the originals of Annexures A-1 to A-3 and A-5 to A-6 all of which, including A-4, have been termed by the respondent as "not genuine" and he has claimed strict proof thereof. Therefore, there is no illegality patent on the face of the record in this regard. At the six polling stations in question in Form XIV, photo copy of each of which has been sent by the Returning Officer duly countersigned, the number of votes secured by petitioner are the same as shown in the Consolidation Statement (Form XVI). There is presumption that official acts have been regularly performed, which has not been rebutted by the petitioner in any manner. Indeed 4 photo copies of Form XIV annexed to the petition as annexures A/2, A/4, A/5 and A/6, are not even in prescribed proforma. It is not the case of the petitioner that he or his polling agents were supplied the copies of Form XIV in respect of these polling stations in prescribed proforma.

22. Taking up the allegation that the agents of Mr. Buledi completely blocked and cut off the approaches to the four polling stations and prevented the polling agents from reaching the polling stations, it may be stated that these polling stations were visited by Inspection Team No. II appointed by the C.E.C. to monitor the election. Their report regarding these four polling stations shows the time of their visit and votes cast at that time. A comparison of report with the number of votes shown in Form XIV, which shows the votes cast at the end of the polling at 5.00 P.M., confirm that there was no inflation of votes. The statement reads as under :—

S. No.	P.S. No.	Time	No. of Votes Polled by that time	Votes Polled according to Form XIV
1.	PS—25	4.55 p.m.	607	614
2.	PS—33	2.50 p.m.	574	890
3.	PS—41	3.50 p.m.	1100	1330
4.	PS—51	4.30 p.m.	655	660

23. In any case, this controversy cannot be resolved in summary proceedings like the one in hand. It cannot, therefore, be said that there is any illegality patent on the face of the record.

24. As regards the grievance that three polling stations, namely, No. 11, 12 and 14, were completely sealed off by police and voters were driven away, it may be stated that the low turn-out or no voting will not *ipso facto* prove the allegation. Evidence is required for this purpose. The petitioner in support of the allegation has not even filed affidavit of any voter that he was prevented from voting by the police or anybody else. Nor he has filed affidavit of any person who saw the police or anybody else, driving away the voters. Indeed, these three polling stations were visited by Team-I appointed by the Chief Election Commissioner to monitor the bye-election in the company of the representative of the petitioner, Senator Syed Abdullah Shah, as well as candidate syed Anwar Ali Shah. Regarding P.S. 11, Syed Abdullah Shah made endorsement on the Inspection Team's report "No complaint till 9-00 a.m." when the polling station was visited. Regarding polling station No. 12 the team visited it at 8-30 a.m. and no vote was cast until then and the statement is signed by Syed Abdullah Shah as well as Syed Anwar Ali Shah, a contesting candidate. The polling agent of the petitioner did not make any grievance that any voter was being driven away or prevented from voting. P.S. 14 was visited at 11.05 a.m. Till then no vote was cast but Syed Abdullah Shah appears to have made the endorsement on the report "All well till 11.05 a.m.". Therefore, it would be safe to conclude from the above remarks by Syed Abdullah Shah, the representative of the petitioner, that the polling agents of the petitioner had no such grievance which is now made. It may be stated that in 1990 General Elections at polling stations Nos. 11, 12 and 14, Mr. Buledi polled 236, 1346 and 1106 votes, respectively, while P.D.A. candidate Mr. Shahliani polled 65, 25 and 195 votes, respectively. If the turn out of the voters was very low, it seems to be to the disadvantage of Mr. Buledi. There may be many reasons for this low turn-out but if I state those, I will be travelling in the realm of conjecture. Suffice it would be to say that without evidence of any voter that he was prevented from voting, low turn out of voters would not establish that grave illegality was committed. Incidentally, I may mention that in the General Elections of 1990, in NA-25-Dir not a single vote, out of 6603 votes, was cast at six polling stations. But, in that case the prayer of the petitioner for re-poll at those polling stations was rejected by the Commission by the order

dated 15-12-1990. It may be pertinent to reproduce para 13 of the order by which that petition was dismissed. It reads as follows:

- “13. However, the report submitted by the District Returning Officer dated 31-10-1990 is relevant which may be reproduced as under:—

“On the remaining Polling Stations of Tehsil Lal Qila, the polling did take place but the turn out of voters was low as compared to the other Polling Station in the Constituency. However, it is incorrect to say that there was any pressure on the voters from the opposite party or candidate. The polling staff remained available for duty on the Polling Stations throughout the day on 24-10-1990. No complaint on the polling day was received regarding any irregularity occurred in the polling process or harassment to the voters. I also have visited some of the Polling Stations *i.e.* Government Primary School Shadas, Government Primary School Kotkay, Government Primary School Lal Qila and Government High School and no unpleasant incident was noticed or reported. Necessary security arrangements have been made in the area.

The factual position for non-participation of the voters at certain polling stations and low turn out of the voters on other polling stations in Lal Qila Tehsil was that a ‘Shariat Mahaz’ had been established some 7/8 months back in tehsil Lal Qila under the Chairmanship of Mulvi Subi Muhammad, Darul Uloom Illaqa Maidan, Tehsil Lal Qila, District Dir and on the appeal of this ‘Mahaz’ most of the people did not participate in the election at certain polling stations. A Pamphlet of this ‘Shariat Mahaz’ is sent herewith for ready reference and perusal.”

Besides this another report was submitted by the Returning Officer to the Provincial Election Commissioner NWFP wherein the Returning Officer submitted that on the vigorous appeal by Shariat Mahaz on six polling stations no voter cast any vote and on remaining polling stations of Tehsil Lal Qilla restricted votes came to cast their votes. However, the election staff remained on duty through out

the day. It was further submitted by Returning Officer as under:—

“No unpleasant incident was noticed or reported. No complaint whatsoever regarding any irregularity in the election process or harassment to the voters was received either orally or black and white from any candidate, voter, Presiding Officer etc.”

At the polling stations in question, arrangements made by the Election Commission are not in question.

25. As regards the submission that specific allegations were made in respect of polling stations Budhani, Jian, Saiful Jakhrani and Sohno Loohar, it may be stated that mere representation would not establish the allegation contained therein without proof. Moreover, the respondent has controverted the allegations on Oath.

26. The allegation that 10,000 bogus votes were cast in favour of Mr. Buledi has been controverted by the respondent. However, at these polling stations the total votes cast in favour of Mr. Buledi were 7277. The allegation of stamping 10,000 ballot papers at these 8 polling station belied by the record.

27. Regarding the allegation that at 35 polling stations out of 54, which are not in controversy only 10 per cent of the registered votes has been cast, it may be stated that voting in our country is not compulsory. Unless the voters are motivated by the candidate, they do not take the trouble of going to polls. Normally, the candidates have their own area of influence in the constituency and accordingly they get more votes in their area and other candidates may not get as many votes and if voters are not interested in all or any candidate, they would not take the trouble of going to and standing in queue and casting their votes, particularly in hot season.

