ASSIGNMENT

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**Electoral laws**

**222.** Subject to the Constitution, 1 *[Majlis-e-Shoora* (Parliament)] may

by law provide for—

(a) the allocation of seats in the National Assembly as required

by clauses *(3)* and *(4)* of *Article 51;*

(b) the delimitation of constituencies by the Election

Commission 1 *[including delimitation of constituencies of*

*local governments;]*

(c) the preparation of electoral rolls, the requirements as to

residence in a constituency, the determination of objections

pertaining to and the commencement of electoral rolls;

(d) the conduct of elections and election petitions the decision

of doubts and disputes arising in connection with elections;

(e) matters relating to corrupt practices and other offences in

connection with elections; and

(f) all other matters necessary for the due constitution of the

two Houses 2 [, \*\*] the Provincial Assemblies 3 [and local

governments;]

but no such law shall have the effect of taking away or abridging any of

the powers of the Commissioner or 4 [the] Election Commission under this

Part.

**223. Bar against double membership**

**223.** (1)

No person shall, at the same time, be a member of—

1. 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 5Y

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.*

1. 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.

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**

**224.** 1 [(1) A general election to the National Assembly or a Provincial

Assembly shall be held within a period of *sixty days* immediately

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.]

2 [(1A) On dissolution of the Assembly on completion of its term,

or in case it is dissolved under **Article 58** or **Article 112,** the President, or

the Governor, as the case may be, shall appoint a care-taker Cabinet:

Provided that the care-taker Prime Minister shall be 3 *[appointed]*

by the President in consultation with the Prime Minister and the Leader of

the Opposition in the outgoing **National Assembly**, and a care-taker Chief

Minister shall be appointed by the Governor in consultation with the Chief

Minister and the Leader of the Opposition in the outgoing Provincial

Assembly:

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3 *[Provided further that if the Prime Minister or a Chief Minister*

*and their respective Leader of the Opposition do not agree on any person*

*to be appointed as a care-taker Prime Minister or the care-taker Chief*

*Minister, as the case may be, the provisions of Article 224A shall be*

*followed:]*

Provided 3 *[also]* that the Members of the Federal and Provincial

care-taker Cabinets shall be appointed on the advice of the care-taker

Prime Minister or the care-taker Chief Minister, as the case may be.

(1B) Members of the care-taker Cabinets including the care

taker Prime Minister and the care-taker Chief Minister and their

immediate family members shall not be eligible to contest the immediately

following elections to such Assemblies.

*Explanation.— In this clause, “immediate family members” means*

*spouse and children.]*

(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 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.

1 [(6) When a seat reserved for women or non-Muslims in the

National Assembly or a Provincial Assembly falls vacant, on account of

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 to

be submitted to the Election Commission by the political party whose

member has vacated such seat.]

1 [Provided that if at any time the party list is exhausted, the

concerned political party may submit a name for any vacancy which may

occur thereafter.]

**224A. 2 [Resolution by Committee or Election Commission**

**224A.** (1) In case the Prime Minister and the Leader of the Opposition in

the outgoing National Assembly do not agree on any person to be

appointed as the care-taker Prime Minister, within three days of the

dissolution of the National Assembly, they shall forward two nominees

each to a Committee to be immediately constituted by the Speaker of the

National Assembly, comprising eight members of the outgoing National

Assembly, or the Senate, or both, having equal representation from the

Treasury and the Opposition, to be nominated by the Prime Minister and

the Leader of the Opposition respectively.

(2)

In case a **Chief Minister** and the Leader of the Opposition in the

outgoing Provisional Assembly do not agree on any person to be

appointed as the care-taker **Chief Ministe**r, within three days of the

dissolution of that Assembly, they shall forward two nominees each to a

Committee to be immediately constituted by the Speaker of the Provincial

Assembly, comprising six members of the outgoing Provincial Assembly

having equal representation from the Treasury and the Opposition, to be

nominated by the Chief Minister and the Leader of the Opposition

respectively.

(3)

The Committee constituted under clause (1) or (2) shall finalize the

name of the care-taker Prime Minister or care-taker Chief Minister, as the

case may be, within three days of the referral of the matter to it:

Provided that in case of inability of the Committee to decide the

matter in the aforesaid period, the names of the nominees shall be referred

to the Election Commission of Pakistan for final decision within two days.

(4) The incumbent Prime Minister and the incumbent Chief Minister

shall continue to hold office till appointment of the care-taker Prime

Minister and the care-taker Chief Minister, as the case may be.

(5) Notwithstanding anything contained in clauses (1) and (2), if the

members of the Opposition are less than five in the *Majlis-e-Shoora*

(Parliament) and less than four in any Provincial Assembly, then all of

the Committee mentioned in the aforesaid

clauses and the Committee shall be deemed to be duly constituted.]

**225. Election dispute**

**225.** 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 1 [*Majlis-e-Shoora*

(Parliament).]

**226. Elections by secret ballot**

*2 [****226.*** *All elections under the Constitution, other than those of the Prime*

*Minister and the Chief Minister, shall be by secret ballot.]*