

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR**  
**LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT**  
**MUZAFFARABAD**

**Dated:**

---

**NOTIFICATION**

No. SLG & RD/5023-38/83, In exercise of the powers conferred by Section 89 of the Azad Jammu & Kashmir Local Government Act 1990, 1989 the Azad Government of the State of Jammu & Kashmir is pleased to make the following rules:-

**CHAPTER 1- PRELIMINARY**

1. Short title and commencement. – (1) These rules may be called “the Azad Jammu & Kashmir Local Government Election Rules, 1983”  
(2) They shall come into force at once.
2. Definitions:- In these rules, unless there is anything repugnant in the subject or context
  - (i) “Appellate Authority” mean an appellate Authority appointed under these rules;
  - (ii) “Appointed date” means the date or dates as specified in the election programme;
  - (iii) “Ballot paper account” means a ballot paper account prepared under sub rule (4) of rule 41;
  - (iv) “Candidate” means a person nominated for election as a member of a local council from a ward;
  - (v) “Contesting Candidate” in relation to a ward means a candidate who has been validly nominated for election from that ward and has not on or before the withdrawal day, withdrawn his candidature;
  - (vi) “Delimitation officer” mean a person appointed for delimitation of a ward and includes an Assistant Delimitation officer performing the function of a Delimitation Officer;
  - (vii) “Deputy Election Commissioner” means an officer appointed to assist the Election Commissioner in the conduct of elections in the Azad Jammu and Kashmir territory;

- (viii) “District Election Officer” means an officer appointed to assist the Collector in the conduct of elections in the district;
- (ix) “Election Commissioner/ Authority” means the Election Commissioner / Authority appointed under these rules for holding elections to local councils;
- (x) “Elector” means a person who is entitled to vote at an election and whose name appears in the electoral rolls;
- (xi) “Electoral role” means an electoral roll prepared under these rules or adopted for the purpose of election of a member of a local Councils;
- (xii) “Election petition” means a petition made under the ordinance and these rules calling an election into question;
- (xiii) “Election tribunal” means an election tribunal appointed under the Act/ these rules for the trial of election petitions;
- (xiv) “Form” means a form appended to these rules and includes a translation thereof into Urdu;
- (xv) “Local Council” a Union Council, a District Council, a Town Committee, a Municipal Committee, and a Municipal Corporation, constituted under the Act.
- (xvi) “Material irregularity” means non-compliance with the provisions of these rules which materially affect the results of an election;
- (xvii) “Member” means the member of a Local Council;
- (xviii) “Nomination day” means a day appointed under sub rule (2) of rule 13 for the nomination of Act;
- (xix) “Ordinance” means the Azad Jammu & Kashmir Local Government Act 1990.
- (xx) “Polling officer” means a Polling Officer appointed under sub-rule (1) of rule 11 for a polling station;
- (xxi) “Population” means the population of any area as given in the report of the last general census for Azad Jammu & Kashmir.
- (xxii) “Presiding Officer” means a presiding officer appointed under sub-rule (1) of rule 11 and includes an Assistant Presiding Officer exercising the powers and performing the functions of presiding officer;
- (xxiii) “Publish” with its grammatical variations, includes exhibition at a place accessible to the public;

- (xxiv) "Polling station" means the premises where arrangements are made for poll;
  - (xxv) "Polling agent" means a polling agent appointed under sub-rule (1) of rule 25;
  - (xxvi) "Returned candidate" means a candidate who has been declared elected as a member of a Local Council;
  - (xxvii) "Returning Officer" means a Returning Officer appointed under these rules and includes an Assistant Returning Officer exercising the powers and performing the functions of Returning Officer;
  - (xxviii) "Rules" means Azad Jammu & Kashmir Local Government Election Rules, 1983;
  - (xxix) "Treasury" means a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over;
  - (xxx) "Validly nominated candidate" means a candidate whose nomination has been accepted under sub-rule (4) of rule 16;
  - (xxxi) "Voter" in relation to any ward means a person whose name is born on the electoral roll of that ward.
  - (xxxii) "Ward" means an area of a Local Council delimited under sub rule (1) of rule 8 for the purpose of elections of a member;
  - (xxxiii) "Withdrawal day" means a day fixed under sub-rule (2) of rule 13 on or before which candidature may be withdrawn.
3. Words and expressions used but not defined in these rules and defined in the Ordinance shall have the same meanings as are respectively assigned to them in the Ordinance.
4. ORDINANCE: - (1) Government may appoint an Election Commissioner/Authority who shall be responsible for the Organization, conduct and supervision of elections to Local Council in the Azad Jammu and Kashmir Territory. In the performance of his functions under these rules the Election Commissioner/Authority may be assisted by such number of officers as may be appointed by the Government from time to time.
- (2) The Election Commissioner/Authority shall be responsible for the Organization, conduct and supervision of election to Local Councils. In the performance of his functions under these rules, the Election commissioner may be assisted by a Deputy Election Commissioner.

- (3) Subject to general supervision of the Election Commissioner/Authority, the Collector shall be responsible for the Organization, conduct and supervision of elections to Local Councils within his district. In the performance of his functions under these rules, the Collector may be assisted by a District Election Officer.

## **CHAPTER II –ELECTION AUTHORITY**

5. **Power to Requisition Property:-** (1) The Government or an Officer authorized by it in this behalf may, upon a request made in this behalf by the Election Commissioner/Authority in writing, requisition any vehicle, vessel or animal as is needed or is likely to be needed for the purpose of transporting to and from any Polling Station ballot boxes or other election material or any officer or other person engaged for the performance of any duties in connection with the election;

Provided that no vehicle, vessel or animal which is being used by a candidate or his election agent for any purpose connected with the election of such candidate shall be so requisitioned.

- (2) Any person authorized in this behalf by the Government may take possession of any vehicle, vessel or animal requisitioned under sub-rule (1) and may for that purpose use such force, including police force, as may be reasonably necessary.
- (3) Where any vehicle, vessel or animal is requisitioned under sub-rule (1), there shall be paid to the owner thereof compensation, the amount of which shall be determined by the Government or the officers requisitioning the vehicle, vessel or animal on the basis of the fares and rates prevailing in the locality for its hire;

Provided that where the owner of the vehicle, vessel or animal, being aggrieved by the amount of compensation so determined, makes an application to the Government within a period of thirty days from the date the amount has been determined, for the matter being referred to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Government may determine.

6. **Election Programme:-** (1) The election commissioner shall frame a general Programme for elections to the Local councils in the Azad Jammu and Kashmir territory.
- (2) Subject to the General Programme framed under sub-rule (1), the Collector shall with the approval of the Election Commissioner, frame a programme for election to every Local Council in Form I, hereinafter referred to as Election Programme.
- (3) The election programme shall specify the date or dates, on by or within which:-
- (a) the electoral roll shall be published;
  - (b) the notice inviting nomination papers shall be published;
  - (c) the nomination paper shall be presented;
  - (d) the list of nomination paper shall be posted up;
  - (e) the nomination papers shall be scrutinized and the statement showing the result of scrutiny shall be posted;
  - (f) application for revision against the orders of the scrutiny of nomination papers may presented;
  - (g) the revision application shall be decided;
  - (h) the candidate may withdraw his candidature;
  - (i) the list of valid nominations along with the symbols allotted to each candidate, shall be posted;
  - (j) the polling programme shall be published;
  - (k) the poll shall be held;
  - (l) The ballot papers shall be counted; and
  - (m) The result of the election shall be declared.
- (4) The Election programme made under sub-rule (2), shall be published by copies being posted at the office of the Collector, the office of the Tehsil, the police station, the office of the local body or local council wherever concerned the office of the Returning Officer and at such other places as the Election Commissioner or the Collector may direct.
- (5) The Collector may with the approval of the Election Commissioner amend, vary or modify the Election program framed under sub-rule(2) provided that unless Government otherwise directs, no such amendment, variation or

modification shall be deemed to invalid any proceeding taken before the date of such order.

7. **Principles for the demarcation of Deh, Union, Markaz and Wards and the fixation of the number of members.** (1) The Government may declare any rural area in a Tehsil consisting of a village or a group of villages to be a Deh, Union or a Markaz. In declaring any rural area as a Deh, Union or a Markaz, the following principle shall be observed namely;

- a) that the population comprised in the area declared as Deh shall not be less than 500;
- b) that the villages grouped in a Deh shall as far as possible be contiguous;
- c) that the population comprised in the area declared as a Union shall not be less than 5000 or more than 12000;
- d) that the villages so grouped in a Union Council shall as far as possible be continuous;
- e) that the area of a Markaz may be conterminous with one or more than one Police Stations or parts thereof or it may consist of one or a number of Union Councils;
- f) that the boundaries of patwar halqas and thanas shall be maintained, as far as possible;

Provided that if the local circumstances so requires, the Government may by an order and for reasons to be recorded in writing depart from any of the aforesaid principles.

- (2) The government may declare any urban area with a population not exceeding 10,000 to be a Town;
- (3) the government may divide any urban area with a population exceeding 10,000 into such numbers of Municipal Committees as it may deem necessary;

Provided that if the local circumstances so requires, the Government may by an order and for reasons to be recorded in writing divide any urban area with a population less than 10,000 into such number of Municipal Committees as it may deem necessary;

- (a) the Government may declare an urban area with a population exceeding "60,000" to be a Municipal Corporation;

Provided that there shall be constituted the Municipal Corporation for the Capital area of Muzaffarabad and for the city of Mirpur notwithstanding the condition of the population;

Provided that the Government may by order and for reasons to be recorded in writing vary the number of seats to be allocated to any ward in such manner as the local circumstances may require.