28. An oral grievance was made by Mr. Pirzada that at 12 polling stations the percentage is very high, it may be stated that the percentage of votes cast in this election is comparatively not as high as in the general elections. My Office has prepared a Chart from the official record which shows the number of votes cast in the 1990 General Elections, votes cast in the repoll and votes cast in the present bye-election in respect of the 12 polling stations which establishes the

above point and which shows the pattern of the voting. The Chart reads as under:—

STATEMENT SHOWING THE NUMBER OF VOTES SECURED BY THE PETITIONER AND RESPONDENT IN RESPECT OF
PS-14 JACOBABAD-V

Sl. No.	No. of polling station	1990 General Elections				1991 Bye-Election				Re-Poll			
		Reg. votes		No. of votes cast in favour of		Reg. votes		No. of votes cast in favour of		Percent- tage		No. of votes cast in favour of	
		Votes polled	Percent- tage	1. Mr. Buledi Mohd	2. Mr. Ghulam Mohd	Votes polled	Percent- tage	1. Mr. Buledi Mohd	2. Mr. Pirzada	Votes polled	Percent- tage	1. Mr. Buledi Mohd	2. Mr. Ghulam Mohd
1	2	3	4	5	6	7	8	9	10	11			
1.	20	903 299	33%	183 71	904 702	77%	632 61						
2.	25	912 862	94%	837 19	912 601	65%	588 1						
3.	28	2088 2000	95%	1713 259	2088 1160	55%	1082 65	2088 1937	92%	1905 32			
4.	31	1937 243	12%	71 158	1937 906	46%	803 72						
5.	36	1138 636	55%	463 153	1137 688	60%	670 14						
6.	41	2757 2514	91%	2498 15	2757 1330	48%	1291 3	2757 2694	97%	2673 10			
7.	42	2012 254	12%	50 182	2012 958	47%	768 181						
8.	44	1567 490	31%	4 432	1567 800	51%	705 93						

9.	48	1798	25%	31	1798	46%	717
		<u>458</u>		<u>411</u>	<u>833</u>		<u>110</u>
10.	49	1708	21%	348	1708	68%	1161
		<u>373</u>		<u>13</u>	<u>1171</u>		<u>7</u>
11.	50	1461	37%	262	1461	82%	1145
		<u>555</u>		<u>275</u>	<u>1200</u>		<u>39</u>
12.	54	1953	20%	341	1954	47%	760
		<u>397</u>		<u>46</u>	<u>934</u>		<u>118</u>
Total :		20234	44.87%	6801	20235	55.75%	10322
		<u>9091</u>		<u>2034</u>	<u>11283</u>		<u>764</u>

From the statement at page 28 and 29 it will be seen that even in the 1990 elections, out of these 12 polling stations, in some polling stations as high as 94 per cent votes were cast and one polling station as low as 12 per cent votes were cast which were not subject matter of any controversy then. Only 2 out of these 12 polling stations, namely, 28 and 41, were in controversy but this time at these two polling stations only 55 and 48 per cent votes have been cast respectively.

29. Since I did not find any sufficient material on the record of this petition on the basis of which I could hold that grave illegalities were committed, I dismiss this petition.

Sd/-
(JUSTICE NAIMUDDIN)
Chief Election Commissioner.

Karachi, the 31st August, 1991.

الیکشن کمیشن آف پاکستان

(صیغہ تعلقات عامہ)

نام اخبار : روزنامہ ”مسلم“

مقام اشاعت : اسلام آباد

تاریخ اشاعت : 29 اکتوبر 1990ء

کالم نمبر 8

صفحہ آخر

Postal ballot brings victory to Ejaz

BUREAU REPORT

ISLAMABAD, Oct. 28: It was the postal ballot which swung the balance in favour of the banker-turned politician Ejazul Haq who was otherwise considered too weak to defeat his opponents particularly Raja Shahid Zafar of PDA.

It was generally believed that a spilt vote would give the *ex*-Minister of State an easy sailing over his rival as Riaz Hussain Shah of Pakistan Awami Tehrik would snatch a sizeable chunk of votes from Ejazul Haq. But all the estimates proved wrong and the son of the former President trounced both of them with a wide margin thanks to the postal ballot.

Informed sources revealed that in all 24,000 postal ballots were polled by the retired and inservice personnel of the Armed Forces which changed the electoral game in favour of Ejazul Haq.

الیکشن کمیشن آف پاکستان

(صیغہ تعلقات عامہ)

نام اخبار : روزنامہ ”جنگ“

مقام اشاعت : راولپنڈی

تاریخ اشاعت : 30 اکتوبر 1990ء

کالم نمبر 7

صفحہ آخر

اعجاز الحق کو پوسٹل بیلٹ کے ذریعے 90 ووٹ ملے

اسلام آباد (پپا) قومی اسمبلی کے حلقہ این اے۔ 39 کیلئے مسلح افواج سرکاری ملازمین اور پولنگ ڈیوٹی پر متعین عملہ کی طرف سے 132 پوسٹل بیلٹ وصول ہوئے ہیں یہ بات الیکشن کمیشن کے ترجمان نے بتائی 132 پوسٹل بیلٹ میں سے 90 ووٹ آئی جے آئی کے امیدوار اعجاز الحق 36 ووٹ راجہ شاہد ظفر اور 6 ووٹ ریاض حسین شاہ کے حق میں تھے جب کمیشن کی توجہ ایک مقامی انگریزی اخبار میں شائع ہونے والی خبر کی طرف دلائی گئی جس میں کہا گیا ہے کہ اعجاز الحق کے حق میں ریٹائرڈ اور حاضر سروس فوجیوں کی طرف سے 24 ہزار پوسٹل بیلٹ وصول ہوئے ہیں۔ کمیشن کے ذرائع نے کہا کہ یہ خبر مبالغہ آرائی پر مبنی جھوٹی اور بے بنیاد ہے۔

Annex. VI
(Para 19, Chapter XVII)

**LIST OF MEMBERS OF THE NATIONAL ASSEMBLY OF
PAKISTAN**

Sl. No.	Number and Name of Constituency	Name and Address
1	2	3
1.	NA-1 Peshawar-I	Mr. Ghulam Ahmed Bilor, 3/2, Bilor House, Raza Shah Road, Peshawar Cantt.
2.	NA-2 Peshawar-II	Arbab Muhammad Jahangir Khan Tehkal Bala, Tehsil and District Peshawar.
3.	NA-3 Peshawar-cum- Nowshera	Arbab Muhammad Zahir 65-Sir Syed Road, Peshawar Cantt.
4.	NA-4 Nowshera	Mr. Muhammad Ajmal Khan Khattak Mohallah Zarian Khan, Akora Khattak, Tehsil and District Nowshera.
5.	NA-5 Charsadda	Molvi Hassan Jan Sahib Gul Kuroona, Near Charsadda Sugar Mills, Tehsil and District Charsadda.
6.	NA-6 Mardan-I	Mr. Muhammad Azam Khan Mohallah Khan Khel, Hoti, Mardan.
7.	NA-7 Mardan-II	Haji Sarfaraz Khan, Village Hatian, District Mardan.
8.	NA-8 Swabi	Mr. Rahmanullah Village Nawan Killi, Swabi.

