
ISLAMABAD, WEDNESDAY, FEBRUARY 27, 2002

PART I

Act, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN

**MINISTRY OF LAW, JUSTICE, HUMAN RIGHTS AND
PARLIAMENTARY AFFAIRS**

(Law, Justice and Human Rights Division)

Islamabad, the 27th February, 2002

F. No.2(4)/2002-Pub.- The following Order promulgated by the Chief Executive is hereby published for general information:-

CHIEF EXECUTIVE'S ORDER NO. 7 OF 2002

AN

ORDER

to provide for the conduct of general elections, 2002

WHEREAS pursuant to the announcement for restoration of democracy by the President on the fourteenth day of August, 2002, 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 seat 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; and

(c) "prescribed" means prescribed by rules made under this Order.

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 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), 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 National Assembly and Provincial Assemblies in October 2002.

5. **Number of seats in the National Assembly.-** (1) There shall be three hundred and fifty-seven seats of the members in the National Assembly, including seats reserved for women and technocrats.

(2) The seats in the National Assembly referred to in clause (1) are, save and except as provided in clause (3), allocated to each Province and the Federal Capital as under --

	General Seats	Women	Technocrat	Total
Baluchistan	14	3	1	18
Federal Capital	2	-	-	2
The North-West Frontier Province	35	8	3	46
The Punjab	148	35	15	198
Sind	61	14	6	81
Total	260	60	25	345

(3) Twelve seats are allocated to the Federally Administered Tribal Areas

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

- (c) the constituencies for the seats reserved for women and technocrats shall be such that each Province forms one constituency with as many such seats as are allocated to the Provinces under clause (2); and
- (d) the members to fill seats reserved for women and technocrats which are allocated to a Province under clause (2) shall be elected simultaneously through proportional representation system of open political parties' lists of candidates on the basis of the total votes secured by the candidates of each political party contesting elections to the general seats;

Provided that a political party securing less than ten per centum of the total votes cast in the election on general seats shall not be entitled to any seat;

Provided further that where only one political party secures ten per centum or more of the total votes cast and all other political parties secure less than ten per centum of the total votes cast, then the first proviso shall have effect as if for the word "ten" therein the word "five" were substituted:

Provided also that where all the political parties individually secure less than ten per centum of the votes cast, then the first proviso shall have effect as if for the word "ten" therein the word "five" were substituted.

6. Number of seats in the Provincial Assemblies.- (1) Each Provincial Assembly shall consist of general seats and seats reserved for women and technocrats as herein below specified:-

	General Seats	Women	Technocrats	Total
Baluchistan	51	11	5	67
North-West Frontier Province	99	22	9	130
The Punjab	297	66	27	390
Sind	130	29	12	171

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

- (a) the constituency 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) the constituencies for the seats reserved for women and technocrats shall be such that each Province forms one constituency with as many such seats as are allocated to the Provinces under clause (1); and
- (d) the members to fill seats reserved for women and technocrats which are allocated to a Province under clause (1) shall be elected simultaneously through proportional representation system of open political parties' lists of the candidates on the basis of total votes secured for the candidates of each political party contesting election to the general seats in the Provincial Assembly;

Provided that a political securing less than ten per centum of the total votes cast in the election on general seats shall not be entitled to any seat:

Provided further that where only one political party secures ten per centum or more of the total votes cast and all other political parties secure less than ten per centum of the total votes cast, then the first proviso shall have effect as if for the word "ten" therein the word "five" were substituted.

Provided also that where all the political parties individually secure less than ten per centum of the votes cast, then the first proviso shall have effect as if for the word "ten" therein the word "five" were substituted.

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 electorates.

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 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 rolls.”

²**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 a religious reformer shall remain the same as provided in the Constitution of the Islamic Republic of Pakistan, 1973.”

³**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 votes 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.”

¹ Substituted through the Conduct of General Elections (First Amendment) Order, 2002.

² Substituted through the Conduct of General Elections (Second Amendment) Order, 2002. Insertion of new Article 7B and 7C, Chief Executive’s Order No. 7 of 2002), - In the Conduct of General Elections Order, 2002. Islamabad, the 17th June, 2002.

³ Substituted through the Conduct of General Elections (Second Amendment) Order, 2002. Insertion of new Article 7B and 7C, Chief Executive’s Order No. 7 of 2002), - In the Conduct of General Elections Order, 2002. Islamabad, the 17th June, 2002.

حلف نامہ و اقرار نامہ

میں حلفیہ اقرار کرتا / کرتی ہوں کہ میں خاتم النبیین حضرت محمد ﷺ کی ختم نبوت پر مکمل اور غیر مشروط طور پر ایمان رکھتا / رکھتی ہوں۔ اور یہ کہ میں کسی ایسے شخص کا / کی پیروکار نہیں ہوں جو حضرت محمد ﷺ کے بعد اس لفظ کے کسی بھی مفہوم یا کسی بھی تشریح کے لحاظ سے پیغمبر ہونے کا دعویٰ دے۔ اور نہ ہی میں ایسے دعویٰ دے گا / دے گی جو پیغمبر یا مذہبی مصلح ماننا / ماننی ہوں۔ نہ ہی میں قادیانی گروپ یا لالا ہوری گروپ سے تعلق رکھتا / رکھتی ہوں یا خود کو احمدی کہتا / کہتی ہوں۔

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) 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 concurrencies, 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.

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 brining the provisions of the Constitution and of any of the laws relating to elections to the 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.

Sd/-
GENERAL
PERVEZ MUSHARRAF,
*Chief Executive of the Islamic Republic of Pakistan
And Chief of Army Staff*

Sd/-
MR. JUSTICE MANSOOR AHMED
Secretary