- (4) In determining the number of nominated members of Dehi Councils the following principles shall be adopted namely;

- a) that there shall be 3-7 nominated members in a Council with the provision the minimum population of a Deh is 500; and
- b) that where the population of any area is not exactly divisible by 500 the remainder shall be disregarded if it is less than 250 and shall be counted as 500 if it is 250 or more.

Provided that the government may by order and for reasons to be recorded vary the total number of seats in such manner as the local circumstances may require.

- (5) the population of any areas shall be its population according to the last official census.

- (6) the Government may divide a Union Council for a Rural or Urban area, a Town or a Municipal Area into wards or declares the entire Union or Town or Municipal area a Ward for the purpose of election and in the demarcation of wards the following principles shall be observed, namely;

- a) that the areas comprised in a ward shall be contiguous as far as possible;

- b) that a ward shall return such number of members as may be fixed by the Government.
- c) (i) that where a ward is a single member ward or Union Council its population shall not be less than 500 and more than 800;  
(ii) that where a ward is a single member ward of Municipal Corporation its population shall not be less than 800 and more than 1500; and  
(iii) that where a ward is single member ward of Municipal Committee or Town Committees its population shall not be less than 500 and more than 1000.
- d) where the ward is multiple member ward, there shall be one seat for every unit of 1000 population and where the total population is not exactly divisibly 1000 the remainder shall be disregarded if it is less than 500 and shall be counted as 1000 if it is 500 or more:

Provided that the Government may be order and for reasons to be recorded in writing vary the number of seats to be allocated to any ward in such manner as the local circumstances may require.

### **CHAPTER III: DELIMITATION OF WARDS, ETC.**

#### **8. (a) Division of Local Areas into Wards:-**

For the purpose of elections, the Local areas of a Local Council, shall be delimited into as many wards [or units] as may be necessary.

#### **(b) Appointment of Delimited on Officer, etc. :-**

- (i) The Government may appoint from amongst the persons in the service of Azad Jammu and Kashmir or a Local Authority, as many Delimitation Officers and Assistant Delimitation Officers as it may deem necessary for the Delimitation of Local Areas into Electoral Units or for the revision of such delimitations;
- (ii) An Assistant Delimitation Officer shall assist the Delimitation Officer in the performance of his functions under the rules and



may, subject to such instructions as may be given in this behalf by the Government, perform under the control of the Delimitation Officer, the functions of the Delimitation Officer.

(c) **Delimitation of Electoral Units:-**

- (i) The election units of a local area as may have been determined by the Government shall be delimited by the Delimitation Officer under the superintendence, directions and control of the Election commissioner;
- (ii) A Delimitation Officer may, for the purpose of delimiting the electoral units make such enquiries and examine such record as he may deem necessary and consider such representations as may be received by him.

(d) **Objections and suggestion in respect of the preliminary lists of Electoral Units:-**

Delimitation Officer shall publish at his office and the office of the Local Council in Form I-A, a Preliminary list of electoral unit, together with a notice inviting objections or suggestions within such period as may be prescribed by the government.

(e) **Decision on Objections and suggestion:-**

- (i) Objections and suggestion not received within the specified period shall not be considered.
- (ii) Subject to the provisions of sub-rule (i), on receipt of objections and suggestions, the Delimitation Officer shall, after hearing the parties and conducting such enquires as he may consider necessary record his decision thereon in the form of a report through the election commissioner to the Government.
- (iii) the appeal shall lie to the Commissioner against the findings of the Delimitation Officer and his decision shall be final;
- (iv) the Delimitation Officer shall make such amendments, alterations or modifications in the preliminary list of electoral units published under clause (d) of this rule as may be required by him or by the decision of the Commissioner or any objection or suggestions and may also make such other amendments, alterations or

modifications in the said list as may be necessary for correcting any error or omission;

- (v) after making amendments, alterations or modifications, if any, under sub-clause (iv) of this clause, the Delimitation Officer shall publish at his office and at the office or the Local Council the final list of electoral units in Form I-A and shall forward such number of attested copies as may be required to the Election Commissioner.

#### **CHAPTER IV**

##### **ELECTION OF MEMBERS OF LOCAL COUNCILS**

9. **Returning Officers:** (1) the Election Commissioner/ Authority shall by notification in the official gazette, appointed from amongst the persons in the service of Azad Jammu and Kashmir or a Local Authority.

A Returning Officer for each Union Council or ward;

Provided that one person may be appointed as Returning officer for more than one ward.

- (2) the Election Commissioner/ Authority may, in the manner provided for the appointment of Returning Officers, appoint as many Assistant Returning Officers as may be necessary.
- (3) An Assistant Returning Officers shall assist the Returning Officer in the performance of his functions under these rules and may, subject to any condition imposed by the Election Commissioner/ Authority exercise and perform under the control of the Returning Officer the powers and functions of the Returning Officers.
- (4) It shall be the duty of a Returning officer to do all such acts and things as may be necessary for effectively conduction the elections in accordance with the provisions of the Act and the Rules.
10. **Polling Stations:** (1) The Collector/ Returning officer shall, before such time as the Election Commissioner/ Authority may fix, submit to the Election

Commissioner/ Authority a list of polling stations he propose to provide in a ward for the purpose of election of a member for that ward.

- (2) The Election Commissioner/ Authority may make such alterations in the list referred to in sub-rule (1) of this rule as it may deem necessary and shall intimate the alterations if any, to the Collector/ Returning Officers, who shall incorporate them in the list of polling stations and publish the final list.
- (3) The Collector/ Returning Officers shall provide each ward with polling stations according to the final list published under sub-rule (2) of this rule.
- (4) No polling station shall be located in any such premises as belong to or are under the control of any candidate.
- (5) After the publication of the final list of polling stations no alteration shall be made therein by the Collector/Returning Officer without the prior approval of the Election Commissioner/Authority.

**11. Presiding Officer and Polling Officer:-**

- (1) A Collector /Returning Officer shall appoint for each Polling station a Presiding Officer and such number of Assistant Presiding Officer and Polling Officer to assist the Presiding Officer as the Returning Officer may consider necessary.

Provided that a person who is, or has at any time been in the employment of or related to or had any interest in any candidate shall not be appointed as a Presiding Officer, Assistant Presiding Officer or Polling Officer.

- (2) A list of the Presiding Officers and Assistant Presiding Officers appointed under sub –rule (1) of this rule shall be submitted to the Election Commissioner/Authority and no change therein shall be made by the Collector/Returning Officer thereafter except with the Prior approval of the Election Commissioner/Authority.
- (3) A Presiding Officer shall conduct the poll in accordance with the provisions of the Act and the rules, be responsible for maintaining order at the polling station and report to the Returning Officer any fact or incident which may, in this opinion, affect the fairness of the poll:

Provided that during the course of the poll the Presiding Officer may entrust such of his functions as may be specified by him to any Assistant Presiding Officer and it shall be the duty of the Assistant Presiding Officer to perform the functions so entrusted.

- (4) The Returning Officers shall authorizes one of the Assistant Presiding Officer to act in place of the Presiding Officer, if the Presiding Officer is, at any time during the poll, by reason of illness or other cause, not present at the polling station, or is unable to perform his functions, and any absence of the Presiding Officer, and the reasons therefore, shall as soon as possible after the close of the poll, be reported to the Returning Officer.
- (5) The Returning Officer may, at any time during the poll for reasons to be recorded in writing, suspend any Presiding Officer, Assistant Presiding Officer or Polling Officer and make such arrangements as he may consider necessary for the performance of the functions of the officer so suspended.

**12. Supply of election Rolls:-**

- (1) The Election Commissioner/Authority shall provide the electoral rolls to the Returning Officers, who shall, wherever necessary for the purposes of the election to local councils cause the electoral rolls to be adjusted and arranged in such manner as may be directed by the Election Commissioner/Authority.
- (2) The Returning Officer shall provide to the Presiding Officer of each polling station copies of electoral rolls as adjusted and arranged by him under sub-rule (1) of this rule and containing the names of the voters entitled to vote at the polling station.
- (3) Such numbers of printed copies of electoral rolls or as the case may be, the copies of electoral rolls as have been adjusted and arranged under sub-rule (1) of this rule as are available with the Returning Officer may be made available for sale at the rate fixed by the Election Commissioner/Authority.
- (4) The electoral rolls as adjusted and arranged for each ward under sub-rule (1) of this rule shall be displayed at the office of Returning Officer for public inspection at least one day before the date fixed for the receipt of nominations. The Returning Officer may allow any person to take on extract or make out a copy of the Electoral Rolls.

