

The Conduct Of General Elections Order, 2002 (Chief Executive's Order No.7 of 2002)

WHEREAS pursuant to the announcement for restoration of democracy by the President on the fourteenth day of August, 2001, it is expedient to provide for the holding of general elections in the country for the election of the members of the National Assembly and the Provincial Assemblies and the matters connected therewith and ancillary thereto;

AND WHEREAS updated electoral rolls are to be prepared and delimitation of constituencies is to be carried out in view of the increase in the number of seats in the Assemblies;

NOW, THEREFORE in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, and in exercise of all other 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, extent and commencement:

(1) This Order may be called the Conduct of General Elections Order, 2002.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions:

In this Order, unless there is anything repugnant in the subject or context:

(a) "Chief Election Commissioner" means the Chief Election Commissioner appointed under the Election Commission Order, 2002 (Chief Executive's Order 1 of 2002);

(b) "Constitution" means the Constitution of the Islamic Republic of Pakistan, 1973, which is in abeyance by virtue of the Proclamation of Emergency of the fourteenth day of October, 1999; ¹]

(c) "prescribed" means prescribed by rules made under this Order ²]; and]

²] (d) "technocrat" means a person who is the holder of a degree requiring conclusion of at least sixteen years of education, recognized by the University Grants Commission or a recognized statutory body, as well as at least twenty years of experience, including a record of achievement at the national or international level.]

1 Omitted, *vide* C.E.O. No. 21 of 2002, dt. 31-7-2002.

2 Added *ibid*.

3. Order to override other laws:

The provisions of this Order shall have effect notwithstanding anything contained in the Constitution or in any other law for the time being in force relating to the forthcoming elections to the ¹[Senate] National Assembly and the Provincial Assemblies.

4. Conduct of General Elections:

Subject to the Election Commission Order, 2002 (C.E.'s Order No. 1 of 2002) and notwithstanding anything to the contrary contained in the Constitution, the Electoral Rolls Act, 1974 (XXI of 1974), the Delimitation of Constituencies Act, 1974 (XXXIV of 1974), ¹[the Senate (Election) Act, 1975 (LI of 1975)], the Representation of the People Act, 1976 (LXXXV of 1976) and the Houses of Parliament and Provincial Assemblies (Elections) Order, 1977 (PPO No. 5 of 1977), or any other law for the time being in force, the Chief Election Commissioner or, as the case may be, the Election Commission shall take such steps and measures, including preparation of electoral rolls and delimitation of the constituencies, and adopt such procedure, do such acts, pass such orders, issue such directions and take all such ancillary, incidental and consequential steps as may be deemed necessary for effectively carrying out the elections for the members of the ¹[Senate] National Assembly and Provincial Assemblies in October, 2002.

²[5. Number of seats in the National Assembly:

(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.

(2) The seats in the National Assembly referred to in clause (1), except as provided in clause (3), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:

	General Seats	Women	Total
Baluchistan	14	3	17
Federally Administrated Tribal Areas	12	-	12
Federal Capital	2	-	2
North-West Frontier Province	35	8	43
Punjab	148	35	183
Sind	61	14	75
Total	272	60	332

1 Added *vide* CEO No. 21 of 2002, dt. 31-7-2002.

2 Substituted *ibid*.

(3) In addition to the number of seats referred to in clause (2), there shall be in the National Assembly ten seats reserved for non-Muslims as defined in Article 260 of the Constitution.

(4) For the purpose of election to the National Assembly:

(a) the constituencies for the election on general seats shall be single member territorial constituencies;

(b) the members to fill the general seats in the National Assembly shall be elected by direct and free vote;

- (c) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under clause (2);
- (d) the constituency for all seats reserved for non-Muslims shall be the whole country;
- (e) the members to fill seats reserved for women which are allocated to a Province under clause (2) shall be elected through proportional representation system of political parties' lists of candidates specified in Article 8F on the basis of total number of general seats won by each political party in the National Assembly;
- (f) the members to fill seats reserved for non-Muslims under clause (3) shall be elected through proportional representation system of political parties' lists of candidates specified in Article 8F on the basis of total number of general seats won by each political party in the National Assembly;
and
- (g) a political party securing less than five per centum of the total number of general seats in the National Assembly shall not be entitled to any seat reserved for women or non-Muslims.]

