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**CONSTITUTIONAL PROVISIONS  
RELATING TO ELECTIONS**

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**EXTRACT FROM THE CONSTITUTIONAL PROVISIONS  
RELATING TO ELECTIONS  
ARRANGEMENT OF ARTICLES**

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51. **National Assembly.**— <sup>1</sup>[(1) There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims.

(1A) The seats in the National Assembly referred to in clause (1), except as provided in clause (2A), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:—

	<b>General Seats</b>	<b>Women</b>	<b>Total</b>
Balochistan	14	3	17
The North-West Frontier Province	35	8	43
The Punjab	148	35	183
Sindh	61	14	75
The Federally Administered Tribal Areas	12	—	12
The Federal Capital	2	—	2
<b>Total</b>	<b>272</b>	<b>60</b>	<b>332</b>

(2) A person shall be entitled to vote if—

- (a) he is a citizen of Pakistan;
- (b) he is not less than <sup>2</sup>[eighteen] years of age;
- (c) his name appears on the electoral roll; and
- (d) he is not declared by a competent court to be of unsound mind <sup>3</sup>[ . ]

4\* \* \* \* \*

<sup>5</sup>[(2A) In addition to the number of seats referred to in clause (1A), there shall be, in the National Assembly, ten seats reserved for non-Muslims.

(3) The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published.

<sup>1</sup> Subs. by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art. 3 and Sch., for cl. (1), which was previously amended by P. O. No. 14 of 1985, Art. 2 and Sch., for "two hundred.

<sup>2</sup> Subs. *ibid.*, for "twenty one" which was previously amended by P. O. No. 14 of 1985, Art. 2 and Sch.

<sup>3</sup> Subs. by P.O. No. 14 of 1985, Art. 2 and Sch., for colon.

<sup>4</sup> Proviso omitted *ibid.*,

<sup>5</sup> Subs. by C. E's O. No. 24 of 2002, Art. 3 and Sch., for cl. (2A), which was previously amended by Act 71 of 1975 s. 5 (*w.e.f.* the 21st November, 1975).

<sup>6</sup>[(4) For the purpose of election to the National Assembly,—

(a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote in accordance with law;

(b) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under clause (1A);

(c) the constituency for all seats reserved for non-Muslims shall be the whole country;

(d) members to the seats reserved for women which are allocated to a Province under clause (1A) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party from the Province concerned in the National Assembly [ : ]<sup>7</sup>

<sup>8</sup>[Provided that for the purpose of this sub-clause the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates;]

(e) members to the seats reserved for non-Muslims shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats won by each political party in the National Assembly :

<sup>9</sup>[Provided that for the purpose of this sub- clause the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates.

**59. The Senate.**—<sup>10</sup>[(1) The Senate shall consist of one hundred members, of whom,—

(a) fourteen shall be elected by the members of each Provincial Assembly;

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<sup>6</sup> Subs. by the Legal Framework Order, 2002 (C. E's O. No. 24 of 2002), Art. 3 and Sch., for cl. (4), which was previously amended by Act 18 of 1985, s. 3.

<sup>7</sup> Subs. by the Legal Framework Order, 2002 (C. E's O. No. 24 of 2002), Art. 3 and Sch., for the semi-colon, which was further amended by C. E's O. No. 29 of 2002, Art. 2.

<sup>8</sup> Proviso inserted *ibid.*,

<sup>9</sup> Subs. *ibid.*, for the original proviso.

<sup>10</sup> Subs. by C.E's O. No. 24 of 2002, Art. 3 and Sch., for cl. (1) which was previously amended by various enactments.

- (b) Eight shall be elected <sup>11</sup>\* \* \* from the Federally administered Tribal Areas, in such manner as the President may, by Order, prescribe;
- (c) Two on general seats, and one woman and one technocrat including *aalim* shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe;
- (d) Four women shall be elected by the members of each Provincial Assembly;
- (e) Four technocrats including ulema shall be elected by the members of each Provincial Assembly.]
- (2) Election to fill seats in the Senate allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.

