

THE PUNJAB LOCAL GOVERNMENT ELECTIONS RULES, 2005

[8th July, 2005]

CONTENTS

1. Short title and commencement.
2. Definitions.
3. Powers and functions of the Chief Election Commissioner.
4. Supply of electoral rolls to the Returning Officer.
5. Supply of electoral rolls to the contesting candidates.
6. Inspection of electoral rolls.
7. Assistance to the Chief Election Commissioner.
8. Appointment of District Returning Officers and Returning Officers.
9. Election schedule.
10. Polling Stations.
11. Presiding Officers and Polling Officers.
12. Nomination for elections.
13. Candidature fee.
14. Scrutiny.
15. Publication of list of candidates.
16. Withdrawal and retirement.
17. Death of candidate after nomination.
18. Postponement of election proceedings.
19. Uncontested election.
20. Contested election.
21. Election agent.
22. Polling agent.
23. Absence of candidates and their agents not to invalidate election process.
24. Hours of the poll.
25. Stopping of poll.
26. Ballot boxes.
27. Admission to polling station.
28. Maintenance of order at the polling station.
29. Election by secret ballot.
30. Voting procedure.
31. Tendered ballot paper.
32. Challenge of voters.
33. Spoilt ballot paper.
34. Voting after close of poll.
35. Proceedings at the close of the poll.
36. Consolidation of results.
37. Equality of votes.
38. Declaration of results.
39. Election of Zila Nazim, Tehsil/Town Nazim and members of Zila and Tehsil/Town Councils against reserved seats.
40. Appointment of Returning Officers and Presiding Officers.

41. **Appointment of Polling Officers.**
42. **Authorization.**
43. **Powers to suspend.**
44. **List of voters.**
45. **Election Schedule.**
46. **Details of election schedule.**
47. **Nomination for election.**
48. **Declaration of results of Nazims, etc.**
49. **Election of Naib Zila Nazim and Naib Tehsil/Town Nazim.**
50. **Election Schedule.**
51. **Details of election schedule.**
52. **Polling scheme.**
53. **Election for Zila Naib Nazim and Naib Tehsil/Town Nazim.**
54. **Declaration of results of Naib Zila/Tehsil/Town Nazims.**
55. **Oath of Office.**
56. **Issue of Identity cards.**
57. **Resealing of packets and supply of copies.**
58. **Election record, etc.**
59. **Public inspection of documents.**
60. **Order for production of documents.**
61. **Election expenses.**
62. **Restriction on election expenses.**
63. **Statement of election expenses.**
64. **Inspection of statements, etc.**
65. **Election petition.**
66. **Parties to the petition.**
67. **Contents of petition.**
68. **Appointment of tribunal.**
69. **Place of trial.**
70. **Appearance before tribunal.**
71. **Procedure before tribunal.**
72. **Dismissal of petition during trial.**
73. **Power of tribunal.**
74. **Recrimination where seat is claimed.**
75. **Decision of the Tribunal.**
76. **Grounds of declaring election of returned candidate void.**
77. **Ground for declaring a person other than a returned candidates elected.**
78. **Ground for declaring election as a whole void.**
79. **Decision in case of equality of votes.**
80. **Other provisions relating to tribunal.**
81. **Abatement on death of petitioner.**
82. **Death or withdrawal of respondent.**
83. **Failure of petitioner to appear.**

84. **Order as to costs.**
85. **Withdrawal of petition.**
86. **Supply of copies of decision on petition.**
87. **Retention of the record.**
88. **Report by Returning Officer.**
89. **Report by the Provincial Election Commissioner.**
90. **Repeal.**

TEXT

THE PUNJAB LOCAL GOVERNMENT ELECTIONS RULES, 2005, [SOR (LG)38-3/2005]

[8th July, 2005]

CHAPTER - I

1. **Short title and commencement** - (1) These rules may be called the Punjab Local Government Elections Rules, 2005.

(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”** means an appellate authority as may be appointed by the Chief Election Commissioner;

(ii) **“ballot paper”** means a ballot paper specified in Form-X(A), Form-X(B), Form-X(C)(I), or Form-X(D)¹;

(iii) **“ballot paper account”** means a ballot paper account prepared under these rules;

(iv) **“candidate”** means a person nominated for election as a member, a Nazim or a Naib Nazim;

(v) **“contesting candidate”** means a candidate who has been validly nominated for election as a member of a Council or as a Nazim or a Naib Nazim of a district, tehsil, town or union, and has not withdrawn his candidature on or before the withdrawal day;

(vi) **“Council”** means a Zila Council, a Tehsil Council, a Town Council or a Union Council constituted under the Ordinance;

(vii) **“electoral roll”** means electoral rolls prepared under Section 157;

(viii) **“election petition”** means a petition under the Ordinance or these rules calling an election in question;

(ix) **“form”** means a form appended to these rules;

(x) **“material irregularity”** means non-compliance of these rules which materially affect the result of an election;

(xi) **“minority community”** includes persons belonging to the Christian, Hindu, Sikh, Buddhist and Parsi communities, a person of the Qadiani Group or the Lahori Group (who call themselves ‘Ahmadis’ or by any other name), or a Bahai or any other person who is a ‘non-Muslim’ as defined in paragraph (b) of clause (3) of Article 60 of the Constitution of the Islamic Republic of Pakistan;

(xii) **“nomination day”** means a day appointed for the nomination of candidates;

(xiii) **“Ordinance”** means the Punjab Local Government Ordinance, 2001(Punjab Ordinance No. XIII of 2001);

(xiv) **“Polling Agent”** means a polling agent of a candidate appointed under these rules;