¹ [6. Number of seats in the Provincial Assemblies:

- (1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as herein below specified:

	General Seats	Women	Non-Muslims	Total
Baluchistan	51	11	3	65
North-West Frontier Province	99	22	3	124
Punjab	297	66	8	371
Sind	130	29	9	168
Total	577	128	23	728

¹ Substituted *vide* CEO No. 21 of 2002, dt. 31-7-2002.

- (2) For the purpose of election to a Provincial Assembly:

- (a) the constituencies for the general seats shall be single member territorial constituencies;
- (b) members to fill the general seats shall be elected by direct and free vote;
- (c) each Province shall be a single constituency for all seats reserved for women and non-Muslims which are allocated to the respective Provinces under clause (1);
- (d) the members to fill seats reserved for women and non-Muslims allocated to a Province under clause (1) shall be elected through proportional representation system of political parties' lists of candidates specified in Article 8F on the basis of total number of general seats won by each political party in the Provincial Assembly; and

(e) a political party securing less than five per centum of the total number of general seats in the Provincial Assembly shall not be entitled to any seat reserved for women or non-Muslims.

7. System of elections:

The elections for the members of the National Assembly and the Provincial Assemblies shall be held on the basis of joint electorate.

¹[7A. Age of voters:

Notwithstanding anything contained in the Constitution or any other law for the time being in force including the Electoral Rolls Act, 1974 (XXI of 1974), for the election of members of the ²[Senate.] National Assembly and Provincial Assemblies, a citizen who has attained the age of eighteen years on the first day of January, 2002, shall be eligible to vote and the Chief Election Commissioner shall cause the electoral rolls to be prepared accordingly under the provisions of the Electoral Rolls Act, 1974:

Provided that any claim for inclusion of any name or objection against any entry in the electoral roll shall be made to the Revising Authority within 15 days of the publication of the draft electoral roll.]

³[7B. Status of Ahmadis etc. to remain unchanged:

Notwithstanding anything contained in the Electoral Rolls Act, 1974 (XXI of 1974), the Electoral Rolls, Rules, 1974, or any other law for the time being in force, including the Forms prescribed for preparation of electoral rolls on joint electorate basis in pursuance of Article 7 of the Conduct of General Elections Order, 2002 (Chief Executive's Order No. 7 of 2002), the status of Qadiani Group or the Lahori Group (who call themselves 'Ahmadis' or by any other name) or a person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets or claimed or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him) or recognizes such a claimant as a Prophet or religious reformer shall remain the same as provided in the Constitution of the Islamic Republic of Pakistan, 1973.

1 Inserted *vide* CEO No. 14 of 2002, dt. 14-5-2002.

2 Inserted *vide* CEO No. 21 of 2002, dt. 31-7-2002.

3 Inserted *vide* CEO No. 15 of 2002, dt. 17-6-2002.

7C. If a person has got himself enrolled as voter and objection is filed before the Revising Authority notified under the Electoral Rolls Act, 1974, within ten days from issuance of the Conduct of General Elections (Second Amendment) Order, 2002, that such a voter is not a Muslim, the Revising Authority shall issue a notice to him to appear before it within fifteen days and require him to sign a declaration regarding his belief about the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) in Form-IV prescribed under the Electoral Rolls Rules, 1974. In case he refuses to sign the declaration as aforesaid, he shall be deemed to be a non-Muslim and his name shall be deleted from the joint electoral rolls and added to a supplementary list of voters in the same electoral area as non-Muslim. In case the voter does not turn up in spite of service of notice, an *ex-parte* order may be passed against him.]

