

No.F.4(3)/2015-LGE(P)(Vol-IV)
ELECTION COMMISSION OF PAKISTAN



To

Secretariat,
Constitution Avenue, G-5/2,
Islamabad, 26th August, 2015

✓ All the Returning Officers concerned.

Through:

The Provincial Election Commissioner,
Punjab,
Lahore.

Subject: **LOCAL GOVERNMENT ELECTIONS-2015 (1ST PHASE) IN THE
PUNJAB PROVINCE (INSTRUCTIONS FOR SCRUTINY).**

Dear Sir,

I am directed to refer to Rule 14 and 78 of the Punjab Local Governments
(Conduct of Elections) Rules, 2013 and to state that:

- i. scrutiny process shall be open for the persons authorized in sub-rule (1) of Rule 14 ibid. In this regard, directions of the Hon'ble Lahore High Court, Lahore passed in WP No. 7651/2013 are reproduced for strict adherence:

"I. All the District & Sessions Judges/District Returning Officers/Returning Officers are directed to immediately refrain from asking random intrusive and inquisitive questions that have no nexus with the information supplied in the nomination paper or do not arise from the objections raised by the other side or from the information collected or received by the RO from the authorized agencies like NAB, SBP, FBR and NADRA as per the direction issued by the ECP dated 31.03.2013 titled "Scrutiny of nomination papers by the Returning Officers".

II. The declaration of the candidate on oath submitted alongwith the Nomination Paper shall only be questioned by the RO if there is tangible and credible material to the contrary on the record in the shape of nomination paper or objections by the other side or information procured by the RO through the above authorized agencies.

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III. The ECP, PECP and DROs all over Punjab are directed not to allow electronic media to telecast the judicial proceedings from inside the court room on national television. However, the members of the press/media can be inside the court to record and report the proceedings.

- ii. the Returning Officer shall give all those present reasonable opportunity for examining all nomination papers delivered to him and decide any objection raised by any such person to any nomination;
- iii. the Returning Officer shall scrutinize the nomination papers strictly in accordance with Sections 27 & 28 of the Punjab Local Government Act, 2013 (**copy enclosed**) and Rule 14 *ibid*;
- iv. the Returning Officer may, either on his own accord or on an objection, conduct such summary inquiry as he may think fit;
- v. the Returning Officer may, for the purpose of scrutiny, require any agency or authority to produce any document or record. A **specimen format** for seeking information, if the RO so desires, from various organizations is **enclosed** however, the Returning Officer may also devise his own mechanism for the same;
- vi. the Returning Officer may require, through the District Returning Officer concerned, from various organizations to appoint their Focal Persons through which the Returning Officer may verify the information provided by the candidates on nomination forms;
- vii. professional ethics, humaneness and due courtesy would be observed by the Returning Officer during scrutiny process;
- viii. in case the Returning Officer rejects a nomination form, he shall give brief reasons for rejection;
- ix. adequate security measures shall be taken by the Returning Officer so as to avoid any untoward incident during scrutiny of the nomination papers;
- x. the Returning Officer shall, after the scrutiny of nomination papers, prepare in Form-VI a list of validly nominated candidates and display the same at some conspicuous place in his office. An authenticated copy of Form-VI shall immediately be sent to the Provincial Election Commissioner for onward submission to the Election Commission;
- xi. the Returning Officer shall, after the scrutiny of nomination papers, prepare in the format (**Annexure-H**) a statement showing the

symbol preference of each validly nominated candidate and a copy of the same shall immediately be sent to the Provincial Election Commissioner for onward submission to the Election Commission;

2. The scrutiny process shall be carried out in accordance with law and above instructions in letter and spirit.

Encl: As above.