1	2	3
9.	NA-9 Kohat	Syed Iftikhar Hussain Gillani New Colony, Kohat Cantt.
10.	NA-10 Karak	Alhaj Muhammad Aslam Khan Khattak House No. 4-A, Park Lane, University Town, Peshawar.
11.	NA-11 Abbottabad-I	Sardar Mehtab Ahmad Khan Village Malkot, Tehsil and District Abbottabad.
12.	NA-12 Abbottabad-II	Haji Jawaid Iqbal Abbasi Village Hothla, Tehsil and District Abbottabad.
13.	NA-13 Abbottabad-III	Mr. Gohar Ayub Khan Rahana, Tehsil Haripur, District Abbottabad.
14.	NA-14 Mansehra-I	Sardar Mohammad Yousaf Jalgali, Tehsil and District - Mansehra.
15.	NA-15 Mansehra-II	Nawabzada Salahud Din Saeed Parhina Khalian Airan, District Mansehra.
16.	NA-16 Mansehra-III	Mr. Alamzeb Khan Village and Post Office Thakot, Tehsil Batagram, Distt. Mansehra.
17.	NA-17 Kohistan	Molvi Mohammad Amin Jalkot, Tehsil Dassu, District Kohistan.
18.	NA-18 D.I. Khan	Mr. Fazal Karim Khan Kundi Mamraz Pathan, Tehsil Tank, District D.I. Khan.
19.	NA-19 Bannu-I	Maulvi Ali Akbar Village and Post Office Chak Dadan Tehsil and District Bannu.

1	2	3
20.	NA-20 Bannu-II	Mr. Nasir Mohammad Khan Village Nar Sahibdad, Maidad Khel, Tehsil Lakki, Distt. Bannu.
21.	NA-21 Swat-I	Haji Khaliq Dad Khan Mohallah Khuna Jumat, Mingora, Swat.
22.	NA-22 Swat-II	Mr. Abdul Matin Khan Bajkata, Buner Swat.
23.	NA-23 Swat-III	Mr. Mohammad Afzal Khan Village and P.O. Matta, Distt. Swat.
24.	NA-24 Chitral	Shahzada Moheyuddin Village Serdur, Tehsil Drosh, District Chitral.
25.	NA-25 Dir	Mr. Najm-ud-Din Village Lowari House Kass, Tehsil and District Dir.
26.	NA-26 Malakand Protected Area-cum-Dir	Mr. Ahmad Hassan Ziarat Talash, Dir District.

THE FEDERALLY ADMINISTERED TRIBAL AREAS

27.	NA-27 Tribal Area-I	Mr. Baroz Shahbaz Kor, Tarakzai, Mohammand Agency.
28.	NA-28 Tribal Area-II	Syed Yousuf Hussain Parachinar, Kurram Agency.
29.	NA-29 Tribal Area-III	Mr. Spin Gul Village Kuz Korona, Rabia Khel, Orakzai Agency.

1	2	3
30.	NA-30 Tribal Area-IV	Mr. Muhammad Ajmal Sarai Miranshah, Tehsil Datta Khel, North Waziristan Agency.
31.	NA-31 Tribal Area-V	Haji Sakhi Jhan Spinkamar Makin, South Waziristan Agency.
32.	NA-32 Tribal Area-VI	Haji Lal Karim Village Nawagai, Bajaur Agency.
33.	NA-33 Tribal Area-VII	Mr. Mohammad Ayub Khan Painda Khel, Landi Kotal, Khyber Agency.
34.	NA-34 Tribal Area-VIII	Malik Aslam Khan Zarghoon Khel, F.R. Kohat.

THE FEDERAL CAPITAL

35.	NA-35 Federal Capital	Haji Muhammad Nawaz Khokhar Village Gangal Tehsil and District Islamabad.
-----	--------------------------	---

PUNJAB PROVINCE

36.	NA-36 Rawalpindi-I	Mr. Shahid Khaqan Abbasi Village Dewal, Tehsil Murree, District Rawalpindi.
37.	NA-37 Rawalpindi-II	Raja Muhammad Zaheer Khan Mohallah Karam Khan, Dhok Raja Karam Khan, Chohan, Ward No. 15, Gujarkhan.

1	2	3
38.	NA-38 Rawalpindi-III	Sheikh Rashid Ahmad D/268, Ganga Ram, Sarafa Bazar, Rawalpindi.
39.	NA-39 Rawalpindi-IV	Mr. Muhammad Ejaz-ul-Haq 203-Westridge-I, Rawalpindi.
40.	NA-40 Rawalpindi-V	Ch. Nisar Ali Khan Bunglow No. 72, Chakri Road, Rawalpindi.
41.	NA-41 Attock-I	Sh. Aftab Ahmed Attock City, Tehsil and District Attock.
42.	NA-42 Attock-II	Malik Allah Yar Khan R/o. Khunda, Tehsil Pindigheb, District Attock.
43.	NA-43 Chakwal-I	Lt. Gen. (Retd.) Malik Abdul Majid R/o. Jand, Tehsil and District Chakwal.
44.	NA-44 Chakwal-II	Sardar Mansoor Hayat Khan Village Tamman, Tehsil Talagang, District Chakwal.
45.	NA-45 Jhelum-I	Ch. Muhammad Altaf Hussain Village Ladhar, Police Station Dina, District Jhelum.
46.	NA-46 Jhelum-II	Nawabzada Iqbal Mehdi Village and P.O. Darapur, Tehsil and District Jhelum.

1	2	3
47.	NA-47 Sargodha-I	Mr. Ehsan-ul-Haq Piracha Ward No. 11, Bhera, Tehsil Bhalwal, District Sargodha.
48.	NA-48 Sargodha-II	Ch. Qadir Bakhsh Mela Mauza Mela, Tehsil Bhalwal, District Sargodha.
49.	NA-49 Sargodha-III	Haji Muhammad Javed Iqbal Cheema Chak No. 47-N.B., Tehsil and District, Sargodha.
50.	NA-50 Sargodha-IV	Ch. Anwar Ali Cheema Chak No. 35-S.B., Tehsil and District Sargodha.
51.	NA-51 Sargodha-cum- Khushab	Malik Muhammad Naeem Khan 79-A, Satellite Town, Sargodha.
52.	NA-52 Khushab	Malik Ghulam Muhammad Khan, Village Hameka, District Khushab.
53.	NA-53 Mianwali-I	Maulana Abdul Sattar Khan Niazi House No. N/187, Kohatian Street, Mohallah Shermon Khel, Mianwali City.
54.	NA-54 Mianwali-II	Haji Gul Hamid Khan Rokhari Gul Hamid Khan Street, Mianwali City.

1	2	3
55.	NA-55 Bhakkar-I	Mr. Aziz Ahmad Khan, Hassan Khan Wala, Tehsil Kallurkot, District Bhakkar.
56.	NA-56 Bhakkar-II	Mr. Muhammad Zafar Ullah Khan Dhandla Ward No. 9, Unit No. 2/1, Municipal Committee, Bhakkar.
57.	NA-57 Faisalabad-I	Sardar Dildar Ahmad Cheema Peoples Colony, Jungle Singh Wala, Faisalabad.
58.	NA-58 Faisalabad-II	Rai Muhammad Aslam Khan Kharal House, More 240, Lahore Road, Jaranwala, District Faisalabad.
59.	NA-59 Faisalabad-III	Alhaj Mian Nasir Ali Khan Chak No. 455/G.B, Tehsil Samundri, District Faisalabad.
60.	NA-60 Faisalabad-IV	Mr. Muhammad Abdullah Ghazi Chak No. 216/G.B., Tehsil Samundri, District Faisalabad.
61.	NA-61 Faisalabad-V	Ch. Muhammad Nazeer Ahmed, Chak No. 248/RB, Bismillapur, Tehsil and District Faisalabad.

