

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad the 28th March, 2017

No.F.8(4)/2013-Cord (1).- In pursuance of Article 218(3) of the Constitution of the Islamic Republic of Pakistan read with Article 220 of the Constitution, Article 18 of the Political Parties Order, 2002 (Chief Executive's Order No.18 of 2002), Workers Party of Pakistan Case (PLD 2012 SC 681) and all other powers enabling it in that behalf, the Election Commission is pleased to issue the following Code of Conduct for political parties and candidates for bye-election in constituency No. **PK-54 Mansehra-II**.

2. The contents of this Code of Conduct shall be considered as directives of ECP and violation of any of its clauses thereof shall be proceeded against under Article 204 of the Constitution read with Section 103A of the Representation of the People Act, 1976.

CODE OF CONDUCT

- (i) The executive authorities in the Federation and in the Provinces shall not use State Resources in said constituency where bye-election is being held for unfair advantage of a particular candidate or political party nor exercise undue influence affecting the interest of a candidate or party for participating in any bye-election to be held hereinafter;
- (ii) If any person in the service of Pakistan misuses his official position in any manner calculated to influence the result of the election, he may be tried by a Court of Sessions as contemplated under Section 95 of the Representation of the People Act, 1976 and, if found guilty of the offence, may be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both under Section 92 of the Act;

Contd.....

- (iii) No transfers/postings of the civil servants shall be made after the issuance of Schedule of bye-election till the completion thereof;
- (iv) Individual transfers/postings of civil servants shall only be made, after the issuance of Schedule of bye-election, in exceptional circumstances, in exigency of service and in public interest, with prior approval of the Election Commission.
- (v) After the issuance of Schedule of bye-election, the President, Prime Minister, Chairman/ Deputy Chairman Senate, Speakers of Assemblies, Federal Ministers, Ministers of State, Governor, Chief Minister, Provincial Ministers and Advisors to the Prime Minister and the Chief Minister, Members of the National Assembly/Provincial Assembly and other public office holders will neither visit the area of any constituency nor shall openly or in secret give any subscription or donation or make promise for giving such subscription or donation to any institution of a constituency, nor shall inaugurate, commit to undertake or announce any development project therein for the advancement of the campaign of a candidate of his choice and thereby influence the results of election.
- (vi) The Prime Minister, Chief Minister, Federal Ministers, State Ministers, Advisors to the President and the Prime Minister, Provincial Ministers and Advisors to the Chief Minister, Members of the National Assembly/Provincial Assembly or any person on their behalf shall not visit the Constituency or a polling station after the issuance of Schedule of bye-election till the completion of poll.
- (vii) If any of the public office holders mentioned in para (v) and (vi) above is found to have misused his official position to influence the result of an election in any manner whatsoever, legal action shall be taken against such person in accordance with law under section 103A of the Representation of the People Act, 1976, relating to contempt proceedings.

By order of the Election Commission of Pakistan.


(Waqas Ahmed Malik)
Deputy Director (Cord)

To:

The Manager,
Printing Corporation of Pakistan Press,
Islamabad.

[For publication in the Gazette of Pakistan,
Extraordinary (Part-III) of today's date.]

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad, the 28th March, 2017

No.F.8(4)/2013-Cord (2). - WHEREAS, under Article 218(3) of the Constitution of the Islamic Republic of Pakistan it is the duty of the Election Commission to organize and conduct an election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law and that the corrupt practices are guarded against;

AND WHEREAS, Article 220 of the Constitution read with Section 5 of the Representation of the People Act, 1976 (hereinafter called the Act) envisage that it shall be the duty of all executive authorities in the Federation and in the Provinces to assist the Chief Election Commissioner and the Election Commission in the discharge of his or their functions;

AND WHEREAS, Section 104 of the Act provides that anything required to be done for carrying out the purposes of the Act, for which no provision or no sufficient provision exists shall be done by such authority and in such manner as the Commission may direct;

AND WHEREAS the Hon'ble Supreme Court of Pakistan vide its Judgment dated 8th June, 2012 passed in Constitution Petition No. 87/2011 (Workers Party Pakistan and others vs. Federation of Pakistan and others) has observed that the Election Commission is empowered to check not just illegal action relating to the election (violating the limits set for campaign finance, etc.) or corrupt practices (bribery, etc), but is also empowered to review all election activities, including jalsas, Jaloos, use of loud speakers, etc. for their effects on the standard of 'fairness, justness and honesty' that elections are expected to meet and that the Commission is also empowered to take preemptive measures to ensure that the spirit of democracy and 'fairness, justness and honesty' of elections is fully observed;

Contd....

AND WHEREAS the bye-election in the Constituency No. **PK-54 Mansehra-II**, is scheduled to be held on **10.05.2017** and it is expedient to issue the following Directive to ensure free, fair and transparent election and to guard against corrupt practices.

