
**THE DELIMITATION OF
CONSTITUENCIES ACT, 1974
(*ACT NO. XXXIV OF 1974*)**

(303—304)

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THE DELIMITATION OF CONSTITUENCIES ACT, 1974

(ACT No. XXXIV OF 1974)

An act to provide for the delimitation of constituencies for elections to the National Assembly and the Provincial Assemblies

WHEREAS it is expedient to provide for the delimitation of constituencies for elections to the National Assembly and the Provincial Assemblies and for matters connected therewith or ancillary thereto:

It is hereby enacted as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Delimitation of Constituencies Act, 1974.

(2) It shall come into force at once.

2. **Definitions.**— In this Act, unless there is anything repugnant in the subject or context—

(a) “Article” means Article of the Constitution of the Islamic Republic of Pakistan hereinafter referred to as the Constitution;

(b) “Commission” means the Election Commission constituted under Article 218.

(c) “population” means the population in accordance with the ¹[last preceding] census officially published; and

(d) all words and expressions used but not defined in this Act shall have the same meaning as in the Constitution.

3. **Commission to delimit constituencies.**— The Commission shall delimit territorial constituencies for elections to the National Assembly and to each Provincial Assembly in accordance with the provisions of the Constitution and this Act.

4. **Procedure of Commission.**— (1) Subject to the provisions of this section, the Commission shall regulate its own procedure.

¹Substituted *vide* Act No. III of 1989, dated 11-2-89.

(2) If, upon any matter requiring the decision of the Commission, there is difference of opinion amongst its members, the opinion of the majority shall prevail and the decision of the Commission shall be expressed in terms of the opinion of the majority.

(3) The Commission may exercise its powers and performs its functions notwithstanding that there is a vacancy in the office of any one of its members or that any one of its members is, for any reason, unable to attend its proceedings and the decision of at least three members shall have the effect of the decision of the Commission:

Provided that where the members attending the proceedings of the Commission are equally divided in their opinion,—

- (a) if the Chairman is one of the members attending, his opinion shall prevail and the decision of the Commission shall be expressed in terms of that opinion; and
- (b) in the other case, the matter shall be placed for decision before the Commission.

5. **Delegation of powers, etc.**—(1) The Commission may authorize one or more of its members, acting singly or together, to exercise and perform all or any of its powers and functions under this Act.

- (2) Where two or more members are authorized under sub-section (1),—
 - (a) their decision shall be expressed in terms of the opinion of the majority; or
 - (b) if they are equally divided, the matter shall be placed before the Commission.

6. **Assistance to the Commission.**—(1) The Commission may require any person or authority to perform such functions or render such assistance for the purposes of this Act as it may direct.

(2) All executive authorities of the Federal Government and each Provincial Government shall assist the Commission in the performance of its functions and for this purpose the Commission may issue such directions as it may consider necessary.

7. **Allocation of seats in the National Assembly.**—(1) On the basis of population, the seats in the National Assembly for each Province, the Federally Administered Tribal Areas and the Federal Capital are allocated as set out in the Table below:—

S. No.	Province/Area	General seats	Women seats	Total
1.	The North-West Frontier Province	35	08	43
2.	Federally Administered Tribal Areas	12	—	12
3.	Federal Capital	02	—	02
4.	The Punjab	148	35	183
5.	Sindh	61	14	75
6.	Baluchistan	14	03	17
Total :		272	60	332

Provided that in addition to the number of seats referred in the above table there shall be in the National Assembly ten seats reserved for non-Muslims as defined in Article 260 of the Constitution.

²[(2) The seats allocated under sub-section (1) shall be reallocated after each succeeding census.]

8. **Delimitation of Constituencies.**—(1) For the purpose of election to the National Assembly, the Commission shall divide—

- (a) each Province into as many separate territorial constituencies as the number of general seats allocated to that Province under section 7; and
- (b) the Federally Administered Tribal Areas and the Federal Capital into as many territorial constituencies as the number of general seats respectively allocated to the said Areas and the Federal Capital under section 7.

(2) The constituencies for the seats reserved for women in the National Assembly shall be such that each Province forms one constituency with as many such seats as are allocated to that Province under section 7.

(3) The constituency for all seats reserved for non-Muslims in the National Assembly under clause (2A) of Article 51 shall be the whole country.

(4) For the purpose of election to Provincial Assemblies, the Commission shall divide each Province into as many separate territorial constituencies as the number of general seats provided under clause (I) of Article 106.

(5) The constituencies for the seats reserved for women and non-Muslims in the Provincial Assemblies shall be such that each Province forms one constituency with as many such seats as are allocated to that Province under clause (1) of Article 106.

9. **Principles of delimitation.**—(1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies:

Provided that for the purpose of delimiting constituencies for the general seats for the Federally Administered Tribal Areas two or more separate areas may be grouped into one constituency.

(2) As far as may be the constituencies for election to the same Assembly shall be equal among themselves in population.

10. **Reports of Commission and list of constituencies.**—(1) For the purpose of delimiting constituencies, the Commission may receive and consider representations, hold inquiries, summon witnesses and record evidence, and shall prepare and publish in the official Gazette a preliminary report and list of constituencies specifying the areas proposed to be included in each constituency.

(2) Any person entitled to vote at an election to the National Assembly or a Provincial Assembly may, within ¹[fifteen] days of the publication of the report under sub-section (1), make a representation to the Commission in respect of the delimitation of constituencies.

(3) The Commission shall, after hearing and considering the representations, if any, received by it, make such amendments, alterations or modifications, in the preliminary list published under sub-section (1) as it thinks fit or necessary, and shall publish in the official Gazette the final report and list of constituencies showing the areas included in each constituency.

¹[10A. **Power of Commission to make amendment, alteration or modification in the final list of constituencies.**—Notwithstanding anything

¹ Inserted *vide* Ordinance No. L of 1984, dated 27-10-84.

contained in this Act, the Commission may, at any time, of its own motion, make such amendments, alterations or modifications in the final list of constituencies published under sub-section (3) or in the areas included in a constituency, as it thinks necessary.

10B. **Removal of difficulties.**—If any difficulty arises in giving effect to any of the provisions of this ¹[Act] the President may make such provision for the removal of the difficulty as he may deem fit.]

11. **Bar of jurisdiction.**—The validity of the delimitation of any constituency, or of any proceedings taken or anything done by or under the authority of the Commission, under this Act shall not be called in question in any court.

¹Substituted *vide* Act No. III of 1989, dated 11-2-89.