1	2	3
62.	NA-62 Faisalabad-VI	Raja Nadir Pervaiz Chak No. 279/RB, Faisalabad.
63.	NA-63 Faisalabad-VII	Haji Muhammad Akram Ansari 1077-D, Raja Chowk, Ghulam Muhammad Abad, Faisalabad.
64.	NA-64 Faisalabad-VIII	Mian Zahid Sarfraz Kothi No. 1, Street No. 6, Grunanakpura, Faisalabad.
65.	NA-65 Faisalabad-IX	Ch. Sher Ali P-290, Street No. 5, Khalidabad, Faisalabad.
66.	NA-66 Jhang-I	Mr. Amir Hussain Syed Mohallah Thathi Sharqi, Chiniot, District Jhang.
67.	NA-67 Jhang-II	Maulana Haji Muhammad Rehmat Ullah Kurk Muhammadi Sharif, Tehsil Chiniot, District Jhang.
68.	NA-68 Jhang-III	VACANT
69.	NA-69 Jhang-IV	Makhdoom Syed Faisal Saleh Hayat Shah Shah Jewna City, Tehsil Jhang, District Jhang.

1	2	3
70.	NA-70 Jhang-V	Sahibzada Muhammad Nazir Sultan, Mouza Hazrat Sultan Bahu, Tehsil Shorkot, District Jhang.
71.	NA-71 Toba Tek Singh-I	Ch. Asad-ur-Rehman Chah Tibbi Wala, Kamalia, District T.T. Singh.
72.	NA-72 Toba Tek Singh-II	Mian Abdul Waheed Ward No. 10, Lahore Cantt.
73.	NA-73 Toba Tek Singh-III	Mr. Hamza House No. P-95, Eid Gah Road, Gujra, District T.T. Singh.
74.	NA-74 Gujranwala-I	Ch. Hamid Nasir Chatha Village and P.O. Ahmed Nagar, Tehsil Wazirabad, District Gujranwala.
75.	NA-75 Gujranwala-II	Mr. Afzal Hussain Tarar Village Koulo Tarar, Tehsil Hafizabad, District Gujranwala.
76.	NA-76 Gujranwala-III	Mr. Ghulam Dastgir Khan 7-A, Satellite Town, Gujranwala.
77.	NA-77 Gujranwala-IV	Ch. Muhammad Asghar Civil Lines, Ferozewala, Gujranwala.

1	2	3
78.	NA-78 Gujranwala-V	Rana Nazir Ahmad Khan Village Lalu Pur, Tehsil Kamoke, District Gujranwala.
79.	NA-79 Gujranwala-VI	Mr. Muhammad Ashraf Warriach Jodh Pur, Tehsil and District Gujranwala.
80.	NA-80 Gujrat-I	Ch. Tajamal Hussain Village Bhagowal Kalan, Tehsil and District Gujrat.
81.	NA-81 Gujrat-II	Ch. Shujat Hussain Zahoor Palace, Gujrat City.
82.	NA-82 Gujrat-III	Syed Manzoor Hussain Shah Ward No. 4, Lalamusa, Tehsil Kharian, District Gujrat.
83.	NA-83 Gujrat-IV	Mr. Nasir Iqbal Village Chailian Wala, District Gujrat.
84.	NA-84 Gujrat-V	Ch. Muhammad Nawaz Village and Post Office Tibba Bosal, (Bosal Sukha), Tehsil Phalia, District Gujrat.
85.	NA-85 Sialkot-I	Mian Muhammad Shafi R/o 12/209, Hamza Ghous, Sialkot.
86.	NA-86 Sialkot-II	Mr. Amir Hussain Village Looni, Tehsil and District Sialkot.

1	2	3
87.	NA-87 Sialkot-III	Mr. Nazir Ahmad Khan R/o Bhopalwala, Tehsil Daska, District Sialkot.
88.	NA-88 Sialkot-IV	Ch. Abdul Sattar Village Verio, Tehsil and District Sialkot.
89.	NA-89 Sialkot-V	Ch. Muhammad Sarwar Khan Village Rupo Chak, Tehsil Narowal, District Sialkot.
90.	NA-90 Sialkot-VI	Syed Ghaus Ali Shah Goth Mori, Taluka And District Khairpur.
91.	NA-91 Sialkot-VII	Mr. Muhammad Ishfaq Taj Village Maingri, Tehsil Shakargarh, District Sialkot.
92.	NA-92 Lahore-I	Mr. Humayun Akhtar Khan 601-Main Road, Shad Bagh, Lahore.
93.	NA-93 Lahore-II	Mr. Aitzaz Ahsan 5-Zaman Park, Canal Link Road, Lahore.
94.	NA-94 Lahore-III	Mian Umar Hayat 60-Haq Nawaz Road, Baghbanpura, Lahore.
95.	NA-95 Lahore-IV	Mian Nawaz Sharif 90-Railway Road, Lahore.

1	2	3
96.	NA-96 Lahore-V	Mian Muhammad Shahbaz Sharif 90-Railway Road, Lahore.
97.	NA-97 Lahore-VI	Mr. Liaqat Balouch 5/S-38-Shujah Road, Lahore.
98.	NA-98 Lahore-VII	Mian Muhammad Usman 95-Ferozepur Road, Lahore.
99.	NA-99 Lahore-VIII	Mr. Wazir Ali Bhatti Village Shamke Bhattian, Multan Road, Tehsil and District Lahore.
100.	NA-100 Lahore-IX	Mr. Muhammad Ashiq Ali Dayyal Village Mauze Dayyal Batapur, Tehsil and District Lahore.
101.	NA-101 Sheikhupura-I	Rana Tanveer Hussain Nangal Kaswala, Tehsil Ferozewala, District Sheikhupura.
102.	NA-102. Sheikhupura-II	Ch. Nazir Ahmad Virk Gali Nazir Ahmad Virk, Ghang Road, Sheikhupura.
103.	NA-103 Sheikhupura-III	Mr. Muhammad Birjees Tahir Ward No. 4, Sangla Hill, Tehsil and District Sheikhupura.

1	2	3
104.	NA-104 Sheikhupura-IV	Haji Naeem Hussain Chatha House No. 40, Hussainpur, Mashmool Kot Shah Muhammad, District Sheikhupura.
105.	NA-105 Sheikhupura-V	Rai Mansab Ali Khan Ward No. 14, Nankana Sahib, District Sheikhupura.
106.	NA-106 Kasur-I	Sardar Asif Ahmad Ali Village Usman Wala, District Kasur.
107.	NA-107 Kasur-II	Rao Khizar Hayat Khan Kot Jhandoo Khan, District Kasur.
108.	NA-108 Kasur-III	Rana Muhammad Hayat Khan Ward No. 1, Bhai Pheru Town Committee Ghala Mandi Road, District Kasur.
109.	NA-109 Kasur-IV	Maulana Mueen-ud-Din Lakhvi House No. 49-S-3/1-B, A-Block Ward No. 20, Town Committee, Okara.
110.	NA-110 Okara-I	Mian Muhammad Zaman 1-Waris Colony, Okara City.
111.	NA-111 Okara-II	Syed Sajjad Haider Mitchells Fruit Farms, Renala Khurd, Okara.
112.	NA-112 Okara-III	Mr. Qaisar Ali Khan Mazharabad, Tehsil Depalpur, District Okara.