<sup>12</sup>[(3)The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years:—

<sup>13</sup>[(a) of the members referred to in paragraph (a) of clause (1), seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years;

(b) of the members referred to in paragraph (b) of the aforesaid clause, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years;

<sup>14</sup>[(c) of the members referred to in paragraph (c) of the aforesaid clause,—

(i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years; and

(ii) one elected on the seat reserved for technocrat shall retire after first three years and the one elected on the seat reserved for woman shall retire after the expiration of the next three years;]

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<sup>11</sup> The words “by direct and free vote” omitted and shall be deemed to have always been so omitted by the Legal Framework Order, 2002 (C. E’s O. No. 24 of 2002), Art. 3 and Sch., which was amended by C. E’s O. No. 32 of 2002, Art. 2.

<sup>12</sup> Subs. by P. O. No. 14 of 1985, Art. 2 and Sch. for cl. (3).

<sup>13</sup> Subs. by the Constitution (Eighth Amdt.) Act, 1985 (18 of 1985), s. 6, for paragraphs (a), (b) and (c).

<sup>14</sup> Subs. by C. E’s O. No. 24 of 2002, Art. 3 and Sch., for paragraph (c).

<sup>15</sup>[(d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; and

(e) of the members referred to in paragraph (e) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years.]]

Provided that the term of office of a person elected 2\* \* to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled.]

16\* \* \* \* \*

<sup>17</sup>[62. **Qualifications for membership of Majlis-e-Shoora**

**(Parliament).**—A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) unless—

(a) he is a citizen of Pakistan;

<sup>18</sup>[(b) he is, in the case of the National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in—

(i) any part of Pakistan, for election to a general seat or a seat reserved for non-Muslims; and

(ii) any area in a Province from which he seeks membership for election to a seat reserved for women.]

(c) he is, in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or, as the case may be, the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;

(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;

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

Provided that the disqualifications specified in paragraphs (d) and (e) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation; and

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<sup>15</sup> Subs. by the Legal Framework Order, 2002, (C. E's. O. No. 24 of 2002) Art. 3 and Sch., for paragraph (d).

<sup>16</sup> The words "or chosen" and cl. (4) omitted by the Constitution (Eight Amdt.) Act, 1985 (18 of 1985), s. 6.

<sup>17</sup> Subs. by P. O. No. 14 of 1985, Art., 2 and Sch., for Arts. 62 and 63.

<sup>18</sup> Subs. by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art. 3 and Sch., for cl. (b).

(i) he possesses such other qualifications as may be prescribed by Act of Majlis-e-Shoora (Parliament).

### **63. Disqualifications for membership of Majlis-e-Shoora**

**(Parliament).**—(1) A person shall be disqualified from being elected or chosen as, and from being, a member of the Majlis-e-Shoora (Parliament), if—

(a) he is of unsound mind and has been so declared by a competent court; or

(b) he is an undischarged insolvent; or

(c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or

(d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or

(e) he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or

(f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or

(g) he is propagating any opinion, or acting 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; or

<sup>19</sup>[(h) he has been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being in force; or

(i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or, controlled by the Federal Government, Provincial Government or a Local Government on the grounds of misconduct or moral turpitude; or

(j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a Local Government on the grounds of misconduct or moral turpitude; or]

(k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or

(l) he is found guilty of a corrupt or illegal practice under any law for the time being in force, unless a period of five years has elapsed from the date on which that order takes effect; or

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<sup>19</sup> Subs. by the Legal Framework Order, 2002 (C. E's O. No. 24 of 2002), Art. 3 and Sch., for paragraphs (h), (i) and (j).

(m) he has been convicted under section 7 of the political Parties Act, 1962 (III of 1962), unless a period of five years has elapsed from the date of such conviction; or

(n) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government:

Provided that the disqualification under this paragraph shall not apply to a person—

(i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;

(ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984

(XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or

(iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or

*Explanation.*—In this Article “goods” does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply.

