

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ
MR. JUSTICE GULZAR AHMED
MR. JUSTICE SH. AZMAT SAEED

CONSTITUTION PETITIONS NO.39 & 90 OF 2011.

Const.P.39/2011. Ch. Nasir Iqbal and others Vs.
Federation of Pakistan through
Secretary Law and others.

Const.P.90/2011. Imran Khan, Chairman, P.T.I., etc.
Vs. Federation of Pakistan.

For the Petitioner(s) : Mian Abdul Rauf, ASC

On Court's Notice : Mr. Irfan Qadir, Attorney General

For the ECP : Mr. Muhammad Munir Paracha,
Sr. ASC
Syed Sher Afgan, DG (Election)

For M/o Overseas : Mr. Fayyaz Ahmed Malik, Dy Chief.
Mr. Islam-ud-Din, Asstt. Chief

For the OPF : Raja Muhammad Farooq, ASC

For NADRA: : Mr. Afnan Karim Kundi, ASC
Mr. Tariq Malik Chairman, NADRA

For M/o Foreign Syed Ibne Abbas.
Affairs :

Date of hearing: : 11.04.2013.

ORDER

The learned Attorney General for Pakistan stated that the Election Commission of Pakistan had convened a meeting, which was attended by him and all other concerned functionaries of the Government of Pakistan and in the said deliberations it has been decided that subject to completion of certain formalities including minor amendments in the relevant laws by means of exercising of powers of temporary legislation conferred by the Constitution upon the President of Pakistan, the Overseas Citizens of Pakistan shall be allowed Right of Franchise. He further stated that initially ten countries have been selected, as a large number of Overseas Citizens of Pakistan are residing over there.

2. On behalf of the Election Commission of Pakistan, the Director General (Elections) has placed on record (CMA No.1973/2013) wherein the detail of the deliberations submitted in the meeting convened by the Election Commission of Pakistan to achieve the object of allowing Right of Franchise to the Overseas Citizens of Pakistan under the title:-

“PROPOSAL AS TO WORKABLE MECHANISM FOR IMPLEMENTATION OF THE RIGHT OF OVERSEAS PAKISTANIS TO CAST THEIR VOTE FROM ABROAD”

3. In this report under the following headings deliberations took place and the areas wherein certain steps are required to be taken have been highlighted as follows:-

1. Eligibility of Overseas Voters
2. Voter Registration
3. Vote Casting
4. Pre-requisites

4. The following steps have been recommended for implementation of the plan for extending the Right of Franchise to the Overseas Citizens of Pakistan:-

“Steps to be taken for implementation of above plan

- a. *As per NADRA’s proposal, legislation is the first necessary step. Learned Attorney General during the meeting also endorsed the view that legislation is required and requested the ECP to prepare a draft proposal for issuance of an ordinance.*
- b. *According to NADRA’s proposal, an Overseas Pakistani will have to first visit the embassy/mission etc. for the purpose of registration and second time he will visit the mission/polling station to cast his vote.*
- c. *As highlighted above, the major concentration of Overseas Pakistanis is in two Countries namely Saudi Arabia and UAE which is 2.9 million and permission of the governments of these two countries is mandatory.*
- d. *Still one million NICOP holders of these countries do not have Machine Readable Passports and as MRP is a pre-requisite for casting votes according to the NADRA’s proposal, steps will be taken to facilitate such persons to obtain MRP.*
- e. *Visa processing of officers and polling staff visiting these countries or other countries where polling of overseas is decided to be carried out may take some time.*

f. Permission to allow voting abroad is awaited from foreign governments.

g. Steps are required to prepare voter education/information material and disseminations of such information to Overseas Pakistanis through community leaders, local TV channels etc. to make voting process meaningful and inclusive.”

5. In view of the deliberations and discussions, which have been taken place, we are confident that the Election Commission of Pakistan and all other functionaries shall implement the plan as early as possible so that the procedure can be finalized for extending the facility to the Overseas Citizens of Pakistan enabling them to exercise their Right of Franchise in the forthcoming General Elections scheduled to be held on 11th May, 2013. As the Election Commission of Pakistan and all other functionaries have already taken certain steps to ensure the implementation of the plan, therefore, we adjourn this case for a period of 10 days. In the meanwhile, further report in this behalf be prepared and put up for our perusal.

Chief Justice

Judge

Islamabad, the
11th April, 2013.

Judge