

Election Commission of Pakistan

Complaints Handbook

FEBRUARY 2008

Introductory message

Welcome.

Every stakeholder group, whether they are political parties, observers' groups, voters or the Election Commission itself, have a shared responsibility to conduct elections in a free, fair and transparent manner. Complaints are an important part of the electoral process and as such need to be dealt with effectively and efficiently so that the end result is always the redress of the complainant's grievance. This objective can only be achieved if the complaint process works properly.

The purpose of this Complaint Handbook is to provide guidance to the officials of the Election Commission and to all stakeholder groups participating in the elections process. This Handbook seeks to provide guidance as to where a complaint can be filed keeping in view the nature of the complaint. The Election Commission is committed to protecting and strengthening the electoral process for all voters and participants.

I would also like to extend my thanks to IFES for their support in making this handbook possible.

Kanwar Mohammad Dilshad
Federal Secretary
Election Commission of Pakistan

December 2007

Election Commission of Pakistan

Table of Contents

	Page Number
1. Overview	4
2. Phases of the complaint process	6
a. Nomination period	6
b. Pre-poll period	7
c. Polling Day	8
d. Post-poll period	8
3. Complaint Procedures	10
a. Filing a complaint	10
b. Processing a complaint	11
c. Important principles in processing complaints	12
d. Polling Day complaints	14
Complaints Process charts	
Nomination period	15
Pre-poll period	16
Polling Day	17
Post-poll period	18
4. Applicable laws	19
5. Appendices	
Appendix A: Complaint Form	20
Appendix B: Code of Conduct	22

1. Overview

Electoral complaints are an essential part of the electoral process in Pakistan which are governed by a variety of laws and regulations. However, for their effective resolution the Election Commission of Pakistan (ECP), requires the involvement of a number of different government departments and organizations, including District Returning Officers and Returning Officers. Over a period of time and through experience, the Election Commission has learnt that the legal complexities and diversified nature of electoral complaints has caused considerable confusion among the many stakeholder communities as to what is the nature of a complaint and where such complaints should be filed. The consequence of this situation is that most of the complaints received by the ECP are left without resolution thereby creating considerable animosity amongst complainants. Such a situation needs to be taken care of.

The definition of complaint in this handbook takes on the broadest possible interpretation. For example, an appeal against the decision of the Returning Officer (RO) to reject or accept a candidate's nomination papers can be considered a complaint. Similarly, an Election Petition that is filed by a losing candidate to the Chief Election Commissioner (CEC) for onward transmission to an Election Tribunal can also be considered another form of complaint, as is a complaint that is sent to the ECP alleging the misuse of government resources during the pre-poll period.

It should be pointed out that the ECP acts strictly in accordance with all law/rules/procedures presently in existence; whereas, being at the helm of electoral affairs, it is generally thought to be responsible for not only receiving complaints but also for effecting the redress or resolution of the complaints. However, for the proper disposition of such complaints, the ECP has to refer them to other relevant Government Departments or District Returning Officers/Returning Officers across the country in order to bring final resolution to a complaint. In other words, in prosecuting violations and offenses under the Election Laws the ECP has limited powers and is often reliant on other government organizations and officials for prosecution. For example, the current practice within the ECP is to refer complaints concerning law and order to the responsible law enforcement authority within the Province where the offense has been alleged to have occurred. The expectation by the ECP is that these government entities will then take formal responsibility to follow-up and prosecute offenders. Similarly, where there are complaints related to alleged offenses dealing with misuse of government resources or the inappropriate conduct of a public servant, the complaint is

usually passed on to the Chief Secretary of that particular province for investigation and resolution.

As a matter of fact, there are certain types of complaints for which the law provides separate forums for their disposal. For example, it is statutory responsibility of the Returning Officers to receive and scrutinize the Nomination Papers of the prospective candidates for an election. In the process of scrutiny, the Returning Officer may reject or, as the case may be, accept a Nomination Paper. This acceptance or rejection of a Nomination Paper can be challenged by way of filing appeals before Appellate Tribunals nominated by the Chief Election Commissioner with the approval of the President, which consist of not less than two nor more than three Judges of the High Court concerned. So, any complaint/objection concerning a Nomination Paper of a candidate should either be filed with the Returning Officer concerned during the period fixed for filing of Nomination Papers and scrutiny, and thereafter before the relevant Appellate Tribunal - not the ECP. Similarly, Election Tribunals are established after polling day to hear the Election Petitions filed by losing candidates. Both the aforementioned Tribunals consist of Judges of the High Courts and although they are appointed by the Chief Election Commissioner these are judicial forums albeit ones that have been given specific authority and responsibility to decide an electoral matter.

An important fact affecting the complaints process is that a significant number of complaints filed with the ECP lack the requisite information to allow for proper follow-up and investigation of the alleged offense. As a result many complainants are left with the impression that the ECP did not take their complaint seriously and therefore not interested in knowing about or prosecuting any violations or offenses brought to its attention. The purpose of this Complaint Handbook is to provide greater clarity to the complaints process so that ECP officials and the stakeholder community are able to enhance their knowledge regarding the applicable laws and seek guidance from it on the procedures that make up this important process.

Presently, complaints can be filed at any time following the issuance of Election Schedule. There is no time limit on the filing of a complaint, except that it must be filed within the campaign period. A complainant may file a complaint at any office of the ECP. The complaint can be filed in a variety of forms, either in writing or verbal form, and can be delivered to the ECP by general post, fax, telephone and email.

2. Phases of the complaint process

For the purposes of defining the electoral complaint process in Pakistan, it is necessary to first identify the principal phases of the electoral process because the applicable laws/rules provide for different mechanisms for the redress of complaints arising within each phase.