Yours sincerely,



(Irfan Kausar)

Deputy Director (LGE-P)

- I. Copy forwarded to all the **District Returning Officers concerned (through PEC, Punjab)** with the request to appoint a Focal Person who could provide to all the Returning Officers Contact Numbers including Cell Number and E-mail Addresses of the Focal Persons appointed by various Organizations in order to facilitate the Returning Officers during scrutiny process.
- II. Copy also forwarded to the following with the request that a **Focal Person** may immediately be appointed and intimation of the same, along with **Contact Numbers including Cell Number and E-mail Addresses** (to be used for receiving and sending E-mails) of the Focal Person, be made to all the District Returning Officers concerned through tele-fax and E-mail latest by 31.08.2015 for onward dissemination of the same to the Returning Officers concerned:
 - i. The Chairman, NADRA, Islamabad.
 - ii. The Chairman, National Accountability Bureau, G-5/2, Islamabad.
 - iii. The Governor, State Bank of Pakistan, Karachi.
 - iv. The Secretary, Ministry of Interior, Islamabad with the request to ensure dissemination of the same to FIA and IGPs for supply of requisite information when required.
 - v. The Managing Director, Pakistan Electric Power Company (PEPCO), Lahore (with the request to ensure compliance from all Electric Supply Companies of the Country).
 - vi. The Chairman, Federal Board of Revenue, Islamabad.
 - vii. The Secretary, Ministry of Finance, Islamabad.
 - viii. The Secretary, Establishment Division, Islamabad.
 - ix. The Secretary, Ministry of Water & Power, Islamabad.
 - x. The Secretary, Ministry of Petroleum, Islamabad with the request to ensure dissemination of the same to SNGPL and SSGPL for supply of requisite information when required.
 - xi. The Chairman, Pakistan Telecommunication Limited (PTCL), Islamabad.



(Irfan Kausar)

Deputy Director (LGE-P)

ANNEXURE-H
LIST OF SYMBOL PREFERENCES OF VALIDLY NOMINATED CANDIDATES

Election to (Category of Seat) _____ of Union Council / Ward / District
Council / Municipal Committee / Municipal Corporation/Metropolitan Corporation

Sr. No.	Name of Candidate	Name of Father / Husband	Address of Candidate	Symbol Preference
(1)	(2)	(3)	(4)	(5)

Place: _____

Signature of Returning Officer

Date : _____

14. Scrutiny.— (1) The scrutiny of nomination papers shall be open to the candidates, their election agents, proposers and seconders, or the persons who made objections against the nomination papers, and any voter of the constituency with the permission of the Returning Officer, before the commencement of the scrutiny, and the Returning Officer shall give all those present reasonable opportunity for examining all nomination papers delivered to him under rule 12.

(2) The Returning Officer shall, in the presence of the persons attending the scrutiny under sub-rule (1), examine the nomination papers and decide an objection raised by any such person to a nomination.

(3) The Returning Officer may, either on his own accord or on an objection, conduct such summary inquiry as he may think fit and reject a nomination paper if he is satisfied that:

- (a) the candidate is not qualified to be elected as a member, a Chairman and a Vice Chairman, or a Mayor and a Deputy Mayor;
- (b) the proposer or the seconder is not qualified to subscribe to the nomination paper;
- (c) any provision of rule 12 or rule 13 has not been complied with; or
- (d) the signature or thumb impression of the proposer or the seconder is not genuine.

(4) The rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper.

(5) The Returning officer may, for purposes of scrutiny, require any agency or authority to produce any document or record.

(6) In case of joint candidacy, the rejection of the nomination of either a Chairman or a Vice Chairman or a Mayor or a Deputy Mayor shall be construed as rejection of nomination of all those joint candidates.

(7) The Returning officer shall not reject a nomination paper on the ground of any defect which is not of a substantial nature and may allow such defect to be remedied forthwith, including an error with regard to the name, serial number in the electoral roll or other particulars of the candidate or his proposer or seconder so as to bring them in conformity with the corresponding entries in the electoral rolls.

(8) The Returning Officer shall not enquire into the correctness or validity of any entry in the electoral roll.

(9) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting it and, in case of rejection, record brief reasons therefor.

(10) An appeal against the decision of the Returning Officer rejecting or accepting the nomination paper of the candidate(s) may be preferred by any person present at the time of scrutiny under sub-rule (1) to the appellate authority, who shall be the District and Sessions Judge or any other judicial officer, appointed for the purpose by the Election Commission.