**13. Notification for Election:-**

- (1) For the purpose of holding Election of a member to a local council, the Election Commissioner shall, by notification in the official Gazette, call upon the voters to elect a member from a ward.
- (2) In the notification issued under sub-rule (1), the Election Commissioner shall in relation to a ward specify:-
  - (a) date at least seven days after the publication of the notification on or before which nominations of candidates is to be made;
  - (b) day for scrutiny of nomination papers;
  - (c) a day on or before which candidature may be withdrawn; and
  - (d) a day for the taking of the poll.
- (3) A Returning Officer shall, as soon as may be, after the publication of a notification under sub-rule (1), give public notice to the dates specified by the Election Commissioner/Authority in respect of the ward or wards of which he is the Returning Officer and the public notice shall be affixed at some conspicuous place in his office or at the office of the Local Council concerned and at some prominent place or places within the ward to which it relates.
- (4) A public notice issued under sub-rule (3) shall also invite nominations and specify the time before which and the place at which the nomination papers shall be received by the Returning Officer.
- (5) The form of public notice under sub-rule (3) and sub-rule (4) shall be in Form-III
- (6) The Election Commissioner/Authority may, at any time before the date of poll rescinded the notification issued under sub-rule (1) and issue a revised programme of Election in a fresh notification under sub-rule (1).

**14. Nomination for Election:-**

- (1) Any voter of a ward may propose or second the name of any duly qualified person to be a member for that ward.
- (2) Every proposal shall be made by a separate nomination paper in Form-IV (available free of cost) which shall be signed by the proposer and the seconder and shall containing –
  - (a) a declaration signed by the person nominated that he has consented to the nomination and that he is not subject to any disqualification for being or being elected as a member.

- (b) A declaration signed by the proposer and seconder that neither of them has subscribed to any other nomination paper either as proposer or seconder; and
    - (c) An oath by the person nominated.
  - (3) Every Nomination paper shall be delivered by the candidate, or his proposer or seconder, to the Returning Officer who shall acknowledge the receipt of the nomination paper specifying the date and time of receipt.
  - (4) A person may be nominated in the same ward by more than one nomination paper.
  - (5) if any person subscribed to more than one nomination paper, all such nomination papers, except the one received first by the Returning Officer, shall be void.
  - (6) the Returning Officer shall give a serial number to every nomination paper and endorse thereon the name of the person presenting it, and the date and time of its receipt and inform such person of the time and place at which he shall hold scrutiny.
  - (7) the Returning Officer shall cause to be affixed at some conspicuous place in his office a notice of every nomination paper received by him containing the particulars of the candidate and the names of the proposer and sender as shown in the nomination paper.
- 15. Deposits.** (1) Subject to the provision of sub-rule (2) no nomination paper delivered under rule 14 shall be accepted unless;
- (a) a sum of three hundred rupees for election to a seat in a Union Council, six hundred rupees for election to a seat in a “Town Committee”, nine hundred rupees for election to a seat in a Municipal Committee or Municipal Corporation and rupees on thousands and five hundred for a seat in the District Council is deposited in cash by the candidate or a person on his behalf with the Returning Officer at the time of its delivery.
  - (b) it accompanied by a receipt showing that the sum as aforesaid has been deposited by the candidate or by any person on his

behalf at any branch of the nation Bank of Pakistan in the name of Election Commissioner.

- (2) Not more than one deposit under sub-rule (1) shall be required in the case of a person who has been nominated as a candidate by more than one nominated paper.
  - (3) The Head of Account for the purpose of the deposit shall be “Major Head 3000, Minor Head 3500, and Detailed Head 3512”
  - (4) The Returning Officer shall maintain a Register in Form V in which he shall enter the particulars of every deposit made to him in cash or otherwise under sub-rule (1)
  - (5) the receipt of a cash deposit by the Returning Officer shall acknowledged in Form VI and the amount shall be deposited by him at a branch of the National Bank of Pakistan.
  - (6) the deposit under this rule shall be non-refundable.
- 16. Scrutiny:** (1) the candidates, their election agents, proposers and one other person authorized in this behalf by each candidate 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 14.
- (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 of his own motion or upon any objection, conduct such summary enquiry as he may think fit and reject a nomination papers 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 13 or rule 14 has not been complied with ;  
and
- (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 defect which is not of a substantial nature and may allow any such defect to be remedied forthwith; such as error in regard to the name, serial number in the electoral roll or other particulars of the candidate, his proposer or seconder, and
  - iii) the Returning Officer shall not enquire into the correctness or validity of any entry in the electoral roll and shall not reject a nomination papers on the basis or nay entry in the electoral roll which contain an obvious error or defect.
- (4) the Returning Officer shall endorse on each nomination paper his decision accepting or rejecting it, and shall, in the case of rejection, record a brief statement of the reasons therefore.
- (5) Where the solitary nomination of a candidate or where all the nomination papers of a candidate have been rejected, the Returning Officer shall, on request, supply to the candidate, on the same day, certified copies of such orders free of cost.
- (6) the Returning Officer shall keep in his custody, the rejected paper or papers along with his order thereon.
- (7) A candidate whose nomination paper has been rejected under this rule may appeal against the rejection within the period specified in rule 17 to such officer as may be specified by the Authority and an order passed on such appeal shall be final.



- 17. Appeal against rejection of Nomination papers:** (1) candidate whose nomination paper has been rejected under rule 16 may appeal against the rejection to an officer appointed by the Election Commissioner / Authority by the appointed date and order passed on such appeal shall be final.
- (2) the appeal shall be addressed to the officer appointed under sub-rule (1) and may be filled by the candidate himself or by a person authorized in writing by the candidate in this behalf.
- (3) An appeal shall be in the form of a memorandum which shall state the date of rejection of the nomination and the grounds of appeal and shall be accompanied by a certified copy of the order rejection the nomination.
- (4) an appeal shall be disposed of either summarily or after such summary enquiry as may be necessary
- (5) if the appeal is allowed , the name of the appellant shall be entered by the Returning Officer in the list of validly nominated candidates.
- (6) there shall be no fee for filling appeal against rejection of a nomination paper
- 18. Publication of List of validly nominated candidate:-**
- (1) The Returning Officer shall, soon after the scrutiny of nomination papers, prepare in Form-VII, as list of candidates who have been validly nominated and affix it at some conspicuous place in his office.
- (2) in case an appeal against rejection of nomination paper has been accepted under rule 17, the Returning Officer shall revise the list of validly nominated candidates in accordance with decision in appeal and shall publish the list so revised at some conspicuous place in his office.
- (3) A copy of the list referred to in sub-rule(1) and also a copy of the list as revised, if any, under sub-rule (2) shall be furnished by the Returning Officer to the Election Commissioner/ Authority and to such other officer as may be decided by the Election Commissioner/ Authority .
- 19. Withdrawal:-**(1)A validly nominated candidate may, by notice in writing signed by him and delivered to the Returning Officer on or before the

withdrawal day, either by such candidate in person or by an agent authorized in this behalf in writing by such candidate, withdraw his candidature.

- (2) a notice of withdrawal under sub-rule(1) shall, in no circumstances, be open to be recalled or cancelled.
- (3) on receiving a notice or withdrawal under sub-rule (1) the Returning Officer shall, if he is satisfied that the signature on the notice is that of the candidate and is subscribed to by the candidate without any undue influence, coercion or duress cause a copy of the notice to be affixed at some conspicuous place in his office.
- (4) The Returning Officer shall, on the day next following the withdrawal day, preparation Form VIII, the list of contesting candidate, and publish a copy thereof at some conspicuous place in his office.
- (5) the names on the list shall be entered in the alphabetical order as determined in accordance with the Urdu Language, indicating against the name of each contesting candidate the symbol allotted to him under clause (a) of sub-rule (1) of Rule 23.
- (6) A copy of the list prepared under sub-rule (4) shall be forwarded by the Returning Officer to the Election Commissioner and also to the Collector. The list so prepared shall be available for public inspection.

**20. Death of Candidate after Nomination:-**(1).If a validly nominated candidate who has not withdrawn his candidature, dies, the Returning Officer with the approval of the Collector shall, by public notice, terminate the proceedings relating to the election and inform the Election Authority.

- (2) Where proceedings relating to an election have been terminated under sub-rule (1) fresh proceedings shall commence in accordance with the provisions of the ordinance and these rules as if for a new election;

Provided that it shall not be necessary for other validly nominated candidates to fill fresh nomination papers under rule 13 or make a further deposit under rule 15.

**21. Postponement etc. under certain circumstances:-** (1)Where the proceeding relating to nomination, scrutiny or withdrawal cannot, for reasons beyond the control of the Returning Officer take place on the day appointed therefore, he

may postpone or adjourn such proceeding and shall, with the approval of the Election Authority, by public notice, fix another day for the proceedings so postponed or adjourned and, if necessary, also the day or days for any subsequent proceedings.

**22. Uncontested Election:-**(1)Where, after scrutiny under rule 16 or withdrawal under rule 19 the number of validly nominated candidates for election as a member from a ward is not more than one the Returning Officer shall, by public notice declare such candidate to be elected by the seat provided that:

- (a) If after scrutiny any candidate indicates that he intends to make an appeal under sub-rule (1) of rule 17 against the rejection of his nomination paper, no person shall be declared elected uncontested until the period prescribed for filing such appeal has expired and no such appeal has been filed or, whereas appeal is filed, until the disposal of such appeal;
- (b) the result of an uncontested election after scrutiny shall not be declared unless the Returning Officer has ascertained in writing from the officer appointed to hear appeal against the rejection of nomination that no appeal has been filed against the rejection of any nomination paper or that, if an appeal has been filed, no nomination rejected by the Returning Officer has been accepted on such appeal.