(o) he holds any office of profit in the service of Pakistan other than the following offices, namely :—

(i) an office which is not whole time office remunerated either by salary or by fee;

(ii) the office of Lumbardar, whether called by this or any other title;

(iii) the Qaumi Razakars;

(iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or

<sup>20</sup>[(p) he has been convicted and sentenced to imprisonment for having absconded by a competent court under any law for the time being in force; or

(q) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his

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<sup>20</sup> Subs. by the Legal Framework Order, 2002 (C. E's O. No. 24 of 2002), Art. 3 and Sch., for paragraph (p).

spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has got such loan written off; or

(r) he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filling his nomination papers <sup>21</sup>[;or]]

<sup>22</sup>[(s) he is for the time being disqualified from being elected or chosen as a member of the Majlis-e-Shoora (Parliament) or of a Provincial Assembly under any law for the time being in force.]

<sup>23</sup>(2) If any question arises whether a member of Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, within thirty days from raising of such question refer the question to the Chief Election Commissioner.]

<sup>24</sup>[(3) Where a question is referred to the Chief Election Commissioner under clause (2), he shall lay such question before the Election Commission which shall give its decision thereon not later than three months from its receipt by the Chief Election Commissioner.]

<sup>25</sup>[63A. **Disqualification on grounds of defection, etc.**—(1) If a member of a Parliamentary Party composed of a single political party in a House—

(a) resigns from membership of his political party or joins another Parliamentary party; or

(b) votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to which he belongs, in relation to—

(i) election of the Prime Minister or the Chief Minister; or

(ii) a vote of confidence or a vote of no-confidence; or

(iii) a Money Bill;

he may be declared in writing by the Head of the Parliamentary party to have defected from the political party, and the Head of the Parliamentary Party may forward a copy of the declaration to the Presiding Officer, and shall similarly forward a copy thereof to the member concerned :

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<sup>21</sup> Subs. by the Legal Framework Order, 2002 (C. E's, O. No. 24 of 2002), Art. 3 and Sch., for the full-stop, which was further amended by C.E's. O. No. 29 of 2002. Art. 2.

<sup>22</sup> New pragraph (s) added and shall he deemed always to have been so added *ibid.*,

<sup>23</sup> Subs. by C. E's. O. No. 24 of 2002, Art. 3 and Sch., for cl. (2).

<sup>24</sup> New cl. (3) added by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art. 3, and Sch.,

<sup>25</sup> Subs. *ibid.*, for Article 63A, which was previously amended by Act 24 of 1997 s. 2.



Provided that before making the declaration, the Head of the Parliamentary Party shall provide such member with an opportunity to show cause as to why such declaration may not be made against him.

(2) A member of a House shall be deemed to be a member of a Parliamentary Party if he, having been elected as a candidate or nominee of a political party which constitutes the Parliamentary Party in the House or, having been elected otherwise than as a candidate or nominee of a political party, has become a member of such Parliamentary Party after such election by means of a declaration in writing.

(3) Upon receipt of the declaration under clause (1), the Presiding Officer of the House shall within two days refer the declaration to the Chief Election Commissioner who shall lay the declaration before the Election Commission for its decision thereon confirming the declaration or otherwise within thirty days of its receipt by the Chief Election Commissioner.

(4) Where the Election Commission confirms the declaration, the member referred to in clause (1) shall cease to be a member of the House and his seat shall become vacant.

(5) Any party aggrieved by the decision of the Election Commission may, within thirty days, prefer an appeal to the Supreme Court which shall decide the matter within three months from the date of the filing of the appeal.

(6) Nothing contained in this Article shall apply to the Chairman or Speaker of a House.

(7) For the purpose of this Article,—

(a) “House” means the National Assembly or the Senate, in relation to the Federation; and a Provincial Assembly in relation to the Province, as the case may be;

(b) “Presiding Officer” means the Speaker of the National Assembly, the Chairman of the Senate or the Speaker of the Provincial Assembly, as the case may be.]