The four distinct periods to the elections process are:

- a. Nomination period
- b. Pre-poll period
- c. Polling day
- d. Post-poll period

a. Nomination period

In the Election Schedule, the filing of Nomination Papers is the first formal step of the electoral process, followed by the scrutiny of the Nomination Papers by the Returning Officer (RO). During the scrutiny process the RO can also hear objections raised with respect to the Nomination Paper of any candidate and, if he decides to reject the Nomination Paper in the light of such objections, he is obliged to record reasons for the rejection.

The next stage is the filing of Appeals to the Appellate Tribunals, against the rejection or acceptance of Nomination Papers by the Returning Officers. After disposal of appeals by the Appellate Tribunals as well as the withdrawals of Nomination Papers, if any, the final list of the Contesting Candidates is published. The decisions of the Appellate Tribunals, under the law, are final. The Nomination Period comprises following activities:

- Nomination papers filed with Returning Officer [(Section 12(3));
- Returning Officer scrutinizes the Nomination papers [(Section 14 (2));
- Any person may enter an objection regarding the nomination of a candidate (Section 14)
- Returning Officer accepts/rejects the Nomination papers. In case of rejection of a nomination paper the RO records reasons for such rejection (Section 14.4);
- Appeals against rejection or, as the case may be, acceptance of Nomination Papers are made to the relevant Appellate Tribunal within the timeframe indicated in the Election Schedule (usually about one week) (Section 14.5).

It is important to note that if the Appellate Tribunal, on the basis of any information or material brought to its knowledge by any source (for example, through a complaint), is of the opinion that a candidate whose nomination papers have been accepted is a defaulter of loan, taxes, government dues or utility charges or has had any loan written off or suffers from any

other disqualification from being elected as a member of an Assembly, may, on its own motion, call upon such candidate to show cause why his nomination papers may not be rejected. If the Tribunal is satisfied that the candidate is actually a defaulter or has had a loan written off or suffers from any disqualification, it may reject the nomination papers. If an appeal is not disposed of within the time period specified in Section 14(5) it shall be deemed to have been rejected (Section 14(6)).

b. Pre-poll period

The pre-poll period starts with the issuance of Election Schedule. The Election Commission issues, in consultation with the political parties, the Code of Conduct for Political Parties and Contesting Candidates. The Election Commission also issues Directives, such as, banning of transfers/postings of civil servants after the Election Schedule has been published; restraining the executive authorities in the Federation and in the Provinces and other government functionaries including Zila/Tehsil/Union Nazims from using state resources and announcing development programmes in an attempt to influence voters.

The pre-poll period is generally the most active in terms of electoral campaigning by candidates and parties. The issuance of Code of Conduct, which contains specific guidelines and regulations that all contestants must abide by, becomes the basis of the complaints, which start pouring in forthwith. These guidelines/regulations include such issues as: how a campaign is to be conducted in terms of rallies and processions; the proper size of billboard space that candidates and parties can use; the erecting of party-flags on public buildings; prohibiting wall-chalking; use of official vehicles or protocol by Ministers/Zila Nazims, etc., all of which are the subjects of complaints during this time. The 2007 Code of Conduct is included in the Appendices to this Handbook.

The electoral offenses are mentioned in Chapter-VIII of the Representation of the People Act, 1976, which include:

<u>Section</u>	<u>Offense</u>
78.	Corrupt practice
79.	Bribery
80.	Personation
81.	Undue influence
82A.	Capturing of polling station and polling booth
83A.	Prohibition of affixing hoardings

- 84 Prohibition of public meetings, etc. during certain period
- 85 Prohibition of canvassing in or near polling station
- 86. Disorderly conduct near polling station
- 86A Certain offenses triable by officers authorised by the Commission
- 87. Tampering with papers
- 88. Interference with the secrecy of voting
- 89. Failure to maintain secrecy
- 90. Officials not to influence voters
- 91. Breaches of official duty in connection with election
- 92. Assistance by Government servant

c. Polling Day

The Presiding Officer is vested with magisterial powers in order to immediately take action in case some irregularities/specified offences take place inside the polling station at any time during the voting process. However, his authority to deal with complaints is limited to the physical confines of the polling station.

Complaints can also be filed with the District Returning Officer (DRO) and Returning Officer (RO) concerned. Normally, any irregularities or violation of law/rules or the Code of Conduct outside the polling station are reported to the Returning Officer concerned. It is worth mentioning that the District Returning Officers, Returning Officers and Assistant Returning Officers are also specifically authorized by the Election Commission through a Notification to exercise the powers of a First Class Magistrate under Section 190(1) of the Criminal Procedure Code, 1898 for taking cognizance of any of the electoral offences mentioned under Sections 80, 82A, 83, 84, 85, 86 and 87 of the Representation of the People Act, 1976. In case that there are any other serious offences committed during this time and which relate to the provisions of the Pakistan Penal Code, the matter may be reported to the concerned Police Station for registration of a case against the offenders.

While it is not specifically mentioned in the election laws, complaints may also be filed at any ECP office on polling day.

d. Post-poll period

Following the announcement of the official election results, a candidate who has reason to believe that the results do not accurately reflect the outcome of election or believe that some form of electoral fraud has been committed, can file an Election Petition to Chief Election Commissioner in accordance with the procedure laid down in Chapter-VII of the Representation of the People Act, 1976 (Sections-52 to 55).

Only an aggrieved candidate can file an Election Petition within 45 days of the publication of the results in the official gazette. The petition is filed with the Chief Election Commissioner, who decides whether the petition has merit. If he finds that any provision of section 52, section 53 or section 54 has not been complied with, the petition is dismissed forthwith. However, if the Election Petition is not so dismissed, the Commissioner refers it for trial to the Election Tribunal concerned, appointed by him under Section 57 of the Act for the trial of Election Petitions.

The Election Petitioner can claim as relief any of the following declarations:-

- a) that the election of the returned candidate is void;
- b) that the election of the returned candidate is void and that the petitioner or some other person has been duly elected; or
- c) that the election as a whole is void.