(2) The Returning Officer shall submit to the Collector and the Election Authority a return of uncontested election in Form IX in respect of which he has made a declaration under sub-rule (1).

(3) The Collector shall publish in the official Gazette the name of the returned candidate or candidates, and shall also furnish a copy to the Election Commissioner.

**23. Contested Election:-** (1) If there are more than one contesting candidates from any ward, the Returning Officer shall:-

- (a) allot one of the symbols specified in sub-rule (2) of this rule to each contesting candidate of a ward by drawing lots in the presence of such contesting candidates or at the time fixed by the Returning Officer for

the date and finalization of the list of contesting candidates, arranged  
the symbol allotted to him : and

(b) Give public notice of the poll.

(2). The lots under sub-rule (1) shall be drawn from the following symbols  
namely:

- |                    |                             |
|--------------------|-----------------------------|
| 1. Almirah         | 37. Clock                   |
| 2. Apple           | 38. Cow                     |
| 3. Axe             | 39. Cup and Saucer          |
| 4. Bicycle         | 40. Deer                    |
| 5. Bow and Arrow   | 41. Fan                     |
| 6. Boat            | 42. Fish                    |
| 7. Book            | 43. Flamming Torch (Mashal) |
| 8. Bucket          | 44. Hammer                  |
| 9. Bus             | 45. Hat                     |
| 10. Camel          | 46. Hockey Stich            |
| 11. Candle         | 47. Hukka                   |
| 12. Cap            | 48. Hut                     |
| 13. Charpoy        | 49. Inkpot with pen         |
| 14. Chair          | 50. Tree                    |
| 15. Kite           | 51. Turban                  |
| 16. Ladder         | 52. Walking Stick           |
| 17. Lock           | 53. Wheel                   |
| 18. Mango          | 54. Aero Plane              |
| 19. Motor Car      | 55. Bridge                  |
| 20. Peacock        | 56. Cock                    |
| 21. Pitcher        | 57. Elephant                |
| 22. Radio          | 58. Horse                   |
| 23. Railway Engine | 59. Jug                     |
| 24. Rose Flower    | 60. Key                     |
| 25. Scissors       | 61. Knife                   |
| 26. Ship           | 62. Lamp Hurricane          |

27. Spade	63. Match Box
28. Spectacles	64. Moon
29. Spinning Wheel	65. Plough
30. Table	66. Rifle
31. Telephone	67. Rabbit
32. Tent	68. Scales
33. Tennis Rocket	69. Sewing Machine
34. Tiger	70. Sickle
35. Tonga	71. Umbrella
36. Tractor	Sword

- (3) If in any ward the number of contesting candidates exceeds the number of symbols given in sub-rule (2) , the Election Commissioner, may introduce Additional symbols.
- 24. Election Agent.** (1) A candidate any appoint a person qualified to be elected as a member of be his election agent.
- (2). The appointment of an election agent may, at any time, be revoked in writing by the candidate and when it is so revoked or the election agent dies, another person may be appointed by the candidate to be his election agent.
- (3) When an election agent is appointed, the candidate shall send to the Returning Officer a notice in writing of the appointment containing the name, father's name and address of the election agent.
- (4) where no appointment of an election agent is made under this rule, a candidate shall be deemed to be his own election agent and shall so far as the circumstances permit, be subject to the provisions of these rules both as a candidate and as an election agent.
- 25. Polling agents.** (1) A contesting candidate or his election agent may, before the commencement of the poll, appoint for each polling station as many polling agents as there are the number of booths at a polling station. Such appointment shall be in writing, and copies of the appointment letter shall be endorsed to the Returning Officer and the Presiding officer.

- (2) The appointment of the polling agent under sub – rule (1) may be revoked by the candidate or his election agent any time and such revocation shall be forthwith communicated to the Returning Officer and the presiding Officer.

Provide that the Returning Officer or the polling officer may for reason to be recorded in writing refuse to accept the appointment of any person as a polling agent and on such refusal the contesting candidate may appoint another polling agent.

- (3) A polling agent shall have the authority to be present at the polling station, but he shall not maintain contact with any elector, nor intercede with the staff on duty on behalf of any election. Any polling agent who is guilty of misconducting may be summarily ejected out of the polling station under the order of the Presiding Officer.
- (4) A polling agent may bring cases of personation to the notice of the Presiding Officer, and if the Presiding Officer so required, the polling agent shall make his representation in writing.
- (5) A polling agent shall act as the agent of the candidate for the purposes of the poll, and if any statement is required to be signed by the candidate it may be signed by the polling agent on behalf of the candidate.
- (6) A candidate may act as his own polling agent;

**26. Absence of the candidate, etc., not to invalidate Acts etc.-**

Where any act or thing is authorized by these rules to be done in the presence of the candidate, and election agent or a polling agent, the failure of such person to attend at the time and place appointed for the purpose shall not invalidate any act or thing otherwise validly done.

**27. Equipment of Polling Station:-**

The Returning Officer shall ensure that every polling station is provided with-

- (a) the requisite number of ballot papers;
- (b) the requisite number of ballot boxes;

- (c) copies of the electoral rolls for the Union or such part thereof as contains the names of the electors allotted to the polling stations;
- (d) copies of the polling programme;
- (e) copies of the statement showing the name of candidates contesting the election and the symbols allotted to different candidates;
- (f) tendered ballot papers and challenged ballot papers;
- (g) blank forms of the prescribed statements;
- (h) stationary;
- (i) Other material specified in the statement in Form X; and copies of these rules.

**28. Arrangements at the polling stations before the Commencing of the Poll.-**

- (1) Before the opening of the poll, the presiding Officer, the Assistant Presiding Officer, the Polling Officer and the other staff on the duty shall sign a declaration of secrecy in Form XI.
- (2) After signing the declaration of secrecy the Presiding Officer shall show each ballot box empty to such candidates and polling agents as may be present and shall thereafter close the lid. When the lids of the ballot boxes have been closed the ballot boxes shall be placed on the table in the front of the Presiding Officer.
- (3) The electoral rolls of the ward or such portion thereof, the electors thereof are to cast their votes at the polling station on the particular day, shall be distributed among the polling Assistants in such manner as the Presiding Officer may determine, and at the table of each polling Assistant a notice shall be exhibited at conspicuous places showing the particulars about the electoral roll dealt with by him.
- (4) Police officials shall be placed on duty at the entrance to the polling station and at such other places as the Polling Officer may require. The Police posted as a Polling station shall work under the directions of the Presiding Officer, and shall obey his lawful orders.
- (5) After complying with the requirements of the foregoing sub-rules, the Presiding Officer shall at the appointed hour declare the Polling station open for polling.

- 29. Hours of poll and extension in polling period.** (1) A polling station shall remain open such hours as may specified in the polling programme; Provided that the total period allotted on any one day for polling shall not be less than eight hours and shall be uninterrupted by any interval.
- (2) If at the hour of close of poll, there have been left at the polling station electors who have still to cast their ballot, the Polling Officer may extend the polling hours by such period as he may deem necessary.
- (3) if for any reason it is not possible to open the polling station at he appointed hours, or if by reason of dis-order at the polling station or for any other reason the Presiding Officer deems it necessary to stop the polling for a certain time, the Presiding Officer shall keep the polling station open for a further period equal to the period that elapsed between the hour appointed for the opening of the polling station and the hour at which polling was stopped as the case may be.
- 30. Stopping of the poll.** (1)The Presiding Officer of a polling station shall stop the poll and inform the Returning Officer that he has done so if:
- (a) the poll at the polling station is, at any time so interrupted or obstructed for reason beyond the control of the presiding Officer that it cannot be resumed during the polling hours fixed under rule 29; or
- (b) any ballot box used at the polling station is unlawfully taken out of the custody of the Presiding Officer, or is accidentally or intentionally destroyed or lost or is damaged or tampered with to such an extent that the result of the poll at the polling station cannot be ascertained.
- (2) Where a poll has been stopped under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Election Commissioner/ Authority and the Election Commissioner/ Authority shall direct a fresh poll at that polling station, unless it is satisfied that the result of the election has been determined by the polling that has already taken place a that polling station, taken with the result of the polling at other polling station in the same ward.



- (3) where the Election Commissioner/ Authority orders a fresh poll under sub rule (2), the Returning officer shall, with the approval of the Election Commissioner/ Authority:
- a) appoint a day for a fresh poll and fix the place at which and the hours during which such fresh poll shall be taken; and
  - b) give public notice of the day so appointed and the place and hours so fixed.
- (4) At a fresh poll taken under sub-rule (3) at a polling station, all voters entitled to vote that shall be allowed to vote and no vote cast at the poll stopped under sub rule (1), shall be counted and the provisions of these rules and orders made there under shall apply to such fresh poll.

**31. Election by Secret Ballot:** (1) An election under these rules shall be decided by secret ballot and every voter shall cast his vote by inserting, in accordance with the provisions of these rules, in the ballot box, a ballot paper in Form XII.

**32. Ballot Boxes:** (1) The Returning Officer shall provide each prescribing officer with such number of ballot boxes as be necessary.

