



# THE DELIMITATION OF CONSTITUENCIES ACT, 1974

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## CONTENTS

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### SECTIONS:

1. Short title, and commencement.
2. Definitions.
3. Commission to delimit constituencies.
4. Procedure of commission.
5. Delegation of powers, etc.
6. Assistance to the commission.
7. Allocation of seats in the National Assembly.
8. Delimitation of constituencies.
9. Principles of delimitation.
10. Reports of Commission and list of Constituencies.
- 10 A. Power of commission to make amendment, alteration or modification in the final list of constituencies.
- 10 B. Removal of difficulties.
11. Bar of jurisdiction.

### THE SCHEDULE..

# <sup>1</sup>THE DELIMITATION OF CONSTITUENCIES ACT, 1974

## <sup>2</sup>ACT NO. XXXIV OF 1974

[8th May, 1974]

### **An Act to provide for the delimitation of constituencies for elections to the National Assembly and the Provincial Assemblies.**

WHEREAS it is expedient to provide for the delimitation of constituencies for elections to the National Assembly and the Provincial Assemblies and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

**1. Short title and commencement.** —(1) This Act, may be called the Delimitation of Constituencies Act, 1974.

(2) It shall come into force at once.

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

(a) "Article" means Article of the constitution of the Islamic Republic of Pakistan hereinafter referred to as the Constitution;

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

<sup>3</sup>[(ba) "local government" means a local government established under a Federal or a Provincial law relating to local government;

(bb) "local government law" means a Federal or a Provincial law relating to local government;

(bc) "council" means a local council as defined in the respective Federal or Provincial local government laws;]

(c) "population" means the population in accordance with the <sup>4</sup>[last preceding] census officially published; and

(d) all words and expressions used but not defined in this Act shall have the same meaning as in the Constitution.

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<sup>1</sup> Amendment in delimitation of constituencies Act 1974.

<sup>2</sup>For Statement of Objects and Reasons, see Gaz. of Pakistan. 1974 Ext., Pt. II, p. 560.

The Act has been applied to the Federally Administered Tribal Areas, see Gaz. P. 1974 Ext., Pt. II, p. 1978 vide S.R.O. 1418(1)/74, dated the 14th November, 1974.

The Act has been applied w.e.f. the 23<sup>rd</sup> Sept., 1974 to the Provincially Administered Tribal Areas of Chitral, Dir. Swat. Kalam, Malakand Protected Area the Tribal Area adjoining Hazara Distt. and former State of Amb : see Gaz. of N.W.F.P. 1974 Ext., p. 241-b.

This Act has been amended by Ord. No. XXXVIII of 1978 and Ord. No. XXVII of 1979 for the purpose of Elections held in 1985.

This Act has been applied to the Provincially Administered Tribal Areas of Baluchistan by Notification No. S.O. (TA) 3/32/73, dt. 25-9-1974 the Gaz. of Baluchistan. Ext.. Issue No. 71 of 1974.

This Act has further been amended by Ordinance No. XXIX of 1988.

The Delimitation of Constituencies (Amendment) Act, 1989 (III of 1989) shall apply to the Federally Administered Tribal Areas w.e.f. the date Act III of 1989 received President's assent i.e. 9-2-1989 see S.R.O. No. 1093(I)/90, dated 3rd September. 1990. Gazette of Pakistan, Extraordinary Part-III, dated 22-10-1990 page 1848.

<sup>3</sup>Ins. by Act, XXVI 2016, s.2.

<sup>4</sup>Subs. by the Delimitation of Constituencies (Amdt.) Ordinance, 1988 (4 of 1988), s. 2, for "1972" which was previously amended for "last preceding" by Ord. 50 of 1984, s. 2, to read as above.

**3. Commission to delimit constituencies.** The Commission shall delimit territorial constituencies for elections to the National Assembly and to each Provincial Assembly in accordance with the provisions of the Constitution and this Act.

<sup>1</sup>["**3A. Delimitaion of constituences for local government election.** The Commission shall also delimit territorial constituencies for elections to the local governments in accordance with the provisions of the local government Law and the rules made thereunder of each Province."]

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

(2) If, upon any matter requiring the decision of the Commission, there is difference of opinion amongst 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 performs 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 <sup>1</sup>[majority of the members of the Commission] shall have the effect of the decision of the Commission:

<sup>2</sup>[Provided that—

- (a) where the members attending the proceedings of the Commission are four and they are equally divided in their opinion; or
- (b) where the members attending the proceedings of the Commission are three and there is difference of opinion amongst them;

the matter shall be placed before the Commission for decision.]

<sup>2</sup>["**5. Delegation of powers, etc.**—(1) The Commission may authorize three or more of its members, acting together, to exercise and perform all or any of its powers and functions under this Act.

(2) Where four members are authorized under sub-section (1) the decision of majority shall prevail and where three members are authorized as aforesaid the decision shall be unanimous :

Provided that—

- (a) where four members have been authorized and they are equally divided in their opinion;  
or
- (b) where three members have been authorized and there is difference of opinion amongst them;

the matter shall be placed before the Commission for decision.:]

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<sup>1</sup> Ins. by Act No. XXVI of 2016, s.3.

<sup>2</sup> Subs. by Act XII of 2012, s. 2 and 3.