Under Section 67 (1A) of the Act, an Election Tribunal is required to proceed with the trial of the Election Petition on day-to-day basis with a view to deciding the matter within four months (120-days) from its receipt. The decision of a Election Tribunal on an Election Petition is considered final, however, any person aggrieved by a decision of the Election Tribunal may, within thirty days of the announcement of the decision, appeal to the Supreme Court and the decision of the Supreme Court on such appeal shall be final.

If the poll at any polling station is stopped by the Presiding Officer due to interruption of obstruction beyond his control, or any ballot box is unlawfully taken away or is destroyed, the Returning Officer shall report the matter to the Election Commission, which shall direct a fresh poll under Section 27 of the Representation of the People Act, 1976.

Any person aggrieved by the count of votes may approach the Election Commission for recount under section 39(6) (b) of the said Act.

Complaints/Applications for declaring the poll void, on account of grave illegalities or violation of the provisions of the Act, can be filed before the Election Commission under section 103AA of the Act.

In order to prevent undue delays in the work of Election Tribunals it is important to note that if there is any delay in the proceedings of an Election Petition, which has been caused by the returned candidate or any person acting on his behalf, the Tribunal may request the Chief Election Commissioner that the Commission may declare the candidate to have

ceased to perform the functions of his office either until the conclusion of the proceedings or for such period as the Commission may direct.

3. Complaint Procedures

Internal complaints processing at Election Commission of Pakistan (ECP)

While the Election Laws and other related legislation provide the legal context for the complaints process, the ECP has developed various internal processes and procedures in order to meet the various requirements. The following section outlines the internal processes and procedures that are applicable during the pre-poll period.

a. Filing a complaint.

At present, the ECP receives complaints at any point in the organizational structure, whether it is at the local level i.e. in the offices of Deputy Election Commissioners/Assistant Election Commissioners (DECs/AECs); in the offices of the DROs or ROs or at the provincial level in the office of the Provincial Election Commissioner (PEC) or at the Federal Secretariat in Islamabad. Any person can file a complaint, if they believe that an electoral offense has been committed.

Generally, there are no time limits on the filing of complaints during the pre-poll period, however, there are deadlines associated with the filing of appeals against the rejection or acceptance of Nomination Papers as well as the filing of petitions during the post-poll period.

The ECP is not the only organization that receives complaints that are related to the electoral process. For example, the office of the Chief Secretary of a Province may also receive complaints. District Returning Officers and Returning Officers may also receive complaints and dispose them of at their own level. However, complaints received by the DECs and AECs at the District level are forwarded to the PEC office for disposal. Following the disposal of all complaints, whether they were filed directly to the PEC or forwarded from the DECs and AECs, the PEC communicates the outcome with the ECP Secretariat in Islamabad.

Complaints can be filed in many different formats. Letters, faxes, phone calls and emails have all been used to file complaints with the ECP. However, given that complaints are

allegations about infractions or violations of the electoral laws, it is important that as much information about the incident be included in the complaint as possible. To that end, the ECP encourages that complaints be submitted in writing with detailed information about the alleged offense.

For the General Elections, 2007-08, the ECP is pioneering the use of a standard 'Complaint Form' that has been designed to improve the consistency and quality of the information contained in a complaint. This 'Complaint Form' along with instructions as to how to complete it, duly translated into English, Urdu and Sindhi languages has been posted on the ECP website for use by the stakeholder community. It is hoped that by the introduction of this Form the ECP will not only help reduce the number of complaints that are based on rumor or incomplete information but will also help the general public and the political parties to improve the overall quality of complaints that they file during the course of an election. A copy of the 'Complaint Form' (see Appendix A) is included in the appendices to this handbook.

b. Processing a complaint (pre-poll period)

Aside from the detailed legal procedures provided for filing Appeals against the rejection or acceptance of a Nomination Paper by a Returning Officer, or for the filing of Election Petitions by a candidate that calls into question the election results, complaints filed with the ECP are generally processed in the following manner.

- Complaints are received by the ECP at its all offices at District, Divisional, Provincial and Central level. A person filing the complaint should provide his/her name and contact information (mailing address and/or telephone number) so that the ECP can contact him/her if needed during the investigation or to communicate how the complaint was redressed/resolved. In other words, the information contained in the complaint should be as complete as possible.
- On receipt by the ECP, all complaints are recorded in the Complaint Register, maintained in every ECP office across the country. The Complaint Register identifies, at a minimum, when the complaint was received, the type of complaint, the location (national or provincial assembly constituency), the name of the complainant, and how the complaint was disposed of. The ECP Secretariat in Islamabad has for the 2008 elections developed a Complaints Management System for registering complaints on

computers. Soon this system will be installed in the offices of the Provincial Election Commissioners for their use and they will be connected with the Central Office, which will ultimately enable the ECP to have access to and share information regarding complaints across its five main offices.

- After initial entries in the Complaint Register, the complaint is assessed as to its severity and a determination is made as to what action is required. The complaints requiring immediate attention are forthwith transmitted to the concerned Authority for appropriate action through fax whereas others are sent through ordinary mail. The ECP's officers at the District level only receive the complaints, register them to maintain a record thereof and forward them to the PEC office for review and disposition.
- Complaints are assessed and recommendations are made as to its disposition. Typically the ECP officials in the location (ECP Secretariat at Islamabad and PEC offices in the Provinces) are assigned to undertake an assessment and make a recommendation on how the complaint is to be disposed. The recommendation is forwarded to a senior ECP official and a formal direction for the disposition of the complaint is made. Once the recommendation has been agreed to, the complaint is typically forwarded to the responsible government agency for action. For example, if the complaint pertains to a law and order issue then the IGP (Inspector General of Police of the concerned Province) is requested to take necessary action. The complainant is also informed of the action if contact details have been provided

c. Important principles in processing complaints:

- The ECP maintains a traceable record of all the complaints received during pre-poll, polling-day and post-poll period. However, since there is always room for improvement, the ECP continues to improve the system of registering complaints and their disposition. The ECP also encourages the general public, candidates, political parties and the other stakeholder communities to use the 'Complaint Form' for filing their complaints. If complainants do not have access to the Complaint Form on the ECP website, he/she may send complaint on a plain paper but he/she must ensure that pertinent information, such as, the complainant's name, his/her contact details, time, date, location and nature of offense, evidence and testimony supporting the complaint are included.