106. **Constitution of Provincial Assemblies.**—<sup>26</sup>[(1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as specified herein below:—

	General seats	Women	Non-Muslims	Total
Baluchistan	51	11	3	65
The North-West Frontier Province	99	22	3	124
The Punjab	297	66	8	371
Sindh	130	29	9	168]

(2) A person shall be entitled to vote if—

- (a) he is a citizen of Pakistan;
- (b) he is not less than <sup>27</sup>[eighteen] years of age;
- (c) his name appears on the electoral roll for any area in the Province; and
- (d) he is not declared by a competent court to be of unsound mind <sup>28</sup>[.]

<sup>29</sup>\* \* \* \* \*

<sup>30</sup>[(3) For the purpose of election to a Provincial Assembly,—

- (a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote;
- (b) each Province shall be a single constituency for all seats reserved for women and non-Muslims allocated to the respective Province under clause (1);
- (c) the members to fill seats reserved for women and non-Muslims allocated to a Province under clause (1) shall be elected in accordance with law through proportional representation system of political parties, lists of candidates on the basis of the total number of general seats secured by each political party in the Provincial Assembly:

<sup>31</sup>[Provided that for the purpose of this sub-clause, the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join

<sup>26</sup> Subs. by the Legal Framework Order 2002 (C. E's. O. No. 24 of 2002), Art. 3 and Sch., for cl. (1).

<sup>27</sup> Subs. *ibid.*, for "twenty one" which was previously amended by P. O. No. 14 of 1985, Art. 2 and Sch., for "eighteen".

<sup>28</sup> Subs. by P. O. No. 14 of 1985, Art. 2 and Sch., for "colon".

<sup>29</sup> Proviso omitted *ibid.*,

<sup>30</sup> Subs. by C. E's. O. No. 24 of 2002, Art. 3 and Sch., for cl. (3), which was previously amended by P. O. No. 14 of 1985 Art. 2 and Sch., for cl. (3).

<sup>31</sup> Subs. *ibid.*, Act 3 and Sch., for the original proviso, which was further amended by CE's Order No.

such political party within three days of the publication in the official Gazette of the names of the returned candidates.

<sup>32</sup>[\* \* \* \* \*]

<sup>33</sup>[113. **Qualifications and disqualifications for membership of**

**Provincial Assembly.**—The qualifications and disqualifications for membership of the National Assembly set out in Article 62 and 63 shall also apply for membership of a Provincial Assembly as if reference therein to “National Assembly” were a reference to “Provincial Assembly”.]

**213. Chief Election Commissioner.**—(1) There shall be a Chief Election

Commissioner (in this Part referred to as the Commissioner), who shall be appointed by the President <sup>34</sup>[in his discretion].

(2) No person shall be appointed to be Commissioner unless he is, or has been, a Judge of the Supreme Court or is, or has been, a Judge of a High Court and is qualified under paragraph (a) of clause (2) of Article 177 to be appointed a Judge of the Supreme Court.

(3) The Commissioner shall have such powers and functions as are conferred on him by the Constitution and law.

**214. Commissioner’s Oath of Office.**—Before entering upon office, the

Commissioner shall make before the Chief Justice of Pakistan oath in the form set out in the Third Schedule.

**215. Term of office of Commissioner.**—(1) The Commissioner shall, subject to this Article, hold office for a term of three years from the day he enters upon his office:

Provided that the National Assembly may by resolution extend the term of the Commissioner by a period not exceeding one year.

(2) The Commissioner shall not be removed from office except in the manner prescribed in Article 209 for the removal from office of a Judge and, in the application of the Article for the purposes of this clause, any reference in that

Article to a Judge shall be construed as a reference to the Commissioner.

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<sup>29</sup> of 2002, Act. 2.

<sup>32</sup> Cls. (4), (5) and (6) omitted *ibid*, which was periously amended by various enactments.

<sup>33</sup> Subs. by P. O. No. 14 of 1985, Art. 2 and Sch., for Art. 113.

<sup>34</sup> Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

(3) The Commissioner may, by writing under his hand addressed to the President, resign his office.

**216. Commissioner not to hold office of profit.**—(1) The Commissioner shall not—

- (a) hold any other office of profit in the service of Pakistan; or
- (b) occupy any other position carrying the right to remuneration for the rendering of services.