NOW, THEREFORE, in exercise of the powers conferred upon it under Articles 218(3) and 220 of the Constitution read with Section 104 of the Act and pursuant to the directions of the Hon'ble Supreme Court in the judgment supra and all other powers enabling it in that behalf, the Election Commission is pleased to direct that:

ELECTION EXPENSES

- i) None of the contesting candidates shall exceed the limit of election expenses of **Rs. 10,00,000/- (rupees one million) for Provincial Assembly Constituency**, in terms of sub-section (2) of Section 49 of the Representation of the People Act 1976;
- ii) Each contesting candidate shall open an account with a scheduled bank **on or before the scrutiny of nomination papers** and deposit therein the amount of Rs. 10,00,000/- (rupees one million) for Provincial Assembly Constituency, to meet the election expenses;
- iii) All election expenditures shall be made out of the amount deposited in the aforesaid account;
- iv) No transaction towards the election expenses shall be made through an account other than the account opened for the purpose;
- v) All transactions relating to the election expenses shall be entered with GST registered firms;
- vi) Every contesting candidate shall maintain his account of election expenditure on day-to-day basis;
- vii) Each contesting candidate shall submit to the District Returning Officer on every Thursday of the campaign period, a statement of election expenses made by him during the preceding week in terms of Section 50 of the said Act;

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ELECTION CAMPAIGN

- i) Car rallies are not allowed to travel long distances except if they have pre-arranged corner meetings at specific designated places. These meetings shall be notified to the ordinary public by the local administration. The local administration must also ensure that all candidates are accommodated indiscriminately.
- ii) No person or a political party shall affix posters, hoardings or banners larger than the sizes prescribed below:

(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
- iii) No person or a political party 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.
- iv) Wall chalking as part of an election campaign shall be prohibited in all forms.
- v) Loudspeakers shall not be used for election campaign except at the election meetings.
- vi) The political parties and candidates shall convey their schedule of meeting at least one week in advance to the local administration;
- vii) Local Administration shall be responsible for making appropriate security arrangements and regulating such meetings in such a manner that equal opportunities are provided to the contesting candidates interested in holding rallies and meetings;
- viii) The contesting candidates shall follow the Code of Conduct for the political parties and contesting candidates issued for General Elections, 2013 except in so far as it is inconsistent with this Directive and the aforesaid judgment of the Hon'ble Supreme Court of Pakistan.
- ix) The Election Commission shall review all election activities including Jalsas, Jaloos and use of Loudspeakers etc. in order to ensure the fairness, justness and the honesty of the election process.

CAMPS NEAR POLLING STATIONS

- i) Establishment of camps near the polling stations on the polling day in the aforesaid constituencies by the political parties, the contesting candidates or their supporters is hereby banned in terms of Section 84 of the Act and the aforesaid judgment of the Hon'ble Supreme Court of Pakistan.

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- ii) Canvassing for votes, soliciting of votes, persuading any elector not to vote at the election or for a particular candidate, or exhibiting any notice, sign, banner or flag designed to encourage the electors to vote or discourage the electors from voting for any contesting candidate is prohibited within a radius of 400 yards of the polling station in terms of Section 85 of the Act and the aforesaid judgment of the Hon'ble Supreme Court of Pakistan.
- iii) No political party or a contesting candidate or their supporters are allowed to distribute *Perchis* containing voters' details i.e. name, parentage, gharana number, serial number etc or any *Perchis* containing symbol of a political party or contesting candidate near or in the vicinity of polling station on the polling day i.e. within the radius of 400 yards of the polling station.

PROVISION OF TRANSPORT TO THE VOTERS

- i) No political party or a contesting candidate or an election agent or their supporters shall use any vehicle to convey to or from the polling station any elector except himself and members of his immediate family in terms of Section 78 (5) of the Representation of the People Act, 1976;
- ii) Any violation of the above directive is a corrupt practice under Section 78 of the said Act and punishable with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both within the meaning of Section 82 of the said Act.

All concerned are required to follow the aforesaid Directive in letter and spirit and any violation thereof shall be dealt with in accordance with the relevant provisions of the Constitution, the law and the aforesaid judgment of the Hon'ble Supreme Court of Pakistan.

By order of the Election Commission of Pakistan.


(Waqas Ahmed Malik)
Deputy Director (Cord)

To:

The Manager,
Printing Corporation of Pakistan Press,
Islamabad.

[For publication in the Gazette of Pakistan,
Extraordinary (Part-III) of today's date.]

Copy forwarded for information to the:

- (1) Secretary to the President, Aiwan-e-Sadr, Islamabad.
- (2) Secretary to the Prime Minister, Prime Minister's Secretariat, Islamabad.
- (3) Secretary, Ministry of Interior, Government of Pakistan, Islamabad.
- (4) Secretary, Senate Secretariat, Islamabad.
- (5) Secretary, National Assembly, Islamabad.
- (6) Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
- (7) Secretary, Provincial Assembly of Khyber Pakhtunkhwa, Peshawar.

II. Copy forwarded for information and necessary action to the:

- (1) Provincial Election Commissioner, Khyber Pakhtunkhwa, Peshawar.
- (2) Mr. Abdul Hafeez, Regional Election Commissioner/DRO, Hazara, Abbottabad.
- (3) Mr. Gul Zada, District Election Commissioner/RO, Abbottabad.
- (4) Mr. Ghulam Jilani, ADEO Kaghan Circle, Mansehra.

III. Copy also forwarded to the:

- (1) Director General (Admn)
- (2) Director General (IT)
- (3) Director General (Law)
- (4) Additional Director General (PR)
- (5) Director (MIS)
- (6) Deputy Director (Budget)
- (7) Deputy Director (Elec-II)
- (8) Deputy Director (PR & Lib)
- (9) Staff Officer to Hon'ble CEC
- (10) PS to Hon'ble Members-I, II, III & IV.
- (11) Staff Officer to Secretary
- (12) PS to Additional Secretary (TRE)
- (13) PS to Additional Secretary (Admn.)

ECP Secretariat, Islamabad.



(Waqas Ahmed Malik)
Deputy Director (Cord)