- The ECP endeavors to manage the complaint process in an efficient manner. To this end it currently uses two separate but complementary systems; the first a software based system that maintains records of complaints on computers; and second, a paper-based journal (Registers) system. After recording initial information i.e. the complainant's name, his/her contact details, time, date, location and nature of offense, evidence and testimony supporting the complaint, the same is placed in the duly numbered Constituency File for keeping a record of complaints from that particular Constituency.

The complaint is then assessed/examined by a Section Officer (who is assigned to that particular constituency), who proposes a course of action, which, if approved, is taken or as directed by the higher officials. Any subsequent correspondence in relation to that complaint i.e. replies/reports/comments, etc. received from a Government Department/Agency, to whom the complaint was sent for action, is entered in the complaint file and the information is sent to the relevant ECP official in case further direction is required. It is worth mentioning that a complaint is processed as expeditiously as possible after its receipt in any office of the ECP.

- Another important aspect of the complaint process is communicating with the complainant regarding the disposition of the complaint. The ECP places a priority on informing the complainant about the initial action it has taken but also informs him/her as to the final outcome of the complaint, i.e. what action has been taken by the concerned governmental department/agency.
- As stated earlier, for General Elections, 2008 the ECP has established a Complaint Section on its website - <http://www.ecp.gov.pk>. The Complaint Forms and other related information on the complaint process can be located there. The general public, political parties and other stakeholders are encouraged to visit the site. Those persons filing complaints directly to the CEC or the ECP Secretariat will be able to track their complaint via the ECP website. Any difficulty faced by any person may be communicated to the ECP for redress.

Polling Day complaints

Polling day complaints are received not only by the ECP at all its offices down to district level but can also be filed with the concerned DRO/RO or with the Police if it relates to a security issue. Complaints by polling agents or a voter inside the polling stations are dealt with and disposed of by the Presiding Officer. With respect to electoral offences that occur on polling day outside the polling station, complaints can be filed with the DRO or RO concerned. It is important to note that the ECP, in exercise of its powers under Section 86A of the Representation of the People Act, 1976, through a Notification, authorizes the District Returning Officers, Returning Officers and Assistant Returning Officers concerned as well as the Presiding Officer at each polling station to exercise the powers of a Magistrate of the First Class under the Code of Criminal Procedure, 1898 for polling day in respect of offences punishable under Section 80, Section 82A, Section 83, Section 84, Section 85, Section 86 and Section 87 of the Act. Any of the above officers can take cognizance of any such offence under any of the clauses of Section 190(1) of the Criminal Code, which provides that a Magistrate First Class may take cognizance of any offence:

- (a) upon receiving a complaint of facts, which constitute such offence;
- (b) upon a report in writing of such facts made by any police-officer;
- (c) upon information received from any person other than a police officer, or upon his own knowledge or suspicion.

In addition to above, there may be some violations of law of a very serious nature on the polling day, falling in the category of criminal acts. Such matters may be reported to the Police by registering an FIR (First Information Report) regarding such crime/offence.