(2) A person who has held office as Commissioner shall not hold any office of profit in the service of Pakistan before the expiration of two years after he has ceased to hold that office:

Provided that—

(a) this clause shall not be construed as preventing a person who was a Judge of the Supreme Court or of a High Court immediately before his appointment as Commissioner from resuming his duties as such Judge on the expiration of his term as Commissioner; and

(b) a person who has held office as Commissioner may, with the concurrence of both Houses, be reappointed to that office before the expiration of two years after he has ceased to hold that office.

**217. Acting Commissioner.**—At any time when—

- (a) the office of Commissioner is vacant, or
- (b) the Commissioner is absent or is unable to perform the functions of his office due to any other cause, a Judge of the Supreme Court nominated by the Chief Justice of Pakistan shall act as Commissioner.

**218. Election Commission.**—<sup>35</sup>[(1) For the purpose of election to both

Houses of Majlis-e-Shoora (Parliament), Provincial Assemblies and for election of such other public offices as may be specified by law or until such law is made by the Majlis-e-Shoora (Parliament) by Order of the President, a permanent Election Commission shall be constituted in accordance with this Article.]

(2) The Election Commission shall consist of—

(a) the Commissioner who shall be Chairman of the Commission; and

(b) <sup>36</sup>[Four] members, each of whom shall be a Judge of a High Court

<sup>37</sup> [from each Province] <sup>38</sup>[and Islambad Capital Territory], appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.

(3) 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

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<sup>35</sup> Subs. by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art. 3 and Sch., for cl. (1).

<sup>36</sup> Subs. by the President's Order No. 5 of 2007, dated 20-11-2007.

<sup>37</sup> Ins. *ibid.*,

<sup>38</sup> Inserted *vide* President's Order No. 5 of 2007, dated 20-11-2007.

that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.

**219. Duties of Commissioner.**—The Commissioner shall be charged with the duty of—

- (a) preparing electoral rolls for election to the National Assembly and the Provincial Assemblies, and revising such rolls annually;
- (b) organizing and conducting election to the Senate or to fill casual vacancies in a House or a Provincial Assembly; and
- (c) appointing Election Tribunals.

**220. Executive authorities to assist Commission, etc.**—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.

**223. Bar against duple membership.**—(1) No person shall, at the same time, be a member of—

- (a) both Houses; or
- (b) a House and a Provincial Assembly; or
- (c) the Assemblies of two or more Provinces; or
- (d) a House or a Provincial Assembly in respect of more than one seat.

(2) Nothing in clause (1) shall prevent a person from being a candidate for two or more seats at the same time, whether in the same body or in different bodies, but if he is elected to more than one seat he shall, within a period of thirty days after the declaration of the result for the last such seat, resign all but one of his seats, and if he does not so resign, all the seats to which he has been elected shall become vacant at the expiration of the said period of thirty days except the seat to which he has been elected last or, if he has been elected to more than one seat on the same day, the seat for election to which his nomination was filed last.

*Explanation.*—In this clause, “body” means either House or a Provincial Assembly.

(3) A person to whom clause (2) applies shall not take a seat in either House or the Provincial Assembly to which he has been elected until he has resigned all but one of his seats.

(4) Subject to clause (2) if a member of either House or of a Provincial Assembly becomes a candidate for a second seat which, in accordance with clause

(1), he may not hold concurrently with his first seat, then his first seat shall become vacant as soon as he is elected to the second seat.

**224. Time of Election and bye-election.—**(1) A general election to the National Assembly or a Provincial Assembly shall be held within a period of sixty days immediately <sup>39</sup>[following] the day on which the term of the Assembly is due to expire, unless the Assembly has been sooner dissolved, and the results of the election shall be declared not later than fourteen days before that day <sup>40</sup>[ : ]

<sup>41</sup>[Provided that on dissolution of an Assembly on completion of its term, the President, in his discretion, or, as the case may be, the Governor, in his discretion but with the previous approval of the President, shall appoint a care-taker Cabinet.]

(2) When the National Assembly or a Provincial Assembly is dissolved, a general election to the Assembly shall be held within a period of ninety days after the dissolution, and the results of the election shall be declared not later than fourteen days after the conclusion of the polls.