8. Laws relating to election etc. to apply:

Notwithstanding anything contained in the Constitution, the Electoral Rolls Act, 1974 (XXI of 1974), the Delimitation of Constituencies Act, 1974 (XXXIV of 1974) ¹[[the Senate \(Election\) Act, 1975 \(LI of 1975\).](#)] and the Representation of the People Act, 1976 (LXXXV of 1976) and any rules made thereunder, for the time being in force, shall, in so far as they are not inconsistent with any provision of this Order, apply to the preparation and revision of electoral rolls, the delimitation of constituencies, the choosing of a member from the Federal Capital, the appointment of election tribunals and the conduct of elections to the National Assembly and the Provincial Assemblies.

1 Inserted *vide* CEO No. 21 of 2002, dt. 31-7-2002.

¹[8A. Educational qualification for a member of Majlis-e-Shoora (Parliament) and a Provincial Assembly:

Notwithstanding anything contained in the Constitution of the Islamic Republic of Pakistan, 1973, the Senate (Election) Act, 1975 (LI of 1975), the Representation of the People Act, 1976 (LXXXV of 1976), or any other law for the time being in force, a person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) or a Provincial Assembly unless he is at least a graduate possessing a bachelor degree in any discipline or any degree recognized as equivalent by the University Grants Commission under the University Grants Commission Act, 1974 (XXIII of 1974)] ²[or any other law for the time being in force.]

²[8B. Number of seats in Senate:

(1) The Senate shall consist of one hundred members of whom:

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

(b) eight shall be elected by direct and free vote from the Federally Administered Tribal Areas as provided in Article 8C;

(c) two on general seats, one woman and one technocrat or *aalim* shall be elected from the Federal Capital in the manner specified in the Senate (Election of Members from the Federal Capital) Order, 1988 (P.O. No. 3 of 1988);

(d) four women shall be elected by the members of each Provincial Assembly; and

(e) four shall be elected by the members of each Provincial Assembly to represent technocrats and *ulema*.

Explanation: For the purpose of this Article, the term "technocrats" defined in clause (d) of Article 2 shall include *ulema*.

(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.

1 Inserted *vide* CEO No. 17 of 2002, dt. 24-6-2002.

2 Inserted *vide* CEO No. 21 of 2002, dt. 31-7-2002.

(3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years:

(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;

(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 or, as the case may be, *aalim* shall retire after first three years and the one elected on the seat reserved for woman shall retire after the expiration of next three years; and

(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 to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled.

8C. Constituencies in the Federally Administered Tribal Area:

The constituencies for seats in the Senate from the Federally Administered Tribal Areas shall be as under:

Contituencies	No. of Seats
South Waziristan Agency	1
South Waziristan Agency	1
Kurram Agency	1
Orakzai Agency	1
Khyber Agency	1
Mohmand Agency	1
Bajaur Agency	1
Frontier Regions	1

(a)Tank, (b)Dera Ismail Khan, (c)Lakki, (d)Bannu, (e)Kohat, (f)Peshawar

8D. Qualifications and disqualifications of members of Majlis-e-Shoora (Parliament) and Provincial Assemblies:

(1) In addition to the educational qualification specified in Article 8A, a person shall not be qualified to be elected or chosen as a member of a House of the Majlis-e-Shoora (Parliament) or Provincial Assembly unless:

(a) he is a citizen of Pakistan;

(b) he is, in the case of National Assembly, not less than twenty-five years and is enrolled as a voter in:

(i) any electoral roll for election to a general seat; or a seat reserved for non-Muslims; and

(ii) any area in a Province from where 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, in the case of a Provincial Assembly, not less than twenty-five years of age and is enrolled as voter in any area in a Province from where he seeks membership for that Assembly;

(e) he is of good character and is not commonly known as one who violates Islamic Injunctions;

(f) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins;