(11) The appeal under sub-rule (10) shall be summarily decided within such time as may be notified by the Election Commission and any order passed thereon shall be final.

(12) An appeal not disposed of within the period as notified by the Election Commission shall be deemed to have been rejected.

27. Qualifications and disqualifications for candidates and elected members.—(1) A person shall qualify to be elected as a member or to hold an elected office of a local government, if he:

- (a) is a citizen of Pakistan;
- (b) except the youth member, is not less than twenty five years of age on the last day fixed for filing the nomination papers; ¹[and]
- ²[(c) is enrolled as a voter in the electoral rolls of the ward or the local government from which he is contesting the election.]

(2) A person shall be disqualified from being elected or chosen as, and from being, an elected member of a local government, if he-

- (a) ceases to be citizen of Pakistan or acquires citizenship of a foreign State;
- (b) is declared by a competent court to be of unsound mind;
- (c) is an undischarged insolvent;
- (d) is in the service of Pakistan or of a local government;
- (e) is in the service of any statutory body or a body which is owned or controlled by the Government or a Provincial Government or the Federal Government or a local government or, in which any of such Government or local government has a controlling share or interest, except the holders of elected public office and part-time officials remunerated either by salary or fee; provided that in case of a person who has resigned or retired from any such service, a period of not less than two years has elapsed since his resignation or retirement;
- (f) is under an existing contract for work to be done or goods to be supplied to a local government or has otherwise any direct pecuniary interest in its affairs;
- (g) has been dismissed from public service on the grounds of misconduct unless a period of five years has elapsed since his dismissal;
- (h) has been removed or compulsorily retired from public service on the grounds of misconduct unless a period of three years has elapsed since his removal or compulsory retirement;
- (i) has been convicted by a court of competent jurisdiction for a term not less than two years for an offence involving moral turpitude or misuse of power or authority under any law unless a period of five years has elapsed since his release; ³[and]
- (j) has been convicted for an offence involving activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan unless a period of five years has elapsed since his release.
- ⁴(k) [Omitted. * * *]

(3) If a person:

- (a) is found by the Election Commission to have contravened any provisions of subsections (1) or (2), he shall stand disqualified from being a candidate for election to any office of a local government for a period of four years; or
- (b) has been elected as a member of a local government and is found by the Election Commission to have contravened any provision of subsections (1) or (2), he shall cease forthwith to be an elected member or to hold the office of such member and shall stand disqualified from being a candidate for election to a local government for a period of four years.

¹ Inserted vide the Punjab Local Government (Amendment) Act, Act XXIII of 2013 dated 13-12-2013.

² Substituted vide the Punjab Local Government (Amendment) Act, Act XXIII of 2013 dated 13-12-2013.

³ Inserted vide the Punjab Local Government (Amendment) Act, Act XXIII of 2013 dated 13-12-2013.

⁴ Omitted vide the Punjab Local Government (Amendment) Act, Act XXIII of 2013 dated 13-12-2013.

¹[(4) A candidate who claims to be a Muslim shall submit to the Returning Officer the declaration given in Ninth Schedule alongwith the nomination papers.]

28. Bar against dual membership.— (1) A Mayor, a Deputy Mayor, a Chairman or a Vice Chairman may contest election for any other political office after resigning from the office of the Mayor, Deputy Mayor, Chairman or Vice Chairman.

(2) A member of a local government, other than the Chairman of a Union Council, may contest election for any other political office without resigning from the membership of the local government but any such member shall not simultaneously hold more than one office.

(3) If a member of a local government is elected to any other political office, on the notification of election of that political office, his seat as member of the local government shall become vacant.

(4) If a Chairman of a Union Council is elected as the Mayor or a Deputy Mayor, or as the Chairman or a Vice Chairman of the District Council, he shall cease to be the Chairman of the Union Council and the seat of the Chairman of the Union Council shall stand vacated.

(5) Nothing in this section shall apply to bar a member of a local government to contest the election of Mayor, Deputy Mayor, Chairman or Vice Chairman of a local government or a member of an Authority.

¹ Inserted vide the Punjab Local Government (Amendment) Act, Act XXIII of 2013 dated 13-12-2013.