- (2) the ballot boxes shall be of such material and design as may be approved by the Commissioner.
- (3) Not more than one ballot box shall be used at a time for the purpose of the poll at any polling station or at any polling booth except where there are more than one polling booths at a polling station.
- (4) At least half an hour before the time fixed for commencement of the poll, the presiding officer shall:-
  - a) ensure that every ballot box to be used is empty
  - b) show the empty ballot box to the contesting candidates or there election agent or polling agent whenever may be present
  - c) after the ballot box has been shown to be empty close and seal it; and

- d) place the ballot box as to be conveniently accessible to the electors and at the same time within the sight of himself and of such candidates or their election or polling agents who ever may be present.
- (5) If one ballot box is full or cannot further be used for receiving ballot papers, the presiding officer shall seal that ballot box and keep it in a secure place and use another ballot box in the manner laid down in sub section (4).
- (6) A presiding officer shall make such arrangements at the polling station that every elector may be able to mark his ballot paper in secret before the same is folded and inserted in the ballot box.
- (7) A Presiding Officer shall make such arrangements at the polling station as may enable every voter to cast his vote secretly.

**33. Admission to the Polling Station:-**

No person shall be admitted to a Polling Station unless:-

- (a) he is a bonafide elector entitled to cast his vote at the polling station.
- (b) he is a candidate or his authorized polling agent;
- (c) he is an official on duty;
- (d) he is an authorized companion of a blind or incapacitated elector; or
- (e) he has been granted special permission in his behalf by the Returning Officer.

**34. Maintenance of Order at the Polling Station:-**

- (1) The Presiding Officer shall keep order at the polling station and may remove or cause to be removed any person who misconducts himself at a polling station or fails to obey any lawful orders of the Presiding Officer.
- (2) any person removed under sub-rule (1) from a polling station shall not, without the permission of the Presiding Officer again enter the polling station during the day and shall if he is accused of an offence at a polling station, be liable to be arrested without warrant by a Police Officer.
- (3) The powers under this rule shall not be so exercised as to deprive a voter of an opportunity to cast his vote at the polling station at which he is entitled to vote.

35. **Voting Procedure:** (1) Where a voter presents himself at the polling station to vote, the Presiding Officers shall, after satisfying himself about the identify of the voter, issue to him a ballot paper.
- (2) Before a ballot paper is issued to a voters
- (a) He shall be required to receive a personal mark made with indelible ink, on the tumb or any other finger of either hand;
  - (b) the number and name of the voter as entered in the electoral roll shall be called out;
  - (c) a mark shall be placed on the electoral roll against the number and name of the voters to indicate that a ballot paper has been issued to him;
  - (d) the ballot paper shall on its back be signed by the Presiding Officer or the Assistant Presiding Officer;
  - (e) the number of the voter on the electoral roll shall be endorsed on the counterfoil by the Presiding and Assistant Presiding Officer who shall sign it and also obtain thereon the thumb impression of the voter.
- (3) A ballot paper shall not be issued to a person who refuse to receive the personal mark with indelible ink or if be already bears such a mark or the remnants thereof.
- (4) If a contesting candidate or his election or polling agent alleges that a man to whom a ballot paper is about to be issued, already has one or more ballot papers in his possession, the Presiding Officer may require the voter to satisfy him that he does not have any other ballot paper in his possession and my also take such measures as he thinks fit to ensure that such voters does not insert more than one paper in the ballot box.
- (5) On receiving the ballot paper, the elector shall;
- (a) for with proceed in to the place reserved for making the ballot paper;
  - (b) put the prescribe mark on the ballot paper at any place within the space containing the symbol of the contesting candidates for when he wished to vote;

- (c) after he has so marked the ballot paper, fold and insert it in the ballot box; and
  - (d) the elector shall vote without undue delay and shall leave the polling station immediately after he has inserted his ballot paper in the ballot box.
- (6) Where a voter is blind or in otherwise so incapacitated that he cannot vote without the assistance of a companion, the Presiding officer shall allow him to be accompanied by a companion of not less than twenty one years of age and there upon such voter may do, with the assistance of such companion, anything which a voter is required or permitted to do under these rules.
- (7) No voter shall vote at any election.
- (a) more than once; or at
  - (b) more than one polling station.
- (8) All votes cast in contravention of sub-rule (7) shall be invalid:

Provided that the person allowed to accompany the voter shall not himself be a candidate, an election agent or polling agent of a candidate.

**36. Tendered Ballot Papers:**- (1) If a person representing himself to be a voter applies for a ballot paper when another person has already represented himself to be that voter and has voted under the name of the person so applying, he shall be entitled, subject to the provisions of this rule to receive a ballot paper hereinafter referred to as tendered ballot paper in the same manner as any other.

- (2) A tendered ballot paper shall, instead of being put into the ballot box, be given to the presiding Officer who shall endorse there on the name and number in the electoral roll of the person applying for it and place it in a separate packet bearing the label tendered ballot papers and the name of the candidate for whom such person wishes to vote, shall be endorsed thereon.
- (3) The name of the person applying for a ballot paper under sub-rule (1) and his serial number in the electoral roll shall be entered in a list, in Form XIII (hereinafter referred to as the tendered votes list) to be prepared by the presiding Officer.

- (4) The presiding Officer shall, before issuing a ballot paper for a person referred to in sub-rule- (1), obtain his thumb impression and if literate also his signature on the form referred to in sub-rule (3).
- 37. Challenge of voters.**- (1) If, at the time a person applies for a ballot paper for the purpose of voting, a candidate or his polling agent declares to the Presiding Officer that he has reasonable cause to believe that the person has already voted at the election, at the same or another polling station, or is not the personal against whose name entered in the electoral roll he is seeking to vote and undertakes to prove the charge in a court of law and deposits with the presiding officer in cash a sum of five rupees for each such challenge, the presiding officer may, after warning the person of the consequences and obtaining his thumb impression and, if he is literate, also his signature on the counterfoil, issue a ballot paper to that person (and issue a receipt in form XV to the person making the payment).
- (2) If the Presiding Officer issues a ballot paper under sub-rule (1) to such person he shall enter the name and address of that person in a list to be prepared by him in form XIV (hereinafter referred to as the challenged voters list') and obtain thereon the thumb impression and if he is literate, also the signature of that person.
- (3) A ballot paper issued under sub-rule (1) shall be put by the voter into the ballot box of the candidate of his choice.
- (4). The presiding officer shall soon after the close of the poll, hand over against receipt in Form XV such sum as have been deposited with him under sub-rule(1) to the Returning Officer who shall deposit the amount in any branch of National Bank of Pakistan in the name of Election Commissioner/ Authority.
- 38. Spoilt Ballot Paper.**- (1) A voter who has inadvertently so spoilt his ballot paper that it cannot be used as a valid ballot paper may upon proving the fact of inadvertence to the satisfaction of the presiding Officer and returning the ballot paper to him, obtain another ballot paper and cast his vote be such other ballot paper.
- (2) The presiding officer shall forthwith cancel the ballot paper returned to him under sub-rule (1) make a note to that effect on the counterfoil over his own

signature and sign the cancelled ballot paper and place it in a separate packet labeled spoilt Ballot Paper.

39. **Stray Ballot Paper.-** if any ballot paper which has been issued to voter has not been inserted by him into the ballot box but is found anywhere else in or near the polling station it shall be cancelled and accounted for as Stray Ballot Paper.
40. **Voting After Close of Poll.-** No person shall be given any ballot paper or be permitted to vote after the hour fixed for the close of the poll, except the persons who at that hour are present within the building, room, tent or enclosure in which the polling station is situated and have not voted but are waiting to vote.
41. **Proceedings at the close of the poll.-** (1) immediately after the close of the poll, that is, as soon as the last of such persons, if any, as are present and waiting to vote as mentioned in rule 40, has voted, the presiding Officer shall, in the presence of such of the contesting candidates, election agents and polling agents as may be present, proceed with the count of votes.
- (2) The Presiding Officer shall give such of the contesting candidates, election agents and polling agents as may be present, reasonable facility of observing the count and give them such information with respect thereto as can be given consistently with the orderly conduct of the count and the discharge of his duties in connection therewith.
- (3) No person other than the Presiding Officer, the polling officer any other person on duty in connection with the poll, the contesting candidates, their election agents and polling agents shall be present at the count.
- (4) The Presiding Officer shall open the ballot box of each contesting candidate in the alphabetical order of their names and count the ballot papers contained in the ballot boxes so opened, excluding the invalid ballot papers, that is to say the ballot papers.
- (a) Which do not bear the signature of the Presiding (or Assistant Presiding ) Officer; Or
- (b) on which anything is marked or written by the voter by which he can be identified.