1	2	3
113.	NA-113 Okara-IV	Mian Muhammad Yaseen Khan Watto Mauza Jamal Kot, Tehsil Depalpur, District Okara.
114.	NA-114 Multan-I	Syed Yousaf Raza Gillani Chah Dhorey Wala, Mauza Hamid Pur Kanora, District Multan.
115.	NA-115 Multan-II	Syed Hamid Saeed Kazmi Shadab Colony, Police Lines Road, Multan.
116.	NA-116 Multan-III	Mr. Tanwir-ul-Hassan Shah Gillani Darbar Piran Peer, Inside Pak Gate, Multan.
117.	NA-117 Multan-IV	Haji Hayatullah Khan Mauza Kharala, Basti Barana, Tehsil Mailsi, District Multan.
118.	NA-118 Multan-V	Mr. Muhammad Siddique Khan Kanjoo Mauza Ali Pur Kanjoo, Post Office Shah Pur Saddat, Tehsil Lodhran, District Multan.
119.	NA-119 Multan-VI	Syed Javaid Ali Shah 85-Jalil Abad, Multan.

1	2	3
120.	NA-120 Multan-cum-Khanewal	Makhdoom Muhammad Javed Hashmi Chah Noor Charagh Wala, Mauza Gharyala, Tehsil and District Multan.
121.	NA-121 Khanewal-I	Syed Fakhar Imam, Qatalpur, Tehsil Kabirwala, District Khanewal.
122.	NA-122 Khanewal-II	Mr. Aftab Ahmad Khan, 3-Civil Lines, Khanewal.
123.	NA-123 Khanewal-III	Pir Shajaat Husnain Qureshi, Chak No. 44/15-1, Tehsil Mian Channu, District Khanemal.
124.	NA-124 Sahiwal-I	Mr. Anwar-ul-Haq Ramay, House No. 280, Block-U, Farid Town, Tehsil and District, Sahiwal.
125.	NA-125 Sahiwal-II	Mehar Ghulam Farid Kathia, House No. 29, Jamia Faridia Road, Sahiwal.
126.	NA-126 Sahiwal-III	Rai Ahmad Nawaz, Chak No. 110, 12-I, Chichawatni, District Sahiwal.

1	2	3
127.	NA-127 Sahiwal-IV	Raja Shahid Saeed Khan, Mauza Shaher Jillani Daulat Abad, Tehsil Arifwala, District Sahiwal.
128.	NA-128 Pakpattan	Mian Mehmood Ahmad Khan, Kothi Hazrat Qibla Mian Sahib, Pakpattan.
129.	NA-129 Vehari-I	Mr. Muhammad Nawaz Khan alias Dilwar Khan Mauza Fadda (East) Gali, Bawarch Khane Wali, Teshil Mailsi, District Vehari.
130.	NA-130 Vehari-II	Mr. Akbar Ali Bhatti, Chak No. 4 W.B. Vehari.
131.	NA-131 Vehari-III	Syed Shahid Mehdi Nasim, House No. 16/17, Block 1, Civil Lines, Burewala, District Vehari.
132.	NA-132 D.G. Khan	Sardar Muhammad Amjad Farooq Khan, Chak Bahadur Garh, Tehsil and District, D.G. Khan.
133.	NA-133 D.G. Khan-cum- Rajanpur	Sardar Farooq Ahmad Khan, Chak Bakhar, Tehsil and District, D.G. Khan.

1	2	3
134.	NA-134 Rajanpur	Mir Balakh Sher Mazari, Rajhan Garbi, Tehsil Rojhan, District Rajanpur.
135.	NA-135 Muzaffargarh-I	Sardar Muhammad Abdul Qayum Khan Ward No. 1, Town Committee Jatoi, Tehsil Alipur, District Muzaffargarh.
136.	NA-136 Muzaffargarh-II	Mian Atta Muhammad Qureshi, Mouza Harpaloo (Dheda Lal), Tehsil and District Muzaffargarh.
137.	NA-137 Muzaffargarh-III	Malik Ghulam Muhammad Noor Rabbani Khar, Basti Dara, Mauza Khar Gharbi, Tehsil Kot Adu, District Muzaffargarh.
138.	NA-138 Muzaffargarh-IV	Malik Ghulam Muhammad Mustafa Khar, Basti Dara, Khar Gharbi, Tehsil Kot Adu, District Muzaffargarh.
139.	NA-139 Layyah-I	Syed Muhammad Khurshid Ahmed Shah Bukhari, Chak No. 152/TDA, Tehsil and District Layyah.
140.	NA-140 Layyah-II	Sahibzada Faiz-ul-Hassan, Chak No. 102/TDA, Tehsil Karoor, District Layyah.

1	2	3
141.	NA-141 Bahawalpur-I	Prince Salah-ud-Din, Sadiq Garh Palace, Dera Nawab Sahib, District Bahawalpur.
142.	NA-142 Bahawalpur-II	Sahibzada Farooq Anwar Abbasi, Ward No. 16, Unit No. 1/4, M.C., Bahawalpur.
143.	NA-143 Bahawalpur-III	Syed Tasneem Nawaz Gardezi, Basti Chandipur, Mouza Syed Imam Shah, District Bahawalpur.
144.	NA-144 Bahawalngar-I	Syed Muhammad Asghar Shah, Mauza Said Ali, Tehsil Minchinabad, District Bahawalaangar.
145.	NA-145 Bahawalnagar-II	Mian Abbas Sattar Khan, Muhallah Sukhaira Akuka, Ward No. 9, Doonga Boonga, Tehsil and District Bahawalnagar.
146.	NA-146 Bahawalnagar-III	Ch. Abdul Ghafoor, Chak No. 142/6-R, Tehsil Haroonabad, District Bahawalnagar.
147.	NA-147 Rahimyar Khan-I	Syed Ahmad Alam Anwar, Monsin Abad, Tehsil Liaquatpur, District Rahimyar Khan.
148.	NA-148 Rahimyar Khan-II	Makhdoom Shahab-ud-Din, House No. 1, Mianwali Qureshian, Tehsil and District Rahimyar Khan.

1	2	3
149.	NA-149 Rahimyar Khan-III	Mian Abdul Khaliq, House No. 2245/A-I, Ward No. 2, Rahimyar Khan.
150.	NA-150 Rahimyar Khan-IV	Syed Ahmad Mahmood Jamal Din Wali, Tehsil Sadiqabad, District Rahimyar Khan.

SINDH PROVINCE

151.	NA-151 Sukkur-I	Mr. Khursheed Ahmed Shah, Near Regent Cinema, Sukkur.
152.	NA-152 Sukkur-II	Jam Saifullah Khan Ghotki, District Sukkur
153.	NA-153 Sukkur-III	Haji Noor Muhammad Khan Lund, Noorabad, Deh Gurkar, Taluka Mirpur Mathelo, District Sukkur.
154.	NA-154 Shikarpur-I	Mr. Aftab Shaban Mirani, Mirani Mohallah, Shikarpur.
155.	NA-155 Shikarpur-II	Mir Altaf Khan Bhayo, Village Jagan, Taluka and District Shikarpur.
156.	NA-156 Jacobabad-I	Mr. Illahi Bukhsh Station Road, Unit No. 17, Jacobabad.