(3) An election to fill the seats in the Senate which are to become vacant on the expiration of the term of the members of the Senate shall be held not earlier than thirty days immediately preceding the day on which the vacancies are due to occur.

(4) When, except by dissolution of the National Assembly or a Provincial Assembly, a <sup>42</sup>[general] seat in any such Assembly has become vacant not later than one hundred and twenty 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.

(5) When a seat in the Senate has become vacant, an election to fill the seat shall be held within thirty days from the occurrence of the vacancy.

<sup>43</sup>[(6) When a seat reserved for women or non-Muslims in the National Assembly or a Provincial Assembly falls vacant, for death, resignation or disqualification of a member, it shall be filled by the next person in order of precedence from the party list of the candidates submitted to the Election Commission for the last general election by the political party whose member has vacated such seat.

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<sup>39</sup> Subs. by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art. 3 and Sch., for "Preceding".

<sup>40</sup> Subs. *ibid.*, for full stop.

<sup>41</sup> Proviso added *ibid.*,

<sup>42</sup> Ins. *ibid.*,

<sup>43</sup> New Cls. (6) and (7) added by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art.3 and Sch.,

(7) When a care-taker Cabinet is appointed, on dissolution of the National Assembly under Article 58 or a Provincial Assembly under Article 112, or on dissolution of any such Assembly on completion of its term, the Prime Minister or, as the case may be, the Chief Minister of the care-taker Cabinet shall not be eligible to contest the immediately following election of such Assembly.]

**225. Election dispute.**—No election to a House or a Provincial Assembly shall be called in question except by an election petition presented to such tribunal and in such manner as may be determined by Act of <sup>44</sup>[Majlis-e-Shoora (Parliament).]

**226. Elections to be by secret ballot.**—All elections under the Constitution <sup>45\*</sup> shall be by secret ballot.

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**SECOND SCHEDULE  
TO  
THE CONSTITUTION**

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**SECOND SCHEDULE**

**[Article 41(3)]**

**ELECTION OF PRESIDENT**

1. The Chief Election Commissioner shall hold and conduct election to the office of President, and shall be the Returning Officer for such election.
2. The Chief Election Commissioner shall appoint Presiding Officers to preside at the meeting of the members of Majlis-e-Shoora (Parliament) and at the meetings of the members of the Provincial Assemblies.
3. The Chief Election Commissioner shall by public notification fix the time and place for depositing nomination papers, holding a scrutiny, making withdrawals, if any, and holding the poll, if necessary.

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<sup>44</sup> See footnote 3 on page 5, *supra*.

<sup>45</sup> Certain words omitted by the Constitution (Third Amdt.) Order, 1985 (P. O. No. 24 of 1985), Art. 5.

4. At any time before noon on the day fixed for nomination any member of the Majlis-e-Shoora (Parliament) or of a Provincial Assembly may nominate for election as President a person qualified for election as President by delivering to the Presiding Officer a nomination paper, signed by himself as proposer and by another member of the Majlis-e-Shoora (Parliament) or, as the case may be Assembly as seconder, together with a statement signed by the person nominated that he consents to the nomination:

Provided that no person shall subscribe, whether as proposer or as seconder, more than one nomination paper at any one election.

5. The scrutiny shall be held by the Chief Election Commissioner at the time and place fixed by him, and if after scrutiny only one person remains validly nominated, the Chief Election Commissioner shall declare that person to be elected, or if more than one person remains validly nominated, he shall announce, by public notification, the names of the persons validly nominated, to be hereinafter called the candidates.

6. A candidate may withdraw his candidature at any time before noon on the day fixed for this purpose by delivering a notice in writing under his hand to the Presiding Officer with whom his nomination paper has been deposited, and a candidate who has given a notice of withdrawal of his candidature under this paragraph shall not be allowed to cancel that notice.

7. If all but one of the candidates has withdrawn, that one shall be declared by the Chief Election Commissioner to be elected.