- (5) The Presiding Officer shall;
  - (a) Place in each packet a certificate the number of ballot papers put therein, and sign and seal each packet; and
  - (b) obtain on each packet the signature and seal of such of the contesting candidates or their election or polling agents as may desire to sign and seal it.
- (6) The Presiding Officer may re-count the votes
  - (a) of his own notion if he considers it necessary; or
  - (b) Upon the request of a contesting candidate or an election agent present if, in his opinion, the request is not unreasonable.
- (7) The valid ballot papers cast in favour of each contesting candidate shall be put in separate packets and each packet shall be sealed and shall contain a certificate as to the number of ballot papers put in it and shall also indicate the nature of the contents thereof, specifying the name and symbol of the contesting candidate to whom the packet relates.
- (8) The ballot papers excluded from the count shall be put in a separate packet indicating thereon the total number of ballot papers contained therein.
- (9) The packets mentioned in sub-rule (7) and (8) shall be put in a principal packet which shall be sealed by the Presiding Officer.
- (10) the Presiding Officer shall prepare the result of count in form XVII and forward a copy thereof to the returning Officer.
- (11) The Presiding Officer shall supply, on demand a certified copy of the statement of count under sub-rule (11) to such contesting candidates, their election or polling agents, as may be present at the time of count.
- (12) The presiding Officer shall also prepare in the Form XX a ballot paper account showing separately.
  - a. the number of ballot papers entrusted to him;
  - b. the number of ballot papers taken out of the ballot box or boxes and counted;
  - c. the number of tendered ballot papers;
  - d. the number of unissued ballot papers;

- e. the number of spoiled ballot papers;
- f. the number of stray ballot papers.

**42. Papers to be sealed in Packets.** (1) the Presiding Officer shall enclose and seal into separate Packets in such manner as the Election Commissioner/Authority may direct;

- (a) the valid ballot papers in favour of each contesting candidate;
- (b) the invalid ballot papers in favour of each contesting candidate;
- (c) a statement showing the result of the count;
- (d) the un-issued ballot papers together with their counterfoils;
- (e) the tendered ballot papers;
- (f) the spoiled/stray ballot papers;
- (g) the marked copy of electoral rolls;
- (h) the counterfoils of the issued ballot papers;
- (i) the tendered votes list;
- (j) the challenged votes list; and
- (k) ballot paper account;
- (l) notices by candidates or their election agents for the appointment of polling agents, complaints and representations, if any, received by the presiding Officer and other miscellaneous papers.

(2) The Presiding Officer, or as the case may be, the Returning Officer shall obtain on each packet and statement prepared under sub-rules (7), (8), (10) and (11) of rule 41 and this rule, the signatures of such contesting candidates or their election agents or polling agents as may be present and if any such person refuses to sign, the presiding Officer or the Returning Officer, as the case may, shall record that fact on the relevant packet or statement.

(3) A person required to sign a packet or statement under sub-rule (2) may, if he so desires, also affix his seal to it.

(4) After the close of the proceedings under the foregoing sub-rules, the Presiding Officer shall, in compliance with such instructions as may be given by the Election Commissioner/ Authority in this behalf, cause the packets, the statement of the count and the ballot paper account prepared by



him to be sent to the Returning Officer together with such other records as the Election Commissioner/ Authority may direct.

- 43. Consolidation of Results. -** (1) Before consolidating the result of the count, the returning Officer shall open the packet containing the ballot papers excluded from the count by the Presiding Officer and scrutinize each such ballot paper as was excluded from the count by the Presiding Officer.
- (2) If the returning Officer finds that any ballot paper excluded from the count by the Presiding Officer should not have been so excluded, he shall count it as a valid ballot paper cast in favour of the contesting candidate for whom it was cast.
  - (3) The Returning Officer shall reject a ballot paper hereinafter referred to as rejected ballot paper recording thereon the fact of such rejection if/it suffers from any of the defects mentioned in sub-rules (4) of rule (41)
  - (4) In consolidating the results of the count, the returning Officer shall record the number of valid ballot papers cast in favour of each contesting candidate as shown by the Presiding Officer in the statement of the count unless the figures thereof have undergone a change as a result of re-count under sub-rule (8) in which case he shall record the figures as arrived at after the re-count.
  - (5) Before recording the number of valid votes in the consolidated statement against the name of each contesting candidate, the number of ballot papers, if any, which were treated by him as valid but had been excluded from the count by the Presiding Officer shall be taken into account including those treated as valid from the challenged votes.
  - (6) The consolidated statement shall be (in Form XVII and shall be) so completed that the figures in respect of one polling station are completed before the incorporation of the figures in respect of the other.
  - (7) The ballot papers rejected by the Returning Officer under sub-rule (3) shall be shown separately in the consolidated statement.
  - (8) The Returning Officer shall not re-count the valid ballot papers in respect of any polling station unless;

- (a) the count by the Presiding Officer is challenged in writing by a contesting candidate or his election agent and the Returning Officer is satisfied about the reasonableness of the challenge; or
- (b) He is directed so to do by the Election Commissioner/ Authority.

**44. Declaration of results.** (1) When the votes of all the contesting candidates have been counted the names of the candidates shall be arranged in the order of the number of seats to be filled shall be declared elected.

(2) If for the purposes of the declaration of results there is a tie between two or more candidates who have obtained an equal number of votes, the returning Officer shall decide the issue by drawing lots, in the presence of such candidates and counting agents as may be present, and the decision of the Returning Officer as a consequence of the drawing of lot shall, subject to review on an election petition, be final.

(3) The Returning Officer shall prepare a statement in form XIX showing the names of the contesting candidates, the valid votes obtained by each candidate, and the names of the candidates elected. A copy of this statement shall be forwarded to the Collector/Election Commissioner and a copy shall be posted at a conspicuous place at the office of the returning Officer.

**45. Vacating of Seats held in more than on ward.-** (1) if a candidate has been elected for two or more wards he shall within seven days of the declaration of result and if such results are declared on different dates, within seven days of the date of the last such results, make a declaration addressed to the Collector specifying the awards which he wishes to represent, and on such declaration the seat of such person in other wards shall be deemed to have been declared vacant. If no declaration is made within the specified period, the Collector may decide which ward shall be represented by the person concerned and his seats in the remaining wards shall be deemed to have been rendered vacant.

(2) If a seat in any ward is rendered vacant under sub-rule (1) the candidate who, according to the statement referred to in rule 44, obtained the next highest number of votes shall be declared by the Collector to have been selected for the ward.

**46. Re-sealing of Packets and supply of Copies. –**

The Returning Officer shall:-

- (a) immediately after preparing the consolidated statement and the return of election, re-seal the packets and statements opened by him for the purpose of consolidation, permitting such of the candidates and their election agents, as may be present to sign the packets and affix their seals to such packets if they so desire; and
- (b) Supply duly attested copies of the consolidated statement and the return of election to such of the candidates and their election agents as may desire to have them.

**47. Election Record:-** (1) After the holding of general elections, the returning Officer shall forward the entire election record of the office arranged in different sealed packets to the Collector.

- (2). The Collector shall retain the election record and the packages received under sub-rule (1) for a period of one year, and shall thereafter, unless otherwise directed by an Election Tribunal or a court of competent jurisdiction, cause it to be destroyed.
- (3) The Election record, except the ballot be opened to public inspection subject to such conditions as may be specified by the Collector, and copies thereof may be supplied on payment of such fee and subject to such conditions as may be specified by the Collector.

**48. Public Inspection of Documents:-** (1) the documents retained by the Collector under rule 47 except the ballot papers, shall be opened to public inspection during offices hours.

- (2) Copies of, or extracts from, the documents mentioned in sub-rule (1) shall be furnished upon an application made by any person on payment of a fee at the rate of two rupees for the first two hundred words or a fraction thereof and one rupee for every additional hundred words or a fraction thereof. Every application for the supply of copies shall be accompanied by court fee stamp of the requisite value.

**49. Order for production of documents:-** (1) the Election Commissioner/ Authority or an Election Tribunal may order the opening of packets of counter foils and certificates or the inspection of any counted ballot papers.

- (2) An order under sub rule (1) may be made subject to such condition as to persons, time, place and mode of inspection, production of documents and opening of packets as the Election Commissioner/ Authority or an Election Tribunal making the order may think expedient;

Provided that in making and carrying into effect an order for the inspection of counted ballot papers, care shall be taken that no vote shall be disclosed until it has been held by the Tribunal to be invalid.

- (3) Where an order is made under sub –rule (1), the production by the person holding the document in such manner as may be directed by the order shall be conclusive evidence that the document relates to the election specified in the order, and any endorsement on any packet of ballot paper so produced shall be prima facie evidence that the ballot papers are what the endorsement states them to be.
- (4) The production from proper custody of a ballot paper purporting to have been used at an election, and of a counter-foil having a number, shall be Prima facie evidence that the voter whose vote was given by that ballot paper was the voter who had on the electoral roll the same number as was written on the counter-foil.
- (5) Save as is provided in this rule, no person shall be allowed to inspect any rejected or counted ballot paper in the possession of the Collector.

**50. Election Report.** (1) Within a week of the completion of election proceedings, the Returning Officer shall submit to the Collector, a detailed report about the elections.

- (a) administrative arrangements made for holding elections;
  - (b) a detailed narrative of the various stages of election proceedings;
  - (c) the extent to which the voters participated including the total number of voters and the number of persons who actually voted;
  - (d) how the candidates conducted their election campaign;
  - (e) such other matters as the Collector may specify.
- (2). The Collector shall forward to the Election Commissioner within one month of the completion of the general elections a detailed report about the election in the district.

- (3). The Election Commissioner shall prepare a consolidated report on election, and submit it to the Government.