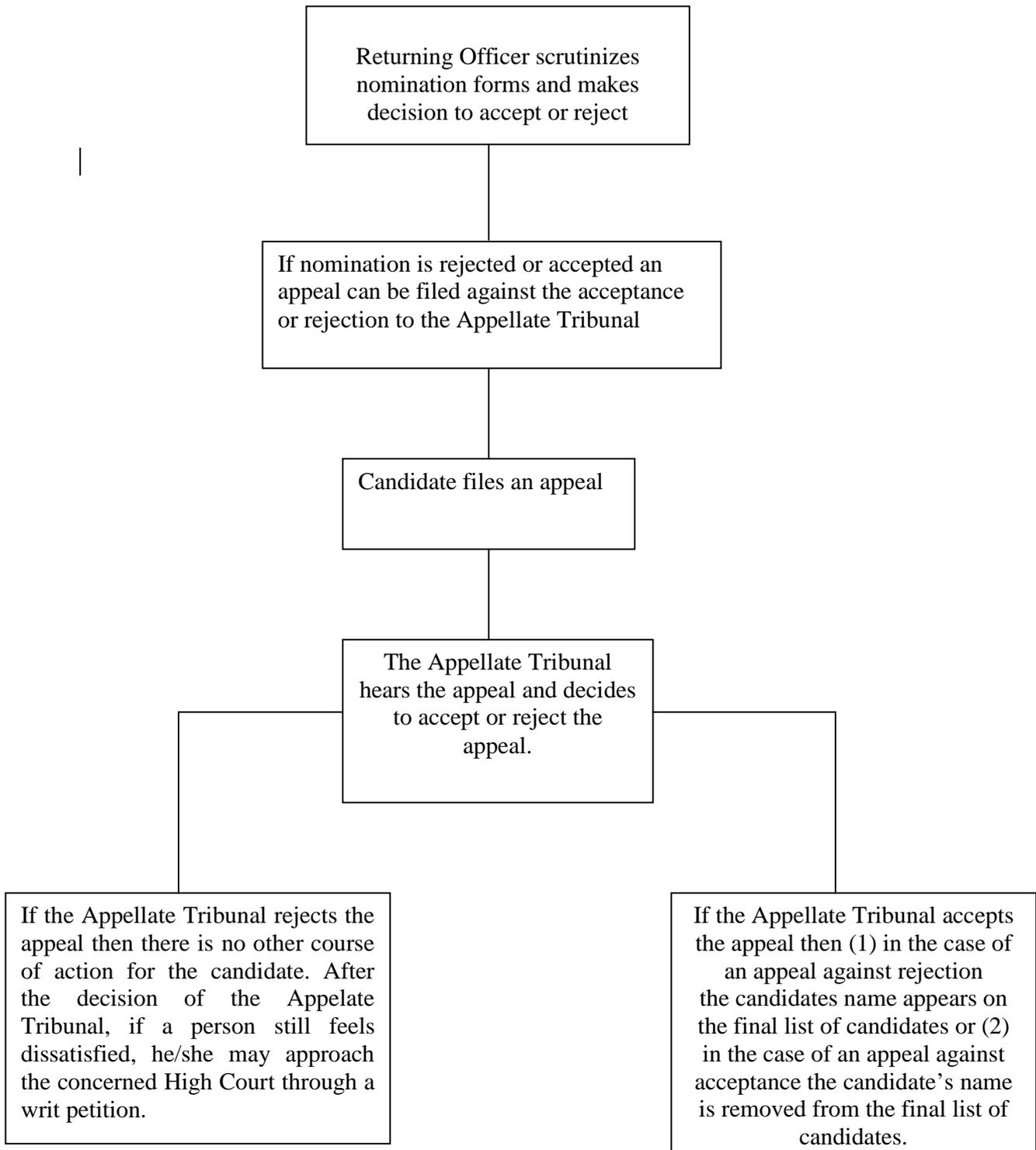
Complaint Process charts

The following pages contain a schematic overview of the complaint process for each of the four election phases:

- Nominations
- Pre-poll
- Polling Day
- Post Poll

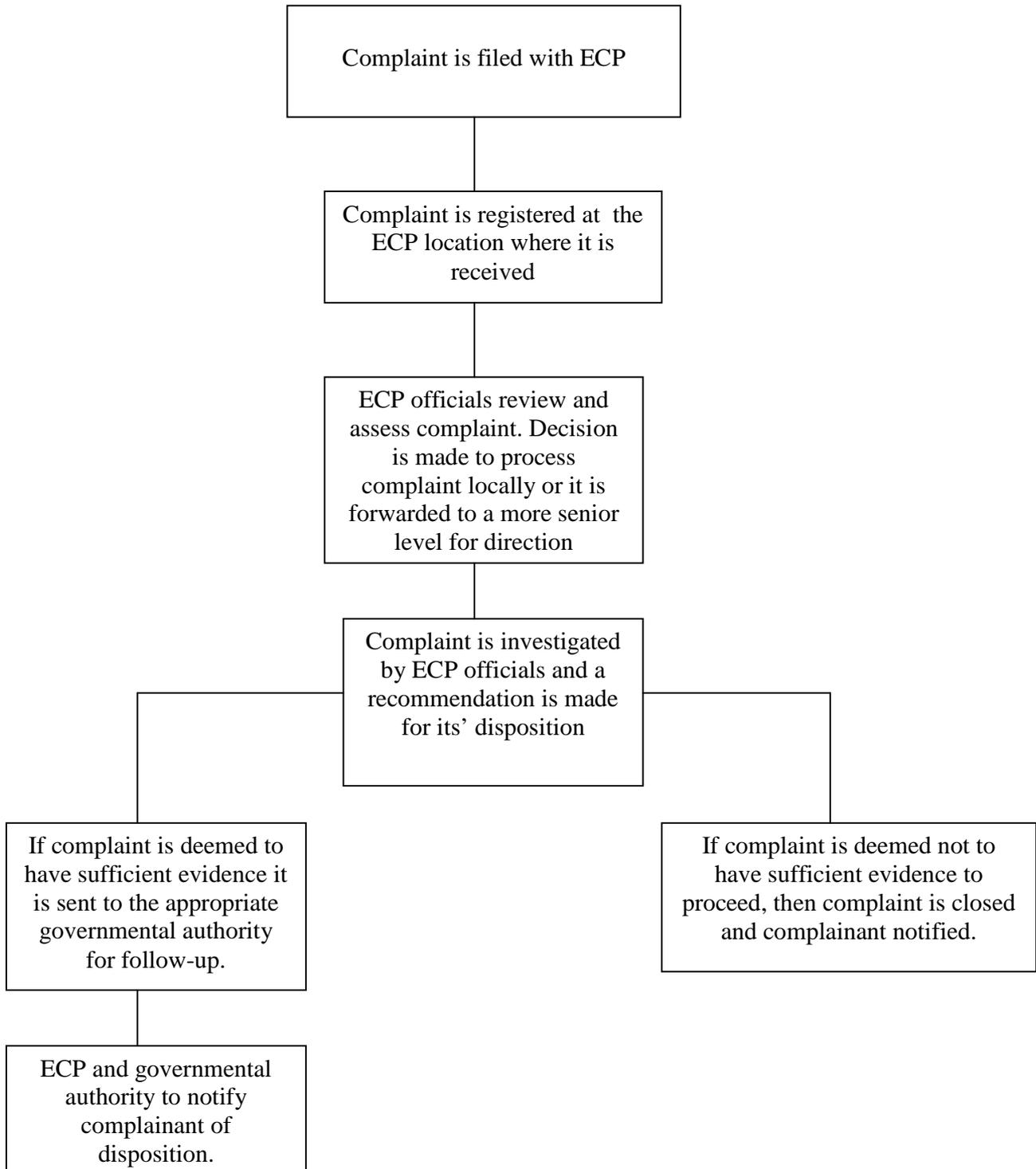
ECP Complaints Process

Nomination Period



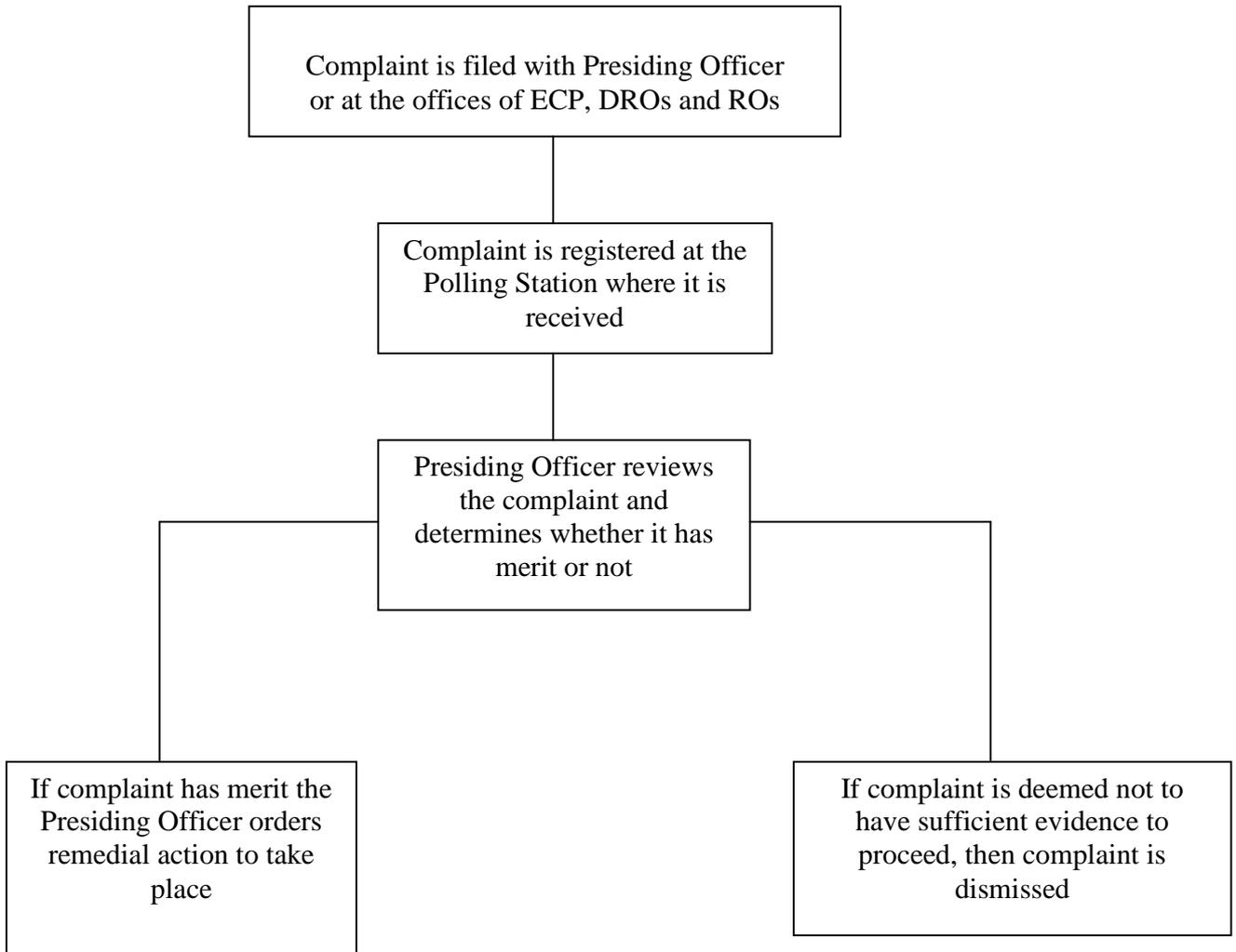
ECP Complaints Process

Pre-poll Period



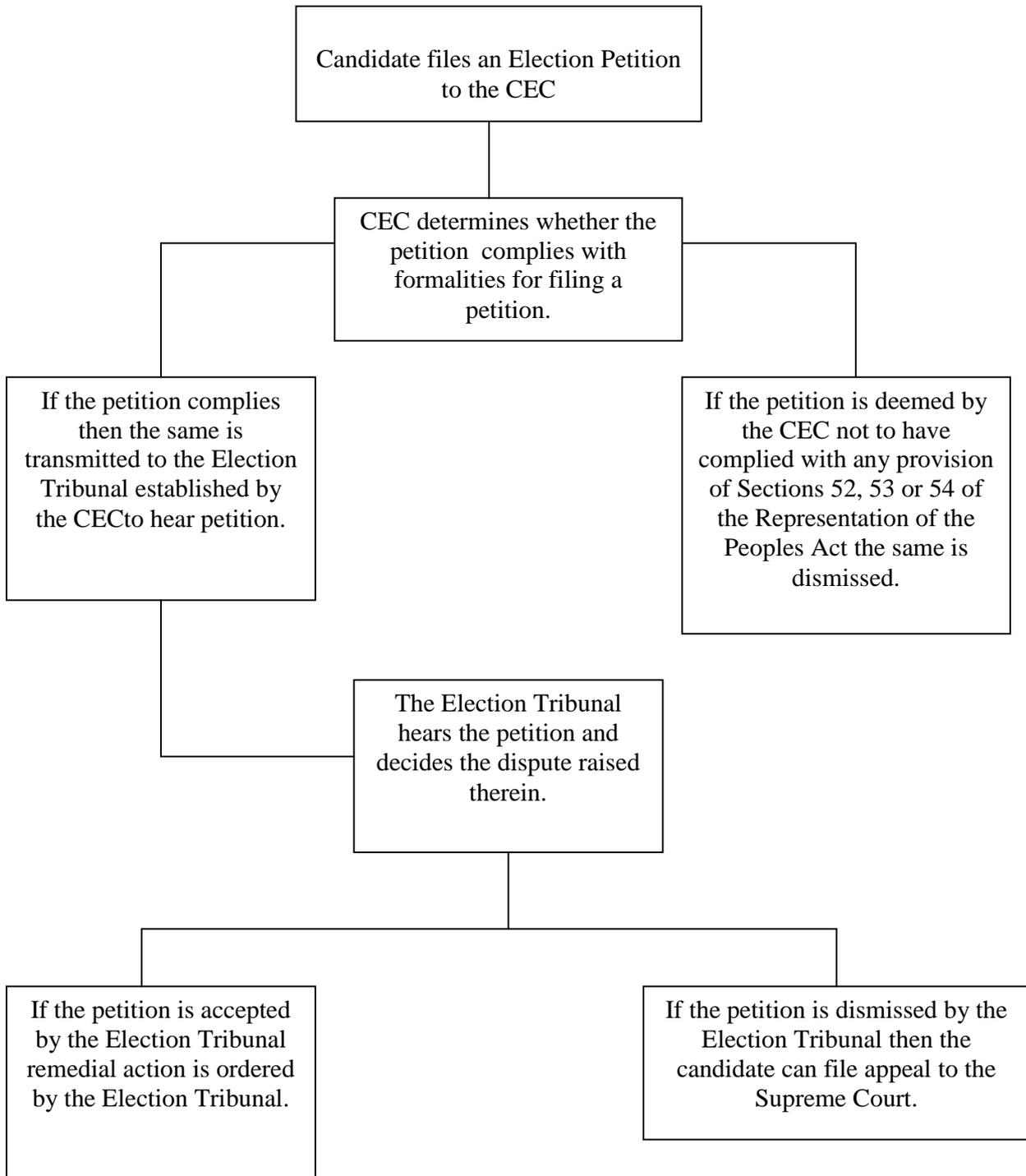
ECP Complaints Process

Polling Day



ECP Complaints Process

Post Poll Period



4. Applicable laws

The Constitution of the Islamic Republic of Pakistan, 1973

The Election Commission Order, 2002
(Chief Executive's Order No. 1 of 2002)

The Conduct of General Elections Order, 2002
(Chief Executive's Order No. 7 of 2002)

The Political Parties Order, 2002
(Chief Executive's Order No. 18 of 2002)

The Political Parties Rules, 2002

The Electoral Rolls Act, 1974
(Act XXI of 1974)

The Representation of the People Act, 1976
(Act LXXXV of 1976)

The Representation of the People
(Conduct of Election) Rules, 1977

The Allocation of Symbols Order, 2002

Code of Civil Procedure (Amendment) Ordinance, 2002

Code of Criminal Procedure, Act V of 1898

Code of Conduct, 2008

Appendix A
**Election Commission of Pakistan
Complaint Form 2008**

For Official ECP use only	
Date: _____	
File Number: _____	Location: _____
Circle: Parliamentary / Provincial	

1. Name of complainant _____
First name/family name/father's name _____
Identity number: _____
2. Contact information of complainant
Home address: _____
Telephone information: _____
Email address: _____
3. Nature of complaint (describe in section on back of this form)
 - Describe the violation/offense that took place.
 - Where did the offense/violation take place? Location
 - Who committed the offense? Person(s)
 - When did the offense/violation take place? Date/time
 - Provide other pertinent facts about the offense/violation, such as names and contact information of any witnesses
4. Evidence
 - Attach any evidence that can be used to support the complaint being filed
5. Signature of complainant _____
Date: _____
6. Name and signature of ECP official (in addition to date, time and location)
Name: _____ Signature: _____
Date: _____ Location: _____

Appendix B
Code of Conduct

ELECTION COMMISSION OF PAKISTAN

Islamabad, the 20 th November, 2007

NOTIFICATION

No.F.2(1)/2007-Cord.- WHEREAS, for the purpose of effective and meaningful consultation with the political parties, the Draft Code of Conduct for the Political Parties and Contesting Candidates for General Elections, 2007-08 was published in newspapers, giving it extensive publicity through electronic and print media in October, 2007 and was also circulated to the political parties, who submitted their annual statements of accounts as required under the provisions of the Political Parties Order, 2002 for eliciting their valuable comments/suggestions by the 6 th November, 2007 as to whether the provisions of aforementioned Code of Conduct may be retained in its present form or any of its provisions may be modified or amended or some new provisions may be added to the Code of Conduct for General Elections, 2007-08.

