

[AS PASSED BY THE MAJLIS-E-SHOORA (PARLIAMENT)]

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 (LXXXV of 1976) for the purposes hereinafter appearing and to reinforce the true spirit of democracy whereby women are able to effectively participate in elections without any hindrance or restraint;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Representation of the People (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Amendment of Section 78, Act LXXXV of 1976.- In the Representation of the People Act, 1976 (LXXXV of 1976), in section 78, for clause (2), the following shall be substituted, namely:-

"(2) is guilty of bribery, personation or undue influence or prevents any woman from contesting election or exercising her right to vote or enters into formal or informal agreement or understanding debarring women from becoming candidates for an election or exercising their right of vote in an election;"

3. Amendment of Section 103AA, Act LXXXV of 1976.- In the Representation of the People Act, 1976 (LXXXV of 1976), in section 103AA, after sub-section (3), the following new sub-section shall be added, namely:-

"(4) An appeal against decision of the Commission made while exercising powers under sub-sections (1), (2) and (3) shall lie before the Supreme Court for decision within thirty days."

STATEMENT OF OBJECTS AND REASONS

There have been numerous reports at every election in recent years whereby women voters have been restrained from voting in the election as a result of an agreement or understanding between different persons which have included politicians, persons representing political parties, the clergy and leaders of the community.

This systematic process of disqualifying women is a clear violation of their fundamental rights and amounts to an outright discrimination and negation of rights guaranteed under Article 25 of the Constitution of the Islamic Republic of Pakistan. This Bill seeks to address such barriers.

Moreover, the Bill seeks to make available gender disaggregated data, as not only an effective, transparent and clear method of documentation, but also as a tool to identify gender break down of voting structures and to identify and understand the number of women voting, the issues they face, how to eliminate them. Given that consistent and regular data allows for effective monitoring of progress as regression, it is necessary that Pakistan ensures that this kind of data exists in Pakistan to enhance democratic structures and procedures.

This Bill is principally aimed at ensuring that in any election, in any constituency, if less than 10% of female voters have voted, the Election Commission of Pakistan shall declare the election of such a constituency void, and order re-polling within thirty days of the declaration of the decision of the Commission.

SENATOR SHERRY REHMAN
Member-in-Charge