8. If there is no withdrawal, or if, after withdrawals have taken place, two or more candidates are left, the Chief Election Commissioner shall announce by public notification the names of the candidates, and their proposers and seconders, and shall proceed to hold a poll by secret ballot in accordance with the provisions of the succeeding paragraphs.

9. If a candidate whose nomination has been found to be in order dies after the time fixed for nomination, and a report of his death is received by the Presiding Officer before the commencement of the poll, the Presiding Officer shall, upon, being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Chief Election Commissioner, and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a candidate whose nomination was valid at the time of the countermanding of the poll:

Provided further that no person who has under paragraph 6 of this Schedule given notice of withdrawal of his candidature before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.



10. The poll shall be taken at the meetings of Majlis-e-Shoora (Parliament) and of each Provincial Assembly, and the respective Presiding Officers shall conduct the poll with the assistance of such officers as they may, with the approval of the Chief Election Commissioner, respectively appoint.

11. A ballot paper shall be issued to every member of Majlis-e-Shoora (Parliament), and of each Provincial Assembly, who presents himself for voting at the meeting of the members of the Majlis-e-Shoora (Parliament) or, as the case may be, of the Provincial Assembly of which he is a member (hereinafter referred to as a person voting), and he shall exercise his vote personally by marking the paper in accordance with the provisions of the succeeding paragraphs.

12. The poll shall be by secret ballot by means of ballot papers containing the names of all the candidates in alphabetical order who have not withdrawn, and a person voting shall vote by placing a mark against the name of the person for whom he wishes to vote.

13. Ballot papers shall be issued from a book of ballot papers with counterfoils, each counterfoil being numbered; and when a ballot paper is issued to a person voting his name shall be entered on the counterfoil, and the ballot paper shall be authenticated by the initials of the Presiding Officer.

14. A ballot paper having been marked by the person voting shall be deposited by that person in a ballot box to be placed in front of the Presiding Officer.

15. If a ballot paper is spoiled by a person voting he may return it to the Presiding Officer, who shall issue a second ballot paper, canceling the first ballot paper and marking the cancellation on the appropriate counterfoil.

16. A ballot paper shall be invalid if:—

(i) there is upon it any name, word or mark, by which the person voting may be identified; or

(ii) it does not contain the initials of the Presiding Officer; or

(iii) it does not contain a mark; or

(iv) a mark is placed against the names of two or more candidates; or

(v) there is any uncertainty as to the identity of the candidate against whose name the mark is placed.

17. After the close of the poll each Presiding Officer shall, in the presence of such of the candidates or their authorized representatives as may desire to be present, open and empty the ballot boxes and examine the ballot papers therein, rejecting any which are invalid, count the number of votes recorded for each candidate on the valid ballot papers, and communicate the number of the votes so recorded to the Chief Election Commissioner.

18. (1) The Chief Election Commissioner shall determine the result of the election in the following manner, namely:

(a) the number of votes cast in the Majlis-e-Shoora (Parliament) in favor of each candidate shall be counted;

(b) the number of votes cast in a Provincial Assembly in favor of each candidate shall be multiplied by the total number of seats in the Provincial Assembly for the time being having the smallest number of seats and divided by the total number of seats in the Provincial Assembly in which the votes have been cast; and

(c) the number of votes calculated in the manner referred to in clause (b) shall be added to the number of votes counted under clause (a).

*Explanation.*—In this paragraph, “total number of seats” includes seats reserved for non-Muslims and women.

(2) A fraction shall be rounded off to the nearest whole.

19. The candidate who has obtained the largest number of votes compiled in the manner specified in paragraph 18 shall be declared by the Chief Election Commissioner to be elected.

20. Where at any poll any two or more candidates obtain an equal number of votes, the selection of the candidate to be elected shall be by drawing of lots.

21. When, after any poll, the counting of the votes has been completed, and the result of the voting determined, the Chief Election Commissioner shall forthwith announce the result to those present, and shall report the result to the Federal Government, who shall forthwith cause the result to be declared by a public notification.

22. The Chief Election Commissioner may, by public notification, with the approval of the President, make rules for carrying out the purposes of this Schedule.