(g) he is sagacious, righteous and non-profligate and honest and *ameen*;

(h) he has not been convicted for a crime involving moral turpitude or for giving false evidence;

(i) 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 (f) and (g) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation; and

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

(2) A person shall be disqualified from being elected or chosen as, and from being, a member of Majlis-e-Shoora (Parliament) or a Provincial Assembly, 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 anybody which is owned or controlled by the Government or in which the Government has a controlling share or interests; or

(f) he 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

(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 involving 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 involving 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 of interest, unless a period of two years has elapsed since he ceased to be in such service; or

(l) 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 interests; 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.)

(m) 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

(n) 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

(o) 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 spouse or any of his dependents, which stands unpaid for more than one year from the due date, or has had such loan written off, or

(p) he or his spouse or any of his dependents has defaulted in payment of government dues and utility charges, including telephone electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, or

(q) 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.

8E. Objection against candidature:

Notwithstanding anything contained to the contrary in any law for the time being in force, any person or authority may object to the candidature of a person who has submitted nomination papers or whose name has been included in the party list submitted by a political party for election to a seat in the Majlis-e-Shoora (Parliament) or a Provincial Assembly, before the Returning Officer within the period specified by the Election Commission for the scrutiny of nomination papers of candidates contesting elections for membership of Majlis-e-Shoora (Parliament) and Provincial Assemblies.

8F. Party lists for reserved seats, etc:

(1) For the purpose of election to seats reserved for women and non-Muslims in the National Assembly and Provincial Assemblies, the political parties contesting election for such seats shall within the period fixed by the Election Commission for submission of nomination papers, file separate lists of their candidates in order of priority for seats reserved for women and non-Muslims with the Chief Election Commissioner or, as he may direct, with the Provincial Election Commissioner, who shall forthwith cause such lists to be published for information of the public at large.

(2) The parties' lists referred to in clause (1) may contain as many names of additional candidates as a political party may deem necessary for contesting seats reserved for women and non-Muslims to provide for any disqualification of candidates during scrutiny of nomination papers or for filling of any vacant seat during the terms of National Assembly and Provincial Assemblies, as the case may be.

(3) Where 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 in by the next person in order of precedent from the party's list of the candidate submitted to the Election Commission under clause (1).

(4) Every candidate contesting election on a seat reserved for women or non-Muslims shall, alongwith the nomination papers and other relevant documents, submit to the Returning Officer appointed by the Election Commission in this behalf:

(a) a copy of the party list of the candidate's political party for such seats;

(b) declarations and statements as required by law or rules in support of the nomination; and

(c) the fee required under any law for the time being in force for filing nomination papers.

8G. Elections deemed to be held under the Constitution:

The election held under this Order shall be deemed to have been held under this Constitution and shall have effect accordingly.]

9. Power to make rules:

- (1) The President may make rules for carrying out the purposes of this Order.
- (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for the procedure of election on the seats reserved for women and technocrats.

10. Removal of difficulties:

- (1) If any difficulty arises in giving effect to any of the provisions of this Order, the President may make such provisions for the removal of the difficulty as he may deem fit.
- (2) For the purpose of bringing the provisions of the Constitution and of any of the laws relating to elections to the ¹[Senate,] National Assembly and the Provincial Assemblies into accord with the provisions of this Order, the President may by Order make such adaptations, modifications, additions or omissions as he may deem necessary or expedient.
- (3) Any court, tribunal or authority empowered to enforce any of the laws referred to in clause (2) shall, notwithstanding that no adaptations have been made in such law by an Order made under that clause, construe the law with all such adaptations as are necessary to bring it into accord with the provisions of this Order.

²[11. Repeal:

The Houses of Parliament and Provincial Assemblies (Elections) Order, 1977 (PPO No. 5 of 1977), is hereby repealed.]

1 Inserted *vide* CEO No. 21 of 2002, dt. 31-7-2002.

2 Added *ibid*.