(xv) **“polling day”** means the day on which poll is conducted for election of a member, a Nazim or a Naib Nazim;

(xvi) **“Polling Officer”** means a polling officer appointed under these rules;

(xvii) **“polling station”** means any place or premises notified as polling station for holding or conducting of a poll;

(xviii) **“Presiding Officer”** means a presiding officer appointed under these rules and includes an Assistant Presiding Officer exercising powers and performing the functions of a Presiding Officer;

(xix) **“Provincial Election Commissioner”** means the Provincial Election Commissioner, Punjab;

¹[in rule 2, clause (ii) is amended dated 14th December, 2005]

- (xx) “**publish**” includes exhibition at a prominent place accessible to the public;
- (xxi) “**returned candidate**” means a candidate who has been declared elected as a member of a Council or a Nazim or a Naib Nazim of a union, tehsil, town or a district;
- (xxii) “**Returning Officer**” means a returning officer appointed under these rules and includes Assistant Returning Officer exercising powers and performing functions of a Returning Officer;
- (xxiii) “**rules**” means the rules made under the Ordinance;
- (xxiv) “**section**” means section of the Ordinance;
- (xxv) “**tribunal**” means an election tribunal as may be constituted by the Chief Election Commissioner under Section 150 for disposal of election petitions and other disputes;
- (xxvi) “**validly nominated candidate**” means a candidate whose nomination has been accepted under these rules; and
- (xxvii) “**withdrawal day**” means a day fixed on or before which candidature is withdrawn.

CHAPTER – II

POWERS AND FUNCTIONS OF THE CHIEF ELECTION COMMISSIONER (LOCAL GOVERNMENT ELECTIONS)

- 3. Powers and functions of the Chief Election Commissioner.-** (1) The Chief Election Commissioner, for the conduct of elections in pursuance of Section 150, may-
- (a) specify the local areas wherein any of his officers so authorized under sub-section (3) of the said Section 150 shall exercise the powers and perform his functions;
 - (b) require any person or authority to perform such functions or, render such assistance for the purpose of elections as he may deemed fit;
 - (c) cause the preparation of electoral rolls under Section 157 in the manner he may deem appropriate and the electoral rolls shall not be invalid by reason of an erroneous description therein of any person listed or of an omission of the name of any person entitled to be enrolled or of inclusion of the name of any person not so entitled;
 - (d) require every election, by-election and result of such elections and resignation, removal or no confidence of a member, Nazim or Naib Nazim, as the case may be, notified under Section 164;
 - (e) appoint appellate authorities as may be necessary to decide appeals arising during the election proceedings;
 - (f) constitute tribunals and appoint its presiding officers for disposal of election petitions and other disputes;
 - (g) ensure fair, free and impartial elections; and
 - (h) issue such orders or give such directions as may be expedient or necessary in the of conduct of smooth and fair elections under the Ordinance notwithstanding anything contrary contained in these rules.
- (2) The Chief Election Commissioner or an officer appointed or authorized by him under the Ordinance or these rules, may by an order 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, election material, ballot papers or any officer or a person engaged for the performance of any duties in connection with the elections: Provided that no vehicle, vessel, 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.
- (3) Where any vehicle, vessel or animal is requisitioned under sub-rule (2), there shall be paid to the owner thereof compensation, the amount of which shall be determined by the officer authorized by the Chief Election Commissioner to requisition the vehicle, vessel or animal on the basis of prevailing fair rates.

CHAPTER – III

ELECTORAL ROLLS

4. Supply of electoral rolls to the Returning Officer.- (1) The Provincial Election Commissioner shall provide, to the Returning Officer for each union, copies of electoral rolls for all the electoral wards within that union.

(2) The Returning Officer shall provide, to the Presiding Officer of each polling station, copies of electoral rolls containing the names of the electors entitled to vote at that polling station.

(3) The Presiding Officer shall split up the electoral rolls for use at the polling booths within a polling station.

5. Supply of electoral rolls to the contesting candidates.- The contesting candidates may obtain attested photocopies of the electoral rolls of a union from the concerned Assistant Election Officer / Registration Officer at their own expense.

6. Inspection of electoral rolls.- Every person shall have the right to inspect during office hours the electoral rolls of a union by making an application in this behalf to the Assistant Election Officer/Registration Officer concerned.

CHAPTER - IV

CONDUCT OF ELECTIONS

7. Assistance to the Chief Election Commissioner.- The Chief Election Commissioner or the Officer authorized in that behalf may require any person or authority to perform such functions or render such assistance in connection with an election, to the councils or the local areas as he may direct.

8. Appointment of District Returning Officers and Returning Officers.- (1) For the purpose of an election, the Chief Election Commissioner may appoint any officer from amongst the officers performing functions in relation to the affairs of the Federal Government, a Provincial Government or a body owned or controlled by any such government, a District Returning Officer for each district and a Returning Officer for a union or a group of union in one or more local areas.

(2) The Chief Election Commissioner may appoint, from amongst officers performing functions in relation to the affairs of the Federal Government, a Provincial Government or a body owned or controlled by such governments as many Assistant Returning Officers as may be necessary.

(3) Subject to the direction and control of the Chief Election Commissioner, the District Returning Officer shall coordinate and supervise all the work in the district in connection with the local government elections and shall also perform such other duties and functions as may be entrusted to him by the Chief Election Commissioner.

(4) It shall be the duty of a Returning Officer to do all such acts and things as may be necessary for the efficient conduct of an election in accordance with the provisions of the Ordinance and these rules and the instructions issued by the Chief Election