1	2	3
157.	NA-157 Jacobabad-II	Mir Hazar Khan, Karampur, Taluka Kandhkot, District Jacobabad.
158.	NA-158 Naushero Feroze-I	Mr. Ghulam Mustafa Khan Jatoi, Post Office New Jatoi, Taluka Moro, District Naushero Feroze.
159.	NA-159 Naushero Feroze-II	Mr. Zafar Ali Shah, New Darbello, Mir Jat, Taluka Kandiaro, District Naushero Feroze.
160.	NA-160 Nawabshah-I	Mr. Ghulam Murtaza Khan, Boreri 3/1, Unit Sehra, Taluka Moro, District Naushero Feroze.
161.	NA-161 Nawabshah-II	Syed S habir Ahmed Shah, Village Mehrabpur, Taluka Sakrand, District Nawabshah.
162.	NA-162 Khairpur-I	Syed Pervaiz Ali Shah, Jilani Muhallah, Khairpur.
163.	NA-163 Khairpur-II	Pir Syed Abdul Qadir Shah Ranipur, Taluka Gambat, District Khairpur.

1	2	3
164.	NA-164 Larkana-I	Begum Nusrat Bhutto, Al-Murtaza House, Unit No. 25, Municipal Area, Larkana.
165.	NA-165 Larkana-II	Mr. Shabir Ahmed Chandio, House No. 122/11, Azim Shah Road, Makrani Mohallah, Larkana.
166.	NA-166 Larkana-III	Ms. Benazeer Bhutto, Unit No. 10, Municipal Area, Larkana.
167.	NA-167 Hyderabad-I	Makhdoom Muhammad Amin Faheem, Makhdoom Street, Hala, District Hyderabad.
168.	NA-168 Hyderabad-II	Kanwar Naveed Jamil, Bungalow No. C-41, Unit No. 10, Shah Latifabad, Hyderabad.
169.	NA-169 Hyderabad-III	Mr. Khalid Maqbool Siddiqui, Bungalow No. 243-B, Unit No. 10, Latifabad, Hyderabad.
170.	NA-170 Hyderabad	Mr. Naveed Qamar, Bangalow No. 233/C, Unit No. 2, Latifabad, Hyderabad.

1	2	3
171.	NA-171 Hyderabad	Mr. Abdul Sattar Bachani, House No. 290, Patoli Para, Tando Allahyar, District Hyderabad.
172.	NA-171 Badin-I	Haji Abdullah Halepoto, Village Own Kapri Mori, Taluka Matli, District Badin.
173.	NA-173 Badin-II	Mr. Bashir Ahmed, Village Bashir Halepoto, Taluka Matli, District Badin.
174.	NA-174 Tharparkar-I	Mr. Anees Ahmed, 1828/8 Nishter Road, Hamidpura Colony No. 3, Mirpurkhas, District Tharparkar.
175.	NA-175 Tharparkar-II	Mr. Mohammad Khan Junejo, Village Din Muhammad Junejo, Post Office Sindhri, Taluka Khipro, District Sanghar.
176.	NA-176 Tharparkar-III	Arbab Ghulam Raheem Village Khatlari, Post Office Kaloi, Taluka Diplo, District Tharparkar.
177.	NA-177 Dadu-I	Malik Asad Sikandar Malik Paro Kotri and Subedari Mohallah, Thano Ahmed Khan, District Dadu.

1	2	3
178.	NA-178 Dadu-II	Haji Mohammad Bukhsh Jamali Street, Dadu.
179.	NA-179 Dadu-III	Mr. Rafiq Ahmed, Village Gahi Mehessar, Taluka Mehar, District Dadu.
180.	NA-180 Sanghar-I	Peer Syed Ali Gohar Shah Rashidi Head Quarter Pir Sahib Pagaro, Deh Bhambho Dero, Taluka and District Khairpur.
181.	NA-181 Sanghar-II	Jam Mashooq Ali, Village Jam Nawaz Ali, District Sanghar.
182.	NA-182 Thatta-I	Mr. Ghulam Hussain alias Babu Soni Mundi Muhallah, Thatta Town.
183.	NA-183 Thatta-II	Arbab Wazir Ahmed, Daro Town, Taluka Mirpur Bathoro, District Thatta.
184.	NA-184 Karachi West-I	Mr. Mohammad Irfan Khan, A-14, Zubairi Colony, Manghopir Road, Karachi.
185.	NA-185 Karachi West-II	Syed Salimul Haque 30/A, Bihar Colony, Karachi.

1	2	3
186.	NA-186 Karachi Central-I	Kanwar Khalid Younus, B-81, Block-P, North Nazimabad, Karachi.
187.	NA-187 Karachi Central-II	Mr. Imran Farooque 1/855, Sharifabad, Karachi.
188.	NA-188 Karachi Central-III	Syed Muhammad Aslam, 1432/14, Federal 'B' Area, Karachi.
189.	NA-189 Karachi South-I	Mr. Asif Ali, Zardari House, Society, Nawabshah.
190.	NA-190 Karachi South-II	Mr. Mohammad Farooq Sattar, House No. 268, PIB Colony, Karachi-5.
191.	NA-191 Karachi South-III	Syed Tariq Mehmood, AM No. 1, 6 Mitharam Permanand Building, Burns Road, Karachi.
192.	NA-192 Karachi East-I	Mr. Mohammad Rafique Essani, Muslimabad, Mirpurkhas.
193.	NA-193 Karachi East-II	Mr. Islam Nabi, 2-B, 5th Central Line, Phase-II, Defence, Karachi.

1	2	3
194.	NA-194 Karachi East-III	Syed Aminul Haq, A-36/19, Roshan Bagh, F.B.A., Karachi.
195.	NA-195 Karachi East-IV	Mr. Rehan Umer Farooqui 98, Quaidabad, Landhi Karachi.
196.	NA-196 Karachi East-V	Mr. Wasim Ahmed, F (N) 24/1, Malir Extension, Karachi.

BALUCHISTAN PROVINCE

197.	NA-197 Quetta-cum-Chagai	Sardar Fateh Muhammad. Muhammad Hassani Block No. 3, Satellite Town, Quetta.
198.	NA-198 Pishin	Mr. Mehmood Khan, Killi Inayatullah Karez, Sherqi Gulistan, District Pishin.
199.	NA-199 Loralai	Sardar Muhammad Yaqoob Killi Nasirabad, District Loralai.
200.	NA-200 Zhob-cum-Killa Saifullah	Moulvi Muhammad Khan Sherani, Village Miralikhel, Sherani Sub-Division, District Zhob.
201.	NA-201 Kachhi	Mir Yar Mohammad Rind, Shoran, Sub-Tehsil Sanni, District Kachhi.

1	2	3
202.	NA-202 Sibi-cum-Kohlu-cum- Dera Bugti-cum-Ziarat	Mr. Saleem Akbar Bugti, House No. 2, Saddar, Dera Bugti.
203.	NA-203 Jaffarabad-cum- Tamboo	Mir Nabi Bakhsh Hair Din, District Jaffarabad.
204.	NA-204 Kalat-cum-Kharan	Syed Muhammad Siddique Shah, Muslim Mohallah, Kalat.
205.	NA-205 Khuzdar	Mr. Hasil Khan, Bizanpur Nal, District Khuzdar.
206.	NA-206 Lasbela-cum-Gawadar	Shahzada Muhammad Yousuf Bela, District Lasbela
207.	NA-207 Turbat-cum-Panjgur	Mr. Bizen Bizanjo, Bizanpur Nal, Khuzdar.