#### **CHAPTER V :- ELECTION EXPENSES**

- 51. Definition:-** In this Chapter election expenses' means any expenditure incurred or payment made, whether by way of gift, loan, advance, deposit or otherwise, for the arrangements, conduct or benefit of, or in connection with or incidental to the election of a candidate, including the expenditure of account of issuing circular or publication or otherwise presenting to the voters, the candidate or his views, aims or objects but does not include the expenditure of the provision of ballot boxes and the deposits made under these rules.
- 52. Restriction on election expenses:-**-The election expenses of a contesting candidate shall not exceed two thousand rupees for Union Councils, three thousand rupees for Town and Municipal Committees and rupees four thousand for District Council.
- 53. Statement of election expenses :-**(1)An account shall be kept by the election agent of a candidate and if there is no election agent by candidate himself of all expenses incurred in connection with an election
- (2) Every election agent of a contesting candidate and if there is no election agent the candidate himself shall within fifteen days of the publication of the name of the returned candidate in the official Gazette under these rules, submit to the Returning Officer in Form XXI a statement of election expenses incurred on the account of the election.
- (3) The statement submitted under sub rule (2) shall be accompanied by all vouchers duly arranged according to the date of payment and serially numbered and an affidavit sworn by the contesting candidate and his election agent or where the contesting candidate is his own election agent only by such candidate, to the effect that all expenses incurred, all money and all things of value received all payments made have been accounted for in the statement of election expenses and that no payment is outstanding.

- 54. Inspection of Statement etc:-**(1)The statement of election expenses shall be kept by the Returning Officer and shall during one year from the date of their receipt by him, be open to inspection on by any person.
- (2). The Returning Officer shall on an application made in this behalf give any person copies of any return or document kept under sub-rule (1) or of any part thereof.
- 55. Bar of Jurisdiction:-** Notwithstanding anything to the contrary, contained in any law for the time being enforce no court shall during the course of election issue any interim injection order in respect of election.

### **CHAPTER VI - ELECTION PETITIONS**

- 56. Election Petition :-** (1)No election shall be called in question except by an election petition presented in accordance with these rules.
- (2). An election shall be presented within thirty days next after the declaration of result under rule 44.
- (3). Where a petitioner has been a contesting candidate, he shall join as respondent to his petition all the other contesting candidates, and a copy of the election petition shall be served upon each respondent.
- (4) An election petition shall:-
- (a) contain a precise statement of the material facts on which the petitioner relies;
  - (b) Set forth full particulars of any corrupt practices; material irregularity; offence or other illegal act alleged by the petitioner, including as full a statement as possible of the names of the persons alleged to have committed such practices or acts and the date and place of the commission of every such corrupt practice, material, irregularity, offence or other illegal act.
- (5) In the election petition, the petitioner may claim any of the following declarations:-
- (a) that the election of the returned candidate is void; or

- (b) that the election of the returned candidate is void and that the petitioner or some person has been duly elected; or
  - (c) that the election as a whole is void:
- (6) Every election petition and every schedule or annexure thereto shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1980, (Act V of 1980) for the verification of pleadings.
  - (7) Every Election petition shall be accompanied by a receipt showing that the petitioner has deposited as sum of five hundred rupees in a treasury in favour of the election Tribunal as security for the costs of the petitions. At election Tribunal may call upon the petitioner to increase such security, and the additional amount thus required shall be deposited by the petitioner in the treasury. The security shall be refunded after the decision of the petition, after deducting the costs, if any, under rules.
  - (8) An election petition may be presented by any electors or, candidate.
  - (9) An election petition shall be presented to the Election Tribunal and shall be deemed to have been presented:-
    - (a) when it is delivered in person to the Election Tribunal by the petitioner or by a person authorized in writing in his behalf by the petitioner , or
    - (b) When delivered by registered post to the election Tribunal.
  - (10) The Election Tribunal may upon such terms as to costs and otherwise as it may direct, at any time, allow the particulars contained in the election petition to be amended or order further particulars in regard to any matter referred to therein to be furnished as may in its opinion be necessary for purpose of ensuring fair and effectual trial of the petition; material irregularities offences of other illegal acts not contained in the election petition shall not be added by means of any such amendment .

**57. Election Tribunal:-** (1)The election petitions presented under these rules shall be enquired into and tried by the Election Tribunal.

- (2) The Election Tribunal shall consist of such person or persons as may be appointed by Government.

58. **Substitution of petitioners and respondents and withdrawal and abatement of election petitions:-** (1)where at any stage in the trial of an election petition no petitioner appears, the Election Tribunal may, on the application of any person who might himself have been a petitioner, order that such person may be substituted for the original petitioner of petitioners on such terms as it may think proper .If no application for substitution is made, the election petition may be dismissed for default, but the Election Tribunal may make such order as to caste it thinks proper.
- (2) An election petition may be withdrawn by leave of the Election Tribunal. Where an application for leave to withdraw an election petition is made, notice thereof shall be served on the other parties to the petition. No application for leave to withdraw an election petition shall be granted unless the Election Tribunal is satisfied that no agreement of bargain is such that the application may be allowed. If the application is granted, the petitioner shall be required to pay such costs as may be determined by the Election Tribunal. A notice of allowing or disallowing an application of withdrawal shall be served by the Election Tribunal on the other parties to the petition. Within fourteen days next following such notice any person who might himself have been a petitioner may apply to the Election Tribunal for leave to be substituted as petitioner complies with the provision of the rule as to Security for costs, he may be so substitution on such terms as the Election Tribunal may decide and may continue the proceedings.
- (3) An election petition shall abate on the death of a sole petitioner of the survivor of several petitioners. The Election Tribunal shall give a notice of such abatement to the parties concerned. Within the fourteen day next following such notice any person who might himself have been a petitioner may apply to the Election Tribunal for leave to be substituted as petitioner and if he complies with provisions of the rule as to security of casts, he may be so substitutes on such terms as the Election Tribunal may decide and may continue the proceedings.
- (4) If before the conclusion of the trial of an election petition a respondent dies or gives notice that he does not intend to contest the petition, and no



respondent remains to contest the petition , the Election Tribunal shall issue a notice to such effect , and any person who might himself have been a petitioner may ,within the fourteen days next following the issuing of the notice, apply to be substitutes as a respondent to oppose the election petition and shall subject to such terms as the Election Tribunal may decide be entitled to continue the proceedings.

**59. Trial of Election petition:-**

- (1) If in the case of an election petition, any of the provisions of these rules have been complied with or if the allegations contained therein are vague or frivolous, the Election Tribunal may dismiss the election petition, and inform the petitioner accordingly.
- (2) If an election petition presented under these rules is not dismissed, the Election Tribunal shall proceed to enquire into the allegations contained in the election petition.
- (3) The enquiry shall be held in place to which the public have free access and notice of the time and place of enquiry shall be given to the parties not less than seven days before the first day of the enquiry. The place of enquiry shall be within the district.
- (4) Every election petition shall be tried as nearly as may be in a accordance with the procedure applicable under the Code of Civil Procedure 1980 (Act V of 1980) to the trial of suits; provided that-
  - (a) unless it is satisfied that there is a special reason for taking down the evidence of any witness in writing, the Election Tribunal may make a memorandum of the substance of the evidence of each witness as his examination proceeds; and
  - (b) the Tribunal may refuse to examine a witness if it considers that his evidence is not material of that he is called on frivolous grounds of for the purpose of delaying the proceedings.
- (5) The provisions of the Evidence Act 1872 (1 of 1972) shall apply to the trial of an election petition.

- (6) Any appearance, application of act before the Election Tribunal may be made of done by a party in person or by an advocate or pleader of any person entitled or allowed to plead in any civil court and duly appointed to act on his behalf; provided that the Election Tribunal may, where it considers necessary, direct any party to appear in person.
- (7) The Election Tribunal shall have the same powers as are vested by the Code of Civil procedure, 1908 in a court trying a civil suit, and in particular powers in respect of :-
- (a) Discovery and inspection.
  - (b) Enforcing the attendance of witness, and requiring the deposit of their expenses.
  - (c) Compelling the production of documents.
  - (d) Examining witness on oath.
  - (e) Granting Adjournments.
  - (f) Receiving evidence taken on affidavit; and
  - (g) issuing commissions for the examination of witnesses; and it may summon and examine suo moto any person whose evidence appears to it to be material.
- (8) Notwithstanding anything in any enactment to the contrary no document shall be inadmissible in evidence at the trial of an election petition only on the ground that it is not duly stamped or registered.
- (9) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may incriminate or tend to incriminate him, or that it may expose or tend to expose him to any penalty or forfeiture;

Provided that:-

- (a) No witness or other person shall be required to state for whom he has voted at an election;
- (b) A witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the Election Tribunal;

- (c) An answer given by a witness to a question put by or before the Election Tribunal shall not. Except in the case of any criminal proceeding for perjury in against him in any civil or criminal proceeding. A certificate of indemnity granted to any witness may be pleaded by him in any court and shall be a full and complete defense to or upon any charge under the Pakistan penal Code or under these rules arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by the Ordinance or any other law for the time being enforce.
- (10) When in an election petition a declaration is claimed that any candidate other than the returned candidate has been duly elected, the returned candidate of any other party may give evidence to prove that the election of such other candidate would have been declared void and he being the returned candidate and has a petition presents calling his election in question.

Provided that the returned candidate of such other party as aforesaid shall not be entitled to give such evidence unless he has within fourteen days next following the commencement of the trial given notice that Election Tribunal of his intention so to do and has also deposited the security of increased security under those rules. Every notice under this sub rule shall be accompanied by such particulars as are required in the case of an election petition and shall be signed and verified in like manner.

