

MOST IMMEDIATE
Through E-mail/Fax/TCS

No.F.6(1)/2015-LGE(S)
ELECTION COMMISSION OF PAKISTAN



Secretariat,
Constitution Avenue, G-5/2,
Islamabad, 21st September, 2015

To

All the Returning Officers concerned.

Through:

The Provincial Election Commissioner,
Sindh,
Karachi.

Subject: **INSTRUCTIONS FOR SCRUTINY – 3rd PHASE OF LOCAL GOVERNMENT ELECTIONS, 2015 IN SINDH PROVINCE**

Dear Sir,

I am directed to refer to Rule 18 and 3 of the Sindh Local Councils (Election) Rules, 2015 and to state that:

- i. Scrutiny process shall be open for the persons authorized in sub-rule (1) of Rule 18 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 along with 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 Sindh 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 Rule 18 of the Sindh Local Councils (Election), Rules, 2015 (**copy enclosed**);
- 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,


(Adnan Bashir)
Deputy Director (LGE-S)

- i. Copy forwarded to all the **District Returning Officers concerned (through PEC, Sindh)** 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 through tele-fax and E-mail latest by **28th September, 2015** for onward dissemination of the same to the Returning Officers:
 - 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, Karachi Electric (K-Electric) (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.


(Adnan Bashir)
Deputy Director (LGE-S)

(c) Union Council	....	Rs. 2000/-
(d) Town Committee	....	Rs. 2000/-
(e) Municipal Committee	....	Rs. 3000/-
(f) District Council and Corporation	....	Rs. 5000/-
(g) Reserved Seats	....	Rs. 500/-

(2) The candidature fee as indicated in sub rule(1) against each category of local council shall be applicable to various categories of seats in particular council.

(3) The candidature fee for a particular seat shall be paid only once in the proper head of account prescribed by Election Commission.

(4) The receipt for the payment of the fee shall be issued and the particulars entered in the register in Form IV.

(5) The details of nomination fees received from the candidate shall be entered in Form-V.

(6) The head of account for the purpose of deposit at the branch of the State Bank of Pakistan or the National Bank of Pakistan or at a Government treasury or sub treasury shall be determined by the Election Commission.

18. (1) The candidates, their election agents, proposers and seconders, and one other person authorized in this behalf by each candidate and the person who made a representation against the nomination paper may attend the scrutiny of nomination papers, and the Returning Officer shall give them reasonable opportunity for examining all nomination papers delivered to him under rule 16. Scrutiny.

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

(3) The Returning Officer, may either on his own motion or upon any objection, conduct such summary enquiry 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;
- (b) the proposer or the seconder is not qualified to subscribe to the nomination paper;
- (c) any provision of rule 16 or rule 17 has not been complied with; or
- (d) the signature of the proposer or the seconder is not genuine:

Provided that -

- (i) the rejection of a nomination paper shall not

- invalidate the nomination of a candidate by any other valid nomination paper;
- (ii) 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;
 - (iii) the Returning Officer shall not enquire into the correctness or validity of any entry in the electoral roll.

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

(5) An appeal against the decision under sub rule (4) shall lie to Appellate Authority appointed by the Election Commission and shall be filed and disposed of by the date specified in the election programme.

(6) An appeal shall be disposed of either summarily or after summary enquiry as the Appellate Authority may consider necessary.

(7) The orders passed under sub-rule (5) shall be final.

19. (1) The Returning Officer, shall after the scrutiny of nomination papers, prepare on Form VII, a list of validly nominated candidates and publish the same at some conspicuous place in his office. **Publication of the list of candidates.**

(2) Where an appeal is accepted, the name of the appellant shall be entered in the list of validly nominated candidates and the list so revised shall be republished.

20. (1) Any validly nominated candidate may, by notice in writing signed by him and delivered on or before the withdrawal day to the Returning Officer, either by such candidate in person or by an agent authorized in this behalf in writing by such candidate, withdraw his candidature. **Withdrawal.**

(2) On receiving a notice of withdrawal under sub-rule (1), the Returning Officer shall, if he is satisfied that the signature on the notice is that of the candidate, cause a copy of the notice to be affixed at some conspicuous place in his office.

(3) The Returning Officer shall on the day next following the withdrawal day, prepare in Form VIII, a list of contesting candidates in Urdu alphabetical order and affix the same at some conspicuous place in his office.

(4) Notwithstanding the rules framed under the Act, the list of contesting candidates finalized under sub-rule(3), the contesting

CANDIDATE'S PARTICULARS (TO BE FILLED IN BY RO)

1	Full Name	4	Name of Council / Committee (& No. if any)
2	CNIC #	5	Tehsil
3	Name of Local Govt.	6	District

Dual Nationality	Yes	No	If yes, Country Name
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Old NIC # (if any)	
Present Address	
Permanent Address	
F / H Name	F / H CNIC #
Mother's Name	Mother's Name
Spouse Name	Spouse's CNIC #
Spouse Name	Spouse's CNIC #
Child Name	Child's CNIC #
Child Name	Child's CNIC #
Child Name	Child's CNIC #
Child Name	Child's CNIC #
Child Name	Child's CNIC #
Child Name	Child's CNIC #

* Insert more rows (if Needed)

Note : Concerned Department may please tick the relevant box.

1	Ministry of Water & Power (PEPCO, LESCO, FESCO, GEPCO, MEPCO, IESCO, WASA)	Is the Candidate Utility bill defaulter?
2	Ministry of Petroleum & Natural	Is the Candidate Utility bill defaulter?
3	Housing & Works (Pak PWD, Federal)	Is the Candidate defaulter of any government dues?
4	Establishment Div	Is the Candidate's retirement period less than 2 years? Has the candidate been removed or dismissed from service?
5	Ministry of Interior	Has any candidate been convicted?
6	Federal Board of	Is the candidate Tax Defaulter?
7	National Accountability	Has any of the candidates been convicted?
8	State Bank of Pak	Has the candidate / spouse / dependent been adjudged a willful defaulter of any tax or other financial dues?
9	Others (if any)	

ANNEXURE-H

LIST OF SYMBOL PREFERENCES OF VALIDLY NOMINATED CANDIDATES

Election to (Category of Seat) _____ of Union Council / Union Committee / 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: _____