**LIST OF MEMBERS OF THE NATIONAL ASSEMBLY OF
PAKISTAN ELECTED AGAINST THE SEATS RESERVED
FOR MINORITY COMMUNITIES**

S. No.	Name and Address
1.	Mr. Julis Salik 501, Street No. 15-D, Mohmoodabad, Karachi.
2.	Mr. Peter John Sahotra House No. P-530, Christian Town, Main Bazar, Ward no. 3, Unit 5/2, Model Town, Faisalabad.
3.	Mr. Tariq Chistopher Qaiser, Martinpur, Chak No. 371/GB, Tehsil Nankana Sahib, District Sheikhpura.
4.	Father Rufin Julius, Catholic Church, Hafizabad Road, Gujranwala.
5.	Mr. Khatu Mal. P.O. & Village Janhero, Taluka Umerkot, District Tharparkar.
6.	Rana Chander Singh, Rana Jagir, Taluka Umerkot, District Tharparkar.

S. No.	Name and Address
7.	Bhaghwan Dass, Hindu Mohallah, Town Kashmore, District Jacobabad.
8.	Mr. Kishan Chand Parwani, Village Pirumal, District Sanghar.
9.	Byram Dinshaw Avari, Khorshed Villa Veach Luxury Hotel Compound, MT Khan Road, Karachi.
10.	Mr. Bashir-ud-Din Khalid, House No. 157/S-28, Maqbool Road, Lahore.

DETAIL OF BYE-ELECTIONS HELD UPTO 24TH OCTOBER, 1991

NATIONAL ASSEMBLY

No. and Name of Constituency	Name of returned candidate	Party affiliation	Date of bye-election
(1) NA-7 Mardan-II	Haji Sarfraz Khan	PDA	10-01-1991
(2) NA-48 Sargodha-II	Ch. Qadir Bakhsh Mela	IJI	10-01-1991
(3) NA-52 Khushab	Malik Ghulam Muhammad Khan Tiwana	IJI	10-01-1991
(4) NA-62 Faisalabad-VI	Raja Nadir Perviz	IJI	10-01-1991
(5) NA-72 T.T. Singh-II	Mian Abdul Waheed	IJI	10-01-1991
(6) NA-90 Sialkot-VI	Syed Ghaus Ali Shah	IJI	10-01-1991
(7) NA-112 Okara-III	Mr. Qaisar Ali Khan	IJI	10-01-1991
(8) NA-123 Khanewal-III	Pir Shujaat Hasnain Qureshi	IJI	10-01-1991
(9) NA-137 Muzaffargarh-III	Malik Ghulam Muhammad Noor Rabbani Khar	IJI	10-01-1991
(10) NA-91 Sialkot-VII	Mr. Muhammad Ishfaq Taj	IJI	26-01-1991
(11) NA-205 Khuzdar	Mir Hasil Khan	IND	10-01-1991
PROVINCIAL ASSEMBLY, PUNJAB			
(12) PP-6 Rawalpindi-VI	Ch. Waqar Ali Khan	IJI	10-01-1991
(13) PP-38 Mianwali-III	Mian Riaz Ahmad Shah	IJI	10-01-1991
(14) PP-58 Faisalabad-XVI	Mr. Shahid Nazeer	IJI	10-01-1991
(15) PP-59 Faisalabad-XVII	Rana Sanaullah	PDA	10-01-1991
(16) PP-78 Gujranwala-II	Mr. Nawazish Ali	IJI	10-01-1991
(17) PP-103 Sialkot-II	Kh. Muhammad Manshaullah	IJI	10-01-1991
(18) PP-113 Sialkot-XII	Mr. Akhlaq Ahmad Khan	IJI	10-01-1991
(19) PP-123 Lahore-VIII	Mr. Farid Ahmad Paracha	IJI	10-01-1991
(20) PP-124 Lahore-IX	Mr. Abdul Sattar	IJI	10-01-1991
(21) PP-205 Rajanpur-II	Sardar Haji Ghulam Mujtaba Khan Dreshak	IJI	10-01-1991
(22) PP-214 Muzaffargarh-VIII	Malik Muhammad Rafiq	IJI	10-01-1991
(23) PP-229 Bahawalnagar-V	Ch. Zafar Iqbal	IJI	10-01-1991
(24) PP-212 Muzaffargarh-IV	Samira Rabbani Khar	IJI	16-03-1991
(25) PP-12 Attock-I	Bibi Musarrat Sultan	IJI	14-04-1991
(26) PP-50 Faisalabad-VIII	Ch. Ghulam Rasool	IND	15-10-1991

No. and Name of Constituency	Name of returned candidate	Party affiliation	Date of bye-election
PROVINCIAL ASSEMBLY, SINDH			
(27) PS-18 Naushero Feroze-IV	Mr. Ghulam Rasool Khan Jatoi	IND	10-01-1991
(28) PS-64 Sanghar-I	Haji Khuda Bux Nizamani	IND	10-01-1991
(29) PS-71 Thatta-III	Syed Shafiq Ahmad Shah	IND	10-01-1991
(30) PS-82 Karachi (C)-V	Syed Hasham Ali	IND	22-04-1991
(31) PS-14 Jacoabad-V	Agha Ghulam Ali	IND	29-06-1991
PROVINCIAL ASSEMBLY, NWFP			
(32) PF-20 Mardan-II	Mr. Abdul Akbar Khan	PDA	10-01-1991
(33) PF-35 Abbottabad-II	Sardar Fida Muhammad Khan	IJI	24-04-1991
(34) PF-45 Mansehra-IV	Mr. Faiz Muhammad Khan	IND	28-04-1991
PROVINCIAL ASSEMBLY, BALUCHISTAN			
(35) PB-34 Lasbela-I	Shahzada Ali Akbar	IJI	10-01-1991

SUMMARY OF BYE-ELECTIONS

Name of Assembly	Total No. of Bye-Election	IJI	PDA	Independent
National Assembly.	11	9	1	1
Provincial Assembly, Punjab.	15	13	1	1
Provincial Assembly, Sindh.	5	—	—	5
Provincial Assembly, NWFP.	3	1	1	1
Provincial Assembly, Baluchistan.	1	1	—	—
Total	35	24	3	8

ELECTION COMMISSION OF PAKISTAN

- | | |
|--|-----------------|
| 1. Mr. Justice Naimuddin,
Chief Election Commissioner | <i>Chairman</i> |
| 2. Mr. Justice Khalil-ur-Rehman Khan,
Judge, Lahore High Court | <i>Member</i> |
| 3. Mr. Justice Amir-ul-Mulk Mengal,
Judge, Baluchistan High Court | <i>Member</i> |