AND WHEREAS, the provisions of the Draft Code of Conduct as well as the comments/suggestions received from various political parties were discussed threadbare in a Meeting of the Election Commission with the representatives of the political parties held on the 19 th November, 2007 and the Draft Code of Conduct has been amended/modified in the light of the decisions taken therein;

NOW THEREFORE, in pursuance of Article 218 (3) of Constitution of Islamic Republic of Pakistan, read with Articles 5(3) and 6 of the Election Commission Order, 2002 (Chief Executive's Order No.1 of 2002), and Article 18 of Political Parties Order, 2002 (Chief Executive's Order No. 18 of 2002), and all other powers enabling in that behalf, the Election Commission is pleased to issue the following Code of Conduct for Political Parties and Contesting Candidates for the forthcoming General Elections, 2007-08.

1. General Conduct:

- (1) The political parties shall not propagate any opinion, or act in any manner prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or

- morality, or the maintenance of public order, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the armed forces of Pakistan, as provided under Article 63 of the Constitution.
- (2) Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism based on unverified allegations or distortion shall be avoided.
 - (3) Concerned political parties and contesting candidates may announce their overall development programme. But after the announcement of the election schedule till the day of polling, no candidate or any person on his behalf shall, openly or in secret, give any subscription or donation, or make promise for giving such subscription or donation, to any institution of their respective constituency or to any other institution, nor shall commit to undertake any development project in the respective constituency.
 - (4) All contesting candidates shall avoid scrupulously all activities which are “corrupt practices” and offences under the election laws such as the bribing of voters, intimidation and personation of voters, canvassing within 400 yards of a polling station, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll by the Election Commission of Pakistan.
 - (5) The right of every individual for peaceful and undisturbed domestic life shall be respected, irrespective of any resentment that a political party or a candidate may have against such individual for his political opinion or activities. Organizing demonstrations or picketing before the house of such individual with a view to protest against his political opinion or activities shall be prohibited under any circumstances.
 - (6) No political party or candidate shall permit his followers to make use of any individual’s land, building, compound wall etc. without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc.
 - (7) Political parties and candidates shall ensure that their supporters do not create obstructions in or disturb meetings and processions organized by the other parties. Workers or sympathizers of one political party shall not create disturbance at public meetings organized by another political party.

