
THE ELECTION COMMISSION ORDER, 2002
(CHIEF EXECUTIVE’S ORDER NO. 1 OF 2002)

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THE ELECTION COMMISSION ORDER, 2002
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In pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, read with the Provisional Constitution Order No. 1 of 1999, and in exercise of all powers enabling him in that behalf, the Chief Executive of the Islamic Republic of Pakistan is pleased to make and promulgate the following Order :—

1. Short title and commencement.—(1) This Order may be called the Election Commission Order, 2002.

(2) It shall come into force at once.

2. Chief Election Commissioner.—(1) There shall be a Chief Election Commissioner, hereinafter referred to as the Commissioner, who shall be appointed by the President, in his discretion, for a term of three years.

(2) As provided in clause (2) of Article 213 of the Constitution of the Islamic Republic of Pakistan, 1973, 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 High Court and is qualified under paragraph (a) of clause (2) of Article 177 of the Constitution to be appointed a Judge of the Supreme Court.

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

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

3. 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 Schedule.

4. 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.

5. Election Commission.—(1) For the purpose of the general election to the National Assembly and to a Provincial Assembly, and for the purpose of election to the Senate, an 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) Four members, each of whom shall be a Judge of the High Court of each Province, 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 that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.

6. Powers of Election Commission.—(1) The Election Commission shall have power to issue such directions or orders as may be necessary for the performance of its functions and duties, including an order doing complete justice in any matter pending before it and an order for the purpose of securing the attendance of any person or the discovery or production of any document.

(2) Any such direction or order shall be enforceable throughout Pakistan and shall be executed as if it had been issued by the High Court.

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

(a) Organizing and conducting election to fill casual vacancies in the National Assembly, the Senate or a Provincial Assembly; and

(b) Appointing Election Tribunals.

¹[7A. *Application of certain laws etc.*—(1) Subject to this Order and any Order, from time to time, made by the Chief Executive, the provisions of Part VIII of the Constitution of the Islamic Republic of Pakistan and all electoral laws, Orders, Acts, Ordinances and regulations, rules, notifications and instructions made or issued thereunder for the time being in force and amended from time to time shall form part of this Order.

¹ 1Inserted *vide* C.E.O. No. 8 of 2002, dt. 27-2-2002.

(2) All electoral laws, Orders, Acts, Ordinances and regulations, rules, notifications and instructions made or issued thereunder for the time being in force and amended from time to time shall apply to the preparation and revision of electoral rolls and delimitation of constituencies and all other matters which may be necessary for the purpose of conducting elections to both Houses of Parliament and to the Provincial Assemblies.

(3) The reference to the Commissioner or the Election Commission in Part VIII and other Articles of the Constitution of the Islamic Republic of Pakistan and all electoral laws, orders, Acts, Ordinances and regulations, rules, notifications and instructions made or issued thereunder for the time being in force shall be construed as reference to the Commissioner or the Election Commission appointed or constituted under this Order, as the case may be.

7B. Officers and servants.—The officers and servants employed in connection with the functions of the Commissioner or the Election Commission immediately before the commencement of this Order shall be deemed to be the officers and servants employed in connection with the functions of the Commissioner or the Election Commission appointed or constituted under this order on the same terms and conditions and subject to the same rules as were applicable to them until altered, modified or amended by the Commissioner.

8. Decisions of Commission, etc.—(1) All decisions of the Election Commission shall be expressed in terms of the opinion of the majority of its members, including the Chairman.

(2) No election conducted, or other action taken or thing done, by the Election Commission shall be invalid or called in question only on the ground of the existence of a vacancy therein or of the absence of any member from any meeting thereof.

9. 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.

²[9A. *Delegation of powers and functions.*—(1) The Commissioner may, subject to such conditions as he may deem fit, require any member of the Election Commission to exercise and perform all or any of the powers and functions of the Commissioner under this Order.

(2) The Election Commission may require the Commissioner or any of its members to exercise and perform all or any of its powers and functions under this Order.

² 1Inserted *vide* C.E.O. No. 8 of 2002, dt. 27-2-2002.

9B. *Directions of Commission in certain matters.*—Anything required to be done for carrying out the purposes of this Order, for which no provision or no sufficient provision exists shall be done by such authority and in such manner as the Election Commission may direct.

9C. *Bar of Jurisdiction.*—No Court shall question the legality of any action taken in good faith by or under the authority of the Commission, the Commissioner, a Returning Officer, Presiding Officer or an Assistant Presiding Officer or any decision given by any of them or any other officer or authority appointed under this order or the rules.

9D. *Protection of actions taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Election Commission, the Commissioner or any officer or other person in respect of anything which is in good faith done or intended to be done under or in pursuance of this Order or of any rule or Order made or any direction given thereunder.

9E. *Power to make rules.*—The Commissioner may, with the approval of the President, make rules for carrying out the purposes of this Order.

9F. *Removal of difficulties.*—If any difficulty arises in giving effect to any of the provisions of this Order, the President may make such provision for the removal of the difficulty as he may deem fit.]

10. **Repeal.**—The Extension in the term of Chief Election Commissioner Order, 2000 (Chief Executive's Order No. 9 of 2000), is hereby repealed.

THE SCHEDULE

[See Article 3]

(In the name of Allah, the most Beneficent, the most Merciful)

I _____, do solemnly swear that as Chief Election Commissioner, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully, in accordance with the law, the Proclamation of Emergency of the Fourteenth day of October, 1999, the Provisional Constitution Order No. 1 of 1999, as amended, and without fear or favor, affection or ill-will, and that will not allow my personal interest to influence my official conduct or my official decisions.

That I will abide by the provisions of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, as amended. [May Allah Almighty help and guide me (A'meen)]