

Introduction

The Constitution of Pakistan, adopted unanimously by the National Assembly (NA) in April 1973, provides for a parliamentary system of government, with the President as the Head of State and the Prime Minister as the Head of Government. The Majlis-e-Shura (the Parliament) of Pakistan is the country’s bicameral legislature consisting of the Senate and the NA.¹ The NA is the Lower House of Parliament and is controlled by Pakistan Muslim League- Nawaz (PML-N).

Brief history

From 1947 to 1973, the country had a unicameral legislature. The first Constituent Assembly of Pakistan was held in 1947 in the Sindh Assembly Building in Karachi. On 11 August 1947 Quaid-i-Azam Muhammad Ali Jinnah, the founder and the first Governor-general of Pakistan, was elected unanimously as the President of the Constituent Assembly. With the 1973 Constitution, Pakistan adopted a bicameral legislature, called “Majlis-e-Shura, the Parliament.” Originally, the NA was made up of 200 general seats and 10 additional seats reserved for women. In 1985 a Presidential Order² raised the total number of seats to 237, adding several general seats and reserved seats for women, as well as creating 10 reserved seats for non-Muslims to be filled through a separate electoral system.

Structure of the current National Assembly

The number of seats increased most recently in 2002, bringing the current level of representation to 342 members, including 60 seats reserved for women and 10 for non-Muslims³. The general and reserved women seats in the NA are allocated to each province, the Federally Administered Tribal Areas (FATA) and the Islamabad Capital Territory (ICT) based on population, as officially published in the last census. The 10 seats for non-Muslims are not assigned to provinces.

Figure 1: Seat Allocation by Province and Seat Type⁴

	Punjab	Sindh	Khyber Pakhtun khwa	Balochistan	FATA	ICT	Total
General	148	61	35	14	12	2	272
Women	35	14	8	3	0	0	60
Non-Muslims	--	--	--	--	--	--	10
Total	183	75	43	17	12	2	342

Electoral system

The electoral system for NA general seats is based on single-member geographic constituencies in which members are elected by direct vote through a first-past-the-post or simple majority system (unlike the Senate where members are elected indirectly by the members of the Provincial Assemblies and the National Assembly members representing FATA and ICT). Reserved seats for women and non-Muslims are filled through a separate electoral system. Members in these seats are

¹ The Constitution of Islamic Republic of Pakistan—Article 50.

² P.O. No. 14 of 1985

³ The Constitution of Islamic Republic of Pakistan—Article 51.

⁴ Article 51 of the Constitution

elected through an indirect proportional representation list system. The political parties file their lists of candidates for reserved seats with the Election Commission of Pakistan prior to the election. After the results for the general seats are finalized, reserved women's seats are distributed to parties in proportion to the number of general seats secured in each of the provinces. Non-Muslim seats are allocated to political parties in proportion to the overall number of general seats secured.⁵

Independent candidates who win seats in the National and provincial assemblies may choose to join a political party within three days after the ECP announces the official election results. Alternatively, they can choose to remain independent. The members of the National Assembly who choose to join a party will be included in the calculation for the allocation of reserved seats for women and non-Muslims in favor of the party. Vacant seats and seats filled by independent candidates are excluded from the calculation.

National Assembly leadership

During the first NA meeting following a General Election, members elect a Speaker and Deputy Speaker. The Speaker, and in his/her absence the Deputy Speaker, presides over the sessions of the Assembly. Both the Government and the Opposition also have leaders in the NA. The Leader of the Opposition is elected by the opposition parties and the Leader of the House is the Prime Minister.

Functions of the Assembly

The NA is a legislative body whose main functions are:

- To elect the Prime Minister and take part in the indirect election of the President of Pakistan. The Prime Minister is her/himself a Member of the NA and is elected to the post by the Members of the NA. The President is indirectly elected by an electoral college made up of representatives from the NA, Senate and Provincial Assemblies.
- To pass national legislation under the powers spelled out in the Constitution.
- To legislate spending, including passing the annual and supplementary budgets.
- To hold the government accountable. The opposition in the NA keeps a check on the Government through debates, adjournment motions, question hour, and Standing Committees. The opposition ensures the government functions within the parameters set out in the Constitution and that it does not violate the mandate given to it by the people of Pakistan.
- To assist the Government in formulating national policies and provide guiding principles for foreign relations.