- (8) Political parties and contesting candidates shall firmly restrain their workers from exerting undue pressure against the print and electronic media, including newspaper offices and printing presses, or resorting to violence of any kind against the media.
- (9) The political parties, contesting candidates and workers shall refrain from deliberate dissemination of false and malicious information. The workers of political parties shall not indulge in forgeries and disinformation to defame other political parties/leaders. The use of abusive language against the leaders and candidates of other political parties shall be avoided at all costs.
- (10) The political parties shall refrain from speeches calculated to arouse parochial and sectarian feelings and controversy of conflicts between genders, sects, communities and linguistic groups. [Section 78 of the Representation of the People Act, 1976].
- (11) Appeals to violence or resort to violence during meetings, processions, or during polling hours shall be strictly avoided. [Section 81 of the Representation of the People Act, 1976].
- (12) No person shall in any manner cause injury to any person or damage to any property. [Section 81 of the Representation of the People Act, 1976].
- (13) Carriage and display of all kinds of lethal weapons and fire arms shall not be allowed in public meetings and processions and official regulations in respect thereof shall be strictly observed. Aerial firing, use of crackers and other explosives at public meetings shall not be allowed.
- (14) The political parties, contesting candidates, agents or workers shall not indulge in offering gifts or gratifications or inducement to any person to stand or not to stand as a candidate, or to withdraw or not to withdraw his candidature. [Section 79 of the Representation of the People Act, 1976].
- (15) The political parties, contesting candidates and their workers shall not propagate against the participation of any person in the elections on the basis of gender, ethnicity, religion or caste. Political Parties' officials, candidates or others shall not encourage or enter into agreements debarring women from becoming candidates or exercising their right of vote in an election.
- (16) Ministers shall not combine their official visits with election campaign.
- (17) The political parties and contesting candidates shall not procure the support or assistance of any civil servant to promote or hinder the election of a candidate. [Section 83 of the Representation of the People Act, 1976].

- (18) The political parties and their candidates shall dissuade their workers or sympathizers from destroying any ballot paper or any official mark on the ballot paper. [Section 87 of the Representation of the People Act, 1976].
- (19) No person or a political party or a candidate shall hoist or fix party flags on any public property or at any public place, except with the permission in writing from, and on payment of such fee or charges as may be chargeable by, the concerned local government or authorities. Wall chalking as part of an election campaign shall be prohibited in all forms. [Section 83A of the Representation of the People Act, 1976].
- (20) Section 83A of the Representation of the People Act, 1976 lays down that no person or a political party shall affix posters, hoardings, banners or leaflets/handbills larger than the sizes prescribed by the Election Commission. The Commission has prescribed the sizes as under:
- (a) Posters 2-feet x 3-feet
 - (b) Hoardings 3-feet x 5-feet
 - (c) Banners 3-feet x 9-feet
 - (d) Leaflets/Handbills 9-inches x 6 inches
- The local authority and the Returning Officer shall be responsible for the effective implementation of the provisions of this section.
- (21) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity shall be scrupulously avoided.

2. Meetings:

- (1) The party or candidates shall inform the local administration of the venue and time of any proposed meeting at least 24 hours in advance so as to enable the police to make necessary arrangements for controlling traffic and maintaining law and order.
- (2) A party or candidate shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such orders exist, they shall be followed strictly. If any exception is required from such orders it shall be applied for and permission obtained well in time.
- (3) Organisers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create a disorder.

- (4) The political parties and their candidates shall not hold public meetings or rallies on main streets, roads and chowks to avoid traffic jams and public inconvenience.

3. Processions:

- (1) Processions shall not be taken out by one party along places at which meetings are being held by another party. Posters affixed by one party shall neither be removed nor distribution of handbills and leaflets prevented by workers of another party.
- (2) A party or candidate organizing a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme. The organizers shall give advance intimation of at least 2 days to the local police authorities of the programmes so as to enable them to make necessary arrangements.
- (3) The organizers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions unless exempted specially by competent authority. Traffic regulations or restrictions shall also be carefully adhered to.
- (4) The organizers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organized in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held up traffic could be allowed by stages thus avoiding heavy traffic congestion.
- (5) If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organizers shall establish contact well in advance and decide upon the measures to be taken to ensure that the processions do not clash or cause hindrance to traffic. The assistance of the local administration shall be availed of for arriving at a satisfactory arrangement. For this purpose, the parties shall contact the local administration at the earliest opportunity but not later than 3 clear days before the date of the procession.
- (6) The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles, which may be put to misuse by undesirable elements, especially in moments of excitement.

4. Polling Day:

- (1) All political parties and candidates shall-
 - (i) co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstructions; [Section 86 of the Representation of the People Act, 1976];
 - (ii) supply to their authorized polling agents badges or identity cards;
- (2) Political parties shall carry out a comprehensive plan for education of voters in the manner of marking the ballot paper and casting votes.
- (3) Excepting the voters, candidates or duly authorized election agents, no one without a valid pass from the Election Commission or Provincial Election Commissioner concerned or District Returning Officers shall enter the polling booths. However, foreign/domestic observers and representatives of recognized bodies will be provided free access to witness the election process on production of the identification cards/passes issued to them by the aforesaid Election Commission authorities.

By Order of the Election Commission,
(Kanwar Muhammad Dilshad) Secretary