



THE NATIONAL AND PROVINCIAL ASSEMBLIES (ELECTIONS TO RESERVED SEATS) ACT, 1976



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**THE NATIONAL AND PROVINCIAL ASSEMBLIES (ELECTIONS TO RESERVED SEATS)
ACT, 1976.**

¹ACT No. XVIII OF 1976

[18th April, 1976]

**An Act to provide for the conduct of elections to the reserved seats in the National Assembly
and the Provincial Assemblies.**

WHEREAS it is expedient to provide for the conduct of elections to the reserved seats in the National Assembly and the Provincial Assemblies and to guard against corrupt and illegal practices and other offences at or in connection with such elections and for the determination of doubts and disputes arising out of or in connection with elections, and other matters arising out of or connected therewith;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the National and Provincial Assemblies (Elections to Reserved Seats) Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(i) "Article" means Article of the Constitution;

(ii) "Assembly" means the National Assembly or a Provincial Assembly for a Province;

(iii) "candidate" means a person seeking election as a member;

(iv) "Commission" means the Election Commission constituted under Article 218;

¹For Statement of Objects and Reasons, see Gaz. of P., 1976, Ext., Pt. III, p. 325.

This Act has been repealed in its application to the election to which the Representation of the People Act, 1976 (85 of 1976) applies, see Act No. 85 of 1976, s. 109.

- (V) "Commissioner" means the Chief Election Commissioner appointed under the Constitution and includes—
 - (i) the person continuing in the office of Chief Election Commissioner by virtue of Article 275; and
 - (ii) a judge of the Supreme Court nominated under Article 217 to act as Chief Election Commissioner ;
 - (vi) "constituency" means a constituency delimited under the Delimitation of Constituencies Act, 1974 ([XXXIV of 1974](#)), provided that in respect of a bye-election to a seat reserved for women, in the National Assembly or a Provincial Assembly, to be held at any time before the expiry of the term of the first National Assembly, it shall mean a constituency delimited under the Delimitation of Constituencies Order, 1970;
 - (vii) "election" means election to a seat of a member held under this Act;
 - (viii) "election petition" means an election petition made under section 12;
 - (ix) "elector", in relation to an Assembly, means a person elected to a general seat in that Assembly;
 - (x) "member" means member of an Assembly;
 - (xi) "prescribed" means prescribed by rules made under this Act;
 - (xii) "returned candidate" means a candidate who has been declared elected as a member under this Act;
 - (xiii) "Tribunal" means an Election Tribunal appointed under section 17 for the trial of election petitions.

CHAPTER II ELECTION COMMISSION

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

(2) If, upon any matter requiring a decision of the Commission, there is difference of opinion among 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 perform 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 the other two members shall have the effect of the decision of the Commission:

Provided that, in the event of a difference of opinion between the two members attending the proceedings of the commission,—

(a) if the Commissioner is one of the two members, 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 a decision before the Commission.

4. Power to punish for contempt. The Commission, the Commissioner and the members of the Commission shall have the same powers to punish its or their contempt as are vested in a High Court under Article 204.

5. Delegation of powers, etc. The Commission may authorise its Chairman or any of its members or any of the officers of the Commission to exercise and perform all or any of its powers and functions under this Act.

6. Assistance to the Commission.—(1) All executive authorities in the Federation and in the Provinces shall render such assistance to the Commissioner and the Commission in the discharge of his or their functions as may be required of them by the Commissioner or the Commission.

(2) The Commissioner or the Commission may require any person or authority to perform such functions or render such assistance for the purpose of this Act as he or it may direct.

CHAPTER III

ELECTION TO SEATS RESERVED FOR WOMEN OR CERTAIN COMMUNITIES

7. Election to reserved seats.—(1) The members for seats reserved for women in an Assembly shall be elected, subject to the provisions of clause (5) of Article 51 or, as the case may be, clauses (4) and (5) of Article 106, by the persons elected to the general seats in that Assembly so that there is one member for each of the constituencies for seats reserved for women in that Assembly.

(2) The members for seats reserved in an Assembly for persons belonging to the Christian, Hindu, Sikh, Buddhist and Parsi Communities and persons of the Qadiani group or the Lahori group (who call themselves 'Ahmadis') and other non-Muslims and persons belonging to the scheduled castes shall be elected, subject to the provisions of clause (4A) of Article 51 or, as the case may be, clause (5) of Article 106, by the persons elected to the general seats in that Assembly.

(3) The Commission shall hold and conduct the election to fill the seats reserved in an Assembly for the persons referred to in clause (3) of Article 106 or for women in such manner as it may think fit