ELECTION COMMISSION SECRETARIAT, ISLAMABAD

- | | |
|--|--|
| 1. Ch. Shaukat Ali,
Secretary. | 12. Mr. Ayaz Muhammad Baig,
Section Officer (Admn.). |
| 2. Mr. M. Humayun Khan,
Additional Secretary.
(Acting Secretary with
effect from 21-3-1991) | 13. Kh. Altaf Hussain,
Section Officer (Cord). |
| 3. Mr. Hasan Muhammad,
Joint Secretary (Budget). | 14. Mr. R.B. Jan Wahidi,
Deputy Director (PR). |
| 4. Mr. M. Sarwar Khan Durrani,
Joint Secretary (Admn). | 15. Mr. Shamim Wahid,
Section Officer (Law). |
| 5. Mr. Tariq Latif,
Director Public Relations. | 16. Mr. M.A. Siddiqui,
Officer on Special Duty. |
| 6. Mr. Muhammad Akram,
Deputy Secretary (Election-I). | 17. Mr. Ijaz Hussain Raja,
Section Officer (Election-I). |
| 7. Mr. Iftikhar Ahmad Qureshi,
Deputy Secretary (Election-II). | 18. Mr. Abdur Rehman Khan,
Section Officer (Election-II). |
| 8. Mr. Mushtaq Ahmad Khan,
Deputy Secretary (Admn.). | 19. Mr. M. Anwar Hussain,
Section Officer (Budget). |
| 9. Mr. S.M. Arshad,
Deputy Secretary (Budget). | 20. Mr. Akhtar Hussain Sabir,
Section Officer (Estt-II). |
| 10. Mr. Muhammad Saleem Akhtar,
Section Officer (Estt-I). | 21. Mr. Iftikhar Hussain Shah,
Research Officer. |
| 11. Mr. Ifran Hussain,
Section Officer (Record). | 22. Rana Shukrullah Khan,
Accounts Officer. |

**OFFICE OF THE PROVINCIAL ELECTION
COMMISSIONER, PUNJAB, LAHORE**

- | | |
|--|--|
| 1. Mr. Rehmat Ali Mujahid,
Provincial Election Commissioner. | 7. Sh. Ghulam Farid-ud-Din,
Deputy Election Commissioner,
Sargodha Division. |
| 2. Mr. Rahim Nawaz Khan Durrani,
Deputy Election Commissioner,
(Hqrs.) | 8. Mr. Khizar Hayat,
Deputy Election Commissioner,
Bahawalpur Division. |
| 3. Miss. Farhat Razzak Khan,
Deputy Election Commissioner,
(Estt). | 9. Mr. Anwar Saeed,
Deputy Election Commissioner,
Faisalabad Division. |
| 4. Ch. Iftikhar Ahmad,
Deputy Election Commissioner,
Lahore Division. | 10. Mr. Masoud Mehdi Janjua,
Deputy Election Commissioner,
D.G. Khan Division. |
| 5. Syed Abid Hussain Bukhari,
Deputy Election Commissioner,
Gujranwala Division. | 11. Mr. Abrar Ahmad Mann,
Deputy Election Commissioner,
Rawalpindi Division. |
| 6. Mr. A. S. Mubashir,
Deputy Election Commissioner,
Multan Division. | |

**OFFICE OF THE PROVINCIAL ELECTION
COMMISSIONER, SINDH, KARACHI**

- | | |
|---|---|
| 1. Mr. M.H. Zaidi,
Provincial Election Commissioner | 5. Hafiz Ilyas Ahmed Siddiqui,
Deputy Election Commissioner,
Sukkur Division. |
| 2. Mr. K.M. Dilshad,
Deputy Election Commissioner,
(Hqrs.) | 6. Mr. Ahmad Ali Halepota,
Deputy Election Commissioner,
Hyderabad Division. |
| 3. Mr. M. Qamaruddin,
Deputy Election Commissioner,
(Re-employed). | 7. Ch. Qamar-uz-Zaman,
Deputy Election Commissioner,
Karachi Division. |
| 4. Mr. Safi-ur-Rehman Iqbal,
Deputy Election Commissioner,
(Elections). | 8. Mr. Bashir Ahmad Shah,
Deputy Election Commissioner,
Larkana Division. |

**OFFICE OF THE PROVINCIAL ELECTION
COMMISSIONER, N-W.F.P., PESHAWAR**

- | | |
|--|--|
| 1. Mr. Abdur Rahīm Khan,
Provincial Election Commissioner. | 5. Mr. Muhammad Tufail,
Deputy Election Commissioner,
Kohat Division. |
| 2. Mr. Ikramullah Khan Durrani,
Deputy Election Commissioner,
(Hqrs.). | 6. Mr. Muhammad Bashir Zafar,
Deputy Election Commissioner,
Mardan Division. |
| 3. Mr. Abdullah Khan,
Deputy Election Commissioner,
Hazara Division. | 7. Mr. Muhammad Azam Khan,
Deputy Election Commissioner,
Malakand Division. |
| 4. Mr. M.R. Awaisy,
Deputy Election Commissioner,
Peshawar Division. | 8. Mr. Nizamuddin,
Deputy Election Commissioner,
D.I. Khan Division. |

**OFFICE OF THE PROVINCIAL ELECTION
COMMISSIONER, BALUCHISTAN, QUETTA**

- | | |
|--|--|
| 1. Ch. Bashir Ahmed,
Provincial Election Commissioner. | 5. Mr. Muhammad Ziaullah Zia,
Deputy Election Commissioner,
Quetta Division. |
| 2. Mr. M. Farhatullah,
Deputy Election Commissioner,
(Hqrs.) | 6. Mr. Masood Ahmed Mir,
Deputy Election Commissioner.
Nasirabad Division at Dera
Murad Jamali. |
| 3. Mr. Muhammad Altaf Khan,
Deputy Election Commissioner,
Kalat Division at Khuzdar. | 7. Mr. Shabbir Ahmed Chaudhry,
Deputy Election Commissioner,
Sibi Division. |
| 4. Mr. Mohib-e-Ahmed,
Deputy Election Commissioner,
Mekran Division at Turbat. | 8. Mr. Inayat-ur-Rehman Khan,
Deputy Election Commissioner,
Zhob Division at Loralai. |

ERRATA

Sl. No.	Page No.	Paragraph No.	Line No.	Printed matter	Correct matter
1.	48	12 (iii)	5	Officers	Officers
2.	72	6	9	Consolidaiton	Consolidation
3.	79, 80, 81			Paras 8, 9, 10 and 11 may be read as paras 7, 8, 9 and 10 respectively.	
4.	84	6	7	The word 'for' in the beginning may be treated as deleted	
5.	89	19	5	68	78
6.	91	1	2	of	to
7.	116			Read paragraph '4' under the title 'List of symbols' and paragraph '5' under the title 'Application for symbols'	
8.	120	15	4	Sind High Court	Lahore High Court
9.	139			The straight line printed at the bottom of the page may be treated as deleted.	
10.	164	22	7	Officer	Officer
11.	165	26	6	Officer	Officer
12.	166	30	3	thepoll	the poll
13.	181	10	2	examines	examine
14.	187			In column No. 4 against 'PF-67 Swat-V' read the figure '723'.	
15.	187			In column No. 3 against 'PF-78 Dir-VI' read the figure '5982' in place of '5680'	
16.	193	8	2	numbr	number
17.	193	8	3	47,10,000	47,10,001
18.	193	8	Column 1(10)	Ittehand	Ittehad
19.	202	23	1	base less	baseless
20.	213	18	7	distinguished	distinguish
21.	235	16 (5) (ii)		The words 'decision of the Commission' at the end may be treated as deleted.	
22.	238	S. No. 3	Column 6	Still pending in the Lahore High Court	Dismissed for non-prosecution
23.	244	11		The word 'Rs' below column number '5' at the top may be treated as deleted.	
24.	247	9		In 'Total' under the column 'excess expenditure' read '3' in place of '1'. Under the column 'delayed submission of returns' read '68' in place of '1, 180'	
25.	266	12	1	26	27
26.	277	18	4	Coverrage	coverage
27.	345	S. No. 170	—	Hyderabad	Hyderabad-IV
28.	346	S. No. 171	—	Hyderabad	Hyderabad-V
29.	346	S. No. 172	—	NA-171	NA-172