Dissolution of the Assembly

The NA is dissolved at the expiration of its five-year term, but its mandate can be terminated earlier by the President upon the advice of the Prime Minister of Pakistan. The President may also dissolve the NA at his/her own discretion if a motion of no-confidence is passed against the incumbent Prime Minister and no other member of the Assembly commands the confidence of a majority of members.⁶ The National Assembly that was elected in 2008 was the first to serve its entire term and was dissolved on 17 March 2013. The expiration of the current NA will depend on the date of its first meeting; President Asif Ali Zardari has summoned the first meeting for 1 June 2013.

By-elections and fresh elections

When a seat in the NA becomes vacant due to death, resignation or disqualification of a member, a by-election is held in the respective constituency within 60 days.⁷ However, if a seat becomes vacant

⁵ The Constitution of Islamic Republic of Pakistan—Article 51.

⁶ The Constitution of Islamic Republic of Pakistan—Article 58.

⁷ The Constitution of Islamic Republic of Pakistan—Article 224.

within 120 days of the expiration of the term no by-election will be held.⁸ When a seat reserved for women or non-Muslims in the NA or a Provincial Assemblies falls vacant it is filled by the next person in order of preference from the list of the candidates submitted to the Election Commission of Pakistan for the most recent General Election by the party whose member vacated the seat.

Candidates are allowed to run in multiple constituencies in multiple assemblies simultaneously, leading to a situation in which some candidates win seats in more than one constituency and assembly. When this happens, the candidate must resign from all but one constituency and by-elections will be held for the now vacant seats. As a result, there several by-elections immediately following General Elections.

In the 2013 elections, 20 candidates won multiple seats in 28 National Assembly and 16 Provincial Assembly constituencies, which will lead to by-elections in 24 constituencies after the candidates resign from all but one seat. Since returned candidates have 30 days from when the results are announced to resign, it is still unknown how many by-elections will be held for each assembly.

In addition, fresh elections will be held for two National Assembly seats, three Provincial Assembly seats in Punjab, two in Sindh and one in Balochistan where election proceedings were terminated due to deaths of contesting candidates. Elections in NA-38, Tribal Area-III were postponed because of the law and order situation. The ECP will organize elections in these 32 constituencies at the same time.

The political party representation in the new National Assembly is provided in Figure 2 on the following page.

⁸ The Constitution of Islamic Republic of Pakistan—Article 224.

Figure 2: Political Party Representation in the new National Assembly as of 30 May 2013⁹

Party Name	General Seats	Non-Muslim Reserved	Women Reserved	Total
PML (N)- Pakistan Muslim League- Nawaz	145	6	35 ¹⁰	186
PPPP- Pakistan People's Party Parliamentary	31	1	7	39
PTI- Pakistan Tehreek-e-Insaf	28	1	6	35
MQM- Muttahida Quami Movement	18	1	4	23
JUI (F)- Jamiat Ulema-e-Islam-Fazl	10	1	3	14
PML (F)- Pakistan Muslim League Functional	5	-	1	6
PMAP- Pashtoonkhwa Milli Awami Party	3	-	1	4
Jl- Jamaat-e-Islami	3	-	1	4
NPP- National Peoples Party	2	-	1	3
PML (Q)- Pakistan Muslim League	2	-	-	2
ANP- Awami National Party	1	-	-	1
BNP (Awami) Balochistan National Party (Awami)	1	-	-	1
QWP (S)- Qaumi Watan Party Sherpao	1	-	-	1
PML (Z)- Pakistan Muslim League-Zia	1	-	-	1
NP- National Party	1	-	-	1
AMLN- Awami Muslim League Pakistan	1	-	-	1
AJIP- Awami Jamhoori Ittehad Pakistan	1	-	-	1
APML- All Pakistan Muslim League	1	-	-	1
Independent	7	-	-	7
Vacant	10 ¹¹	-	1 ¹²	11
Total	272	10	60	342

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⁹ Due to by-elections the composition of the National Assembly changes frequently

¹⁰ Of the 35 seats women's reserved seats allocated to PML-N, nine have not been filled since the candidate list PML-N submitted to the ECP before elections for Punjab province was exhausted. The ECP has issued a notification opening nomination for these seats.

¹¹ The ECP is awaiting results from NA-269; elections in NA-83 and NA-254 were terminated due to deaths of candidates; elections in NA-38 were postponed due to the law and order situation; results for NA-37, NA-103 and NA-237 have been withheld, and there will be re-polling in some polling stations in NA-46, NA-229 and NA-230.

¹² There is a tie between PPPP and PML-Q for a reserved seat for women in Punjab, which will be settled by drawing lots.