- (11) The reasonable expenses incurred by any person in attending to give evidence may be allowed to him by the Election Tribunal and shall unless the Election Tribunal otherwise directs be deemed to be part of the costs.

**60. Grounds for declaring an Election Void:-**

The Election Tribunal shall declare an election to be void if it is satisfied that:-

- (a) The nomination of the returned candidate was invalid.
- (b) On the nomination day the returned candidate was not qualified for or was disqualified from being elected of the ward.

- (c) The failure of any person to comply with the provision of the ordinance of those rules his materially affected the results of the election or
- (d) The results of the election has been materially affected by the improper acceptance or rejection of any nomination paper ; of
- (e) The improper reception of refusal of any vote or the reception of any vote which should not have been received ; has materially affected result of the election ; or
- (f) The election of the returned candidate has been procured on induced by any corrupt practice, illegal act; or
- (g) An corrupt practice of illegal act has been committed by returned c candidate of his authorized agent of by any other person with the connivance of the candidate of has authorized agent; or
- (h) Corrupt practices, material irregularities, illegal payments, employments or hirings have so extensively prevailed at the election that they may be reasonably supposed to have affected the result.

**61. Striking off or addition of votes:-**

If in an election petition a seat is claimed for any candidate the votes may be struck off or added to the accounts of the person concerned in the manner hereinafter provided:-

- (a) If it is proved that the candidate of any authorized agents of his behalf has been guilty of bribery of under influence in respect of any person who voted at the election there shall be struck off one vote for every person who voted at the election and is proved to have been so bribed of unduly influenced;
- (b) If any person guilty of a corrupt practice, of illegal payment, employment or hiring ,voted at the election his vote shall be vide;
- (c) If any person disqualified from voting voted at election his vote shall be vide;
- (d) If any person was issued a tendered ballot paper, or a challenged ballot paper, and he was entitled to a ballot paper his vote shall be

added to the votes cast in favour of the candidate in whose favour such person intended to vote,

**62. Decision of the Election Tribunal:** (1) At the conclusion of the trial of an election petition, the Election Tribunal shall make an order:-

- a) dismissing the election petition; or
- b) declaring the election of the returned candidate to be void; or
- c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected ; or
- d) declaring election as a whole to be void.

(2) At the time of making an order under sub rule(1) the Election Tribunal

- a) shall also make an order where the petition alleges any corrupt practice on electoral offence regarding
  - i) the finding whether any corrupt practice or an electoral offence has been committed by or with the connivance of, any candidate or his authorized agent and if so the nature of the corrupt practice or offence; and
  - ii) the name of all persons, if any, found guilty of any corrupt practice or an electoral offence and the nature of it together with any recommendation the Election Tribunal thinks proper to make, for the disqualification or exemption from disqualification of any person;
- b) fixing the costs to be paid and specifying the person by and whom such costs are to be paid

(3) No person shall be named in an order under sub rule (2) unless:

- a) he has been given notice to appear before the Election Tribunal to show cause why he should not be named; and
- b) he has appeared in pursuance of the notice and he has been given an opportunity of cross examining any witness who has already given evidence against him and of calling evidence in his own defense and of being heard.

- 63. Enforcement of the orders:-** (1) An order made by the Election Tribunal under Rule 72, shall take effect from such date as may be specified by the Election Tribunal.
- (2) Every order passed by an Election Tribunal on an election petition shall be forwarded to the Election\ Commissioner/ Authority who shall take such further action thereon as may be necessary.
- (3) the record of the Election Tribunal shall deem to be the record of the office of the Election\ Commissioner/ Authority.
- (4) The order for costs may be endorsed by an application to civil courts as a decree passed by the court.

#### **CHAPTER VII:- OFFENCES AND PENALTIES.**

- 64. Definition of corrupt practice:-** (1) A person shall be guilty of a corrupt practice.
- a) if he is guilty of bribery; of
  - b) if he is guilty of under influence; or
  - c) if he is commits, abets, conceals or procures the commission of the offence of personation; or
  - d) if an order to support or oppose any candidate at an election he lets, lends, employs ,hires, borrows or uses any vehicle for the purpose of conveying electors to or from the poll; or
  - e) if he calls upon or attempts to persuade any person to vote or to refrain from voting for any candidate on the ground that the candidate belongs community, or religion; or
  - f) if he causes of attempts to cause any person present and waiting to vote depart without having voted; or
  - g) if he makes or publishes any false statement of fact concerning the personal character of candidate of in such a way as to affect the candidate concerning the personal character of a relation of the

candidate; for the purpose of affecting of procuring the return of any candidate, at the election;

- (2) A person shall be guilty of bribery if he directly or indirectly by himself or by any other person on his behalf:-
- a) gives, offers, or promises any gratification to any person or persons for purposes of inducing a person or stand or not to stand as or to withdraw from being a candidate at an election of an elector to vote or to refrain from voting at an election or for the purposes of rewarding a person for having stood or not stood or for having withdrawn from being a candidate at an election or an elector for having voted or refrained from voting at an election ; or
  - b) Receives, agrees, or contracts for any gratification for standing or not standing as candidate at an election or for voting or refraining from voting an election.

**Explanation:-** For the purposes of this sub-rule ‘gratification ‘ includes a gratification in money or estimable in money and all forms of entertainment and all forms of employment for reward, but does not include the payment of any election expenses incurred bonafide any duly entered in the return of election expenses.

- (3) (a) A person shall be guilty of undue influence if he directly or indirectly by himself or by any other person on this behalf makes use of or threatens to make use of any force, violence, or restraint, or inflicts, or threatens to inflict ,by himself or by any other , person any injury damage , harm or loss upon or against any person or to call down divine displeasure or the displeasure of any saint ,or portion or to give a religious sentence against or in respect of any person or uses official influence of Governmental patronage in order to induce or compel that person to vote, or refrain from voting, or on account of that person having voted or refrained from voting, or to induce him not to offer himself as a candidate for election or to withdraw his candidature; of

(b) if by abduction , duress of any fraudulent device or contrivance , he impedes or prevents the free exercise of , the franchise by an elector, or thereby compels , induces, or prevails upon an elector either to vote or to refrain from voting.

**Explanation:-** for the purposes of this sub-rule , ‘harm ‘ includes social ostracism or excommunication or expulsion from any caste or community.

- (4) A person shall be guilty of personation at an election if he votes as some other person, whether that other person is living or dead or is a fictitious person.

For the purposes of this sub-rule, a person who has applied for a ballot paper for the purpose of voting shall be deemed to have voted.

**65. Electoral Offences:-** A person shall be guilty of an offence if he;

- (a) votes knowing that he is disqualified from voting ;
- (b) Votes more than once in the same ward; or
- (c) Votes in more than one ward; or
- (d) Fraudulently defaces or fraudulently destroys any nomination paper ;
- (e) Removes a ballot paper from a polling station during the poll; or
- (f) Fraudulently defaces or fraudulently destroys any ballot paper, or
- (g) Without due authority supplies any ballot paper; or
- (h) Forges any ballot paper; or
- (i) Fraudulently puts into any ballot box any ballot paper other than the ballot paper which he is authorized by law to put in, or
- (j) Without due authority destroys, breaks ,opens, or otherwise interferes with any ballot box or packet or ballot papers; or
- (k) Without due authority breaks any seal fixed under the provisions of these rules, or
- (l) On any day of which a poll is taken at polling station canvases for votes, or solicits the vote of any elector, or persuades any elector not to vote for a particular candidate designed to encourage electors from voting for any contesting candidate; or



- (m) While polling is in progress at a polling station does any act which disturbs or causes annoyance to any elector visiting the polling station for the purpose of casting a vote or interferes with the performance of duty by the officials on duty; or
- (n) Interferes or attempts to interfere with an elector at polling station, or any official on duty;
- (o) Communicates, unless otherwise required by competent authority any information as to the name or number on the electoral roll of any elector, who has or has not applied for a ballot paper or voted at polling stations;
- (p) Ascertains or attempts to ascertain at the counting of votes the number of a ballot paper, or communicates any information obtained at the counting of votes as to the candidate for whom any vote is given on any particular ballot paper; or
- (q) Knowingly induces or procures some other person to do an act, which is an offence under this rule; or
- (r) Abets the commission of any of the offences under these rules;
- (s) Fails to comply with the provisions of rules 53, and 65 A }

**65.A:** For election to any ward of a Local Council, no person shall convene, hold or attend any public meeting and no person shall promote or join any procession within the area of Local Council concerned during a period of 58 hours, ending at the time fixed for close of the pole.

**66. Prosecution and penalty:-** (1) if any offence punishable under these rules has been committed, the collector, or the Returning Officer shall cause such enquiries to be made, and such prosecution to be instituted as the circumstances of the case may require.

(2) If an Election Tribunal in the order passed by it on an election petition refers to offences under these rules committed by persons named in the order the collector shall institute prosecution against such persons according to the circumstance of the case concerned.

(3) any person who in relation to any election to a Local Council commits or abets the commission of any offence including a corrupt practice under

these rules shall of conviction be punished with imprisonment which may extent to one year , or with fine which may extend to one thousand rupees of with both.