

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

**BILL**

further to amend the Representation of the People Act, 1976

Whereas it is expedient further to amend the Representation of the People Act, 1976, (Act No. LXXXV of 1976) for the purposes hereinafter appearing

It is hereby enacted as follows:

1. **Short title and commencement.**- (1) This Act may be called the Representation of the People (Amendment) Act, 2014.

(2) It shall come into force at once.

2. **Amendment of section 54, Act LXXXV of 1976.**- In the Representation of the People Act, 1976 (LXXXV of 1976), hereinafter referred to as the said Act, in section 54.-

(a) in clause (a), the word “and” occurring at the end shall be omitted and for the full-stop occurring at the end “semi-colon” and the word “and”, shall be added,

(b) after clause (b), the following new clause (c), shall be added, namely:-

“(c) the Returning Officer concerned.”.

3. **Amendment of section 57, Act LXXXV of 1976.**- In the said Act, in section 57, for sub-section (2), the following shall be substituted, namely:-

“(2) An Election Tribunal shall consist of a District and Sessions Judge or a Judge of a High Court.”

**STATEMENT OF OBJECTS AND REASONS**

In Chapter VII “Election Disputes”, under section 54, the Returning Officer must also be included among the respondents to the election petition for his/her action. This will broaden the share of accountability and transparency in election procedures. A returning officer is a very important stake in this whole election procedure and must be held accountable as directly linked with the election complaints or any other business in this regard. This will also ensure a very healthy and reformative procedure.

In addition to the above, presently, as per provision contained in sub-section (2) of section 57, an Election Tribunal shall consist of a person who has been, or is, or, at the time of his retirement as a District and Sessions Judge, was qualified to be, a Judge of a High Court.

Appointment of serving Judges of High Courts in the Tribunal has been a practice till 2008. But, unfortunately this practice was discontinued for unknown reasons. It would be more appropriate that a serving Judge is appointed to Tribunal instead of a retired judge.

Hence this Bill is designed to achieve the aforementioned objective.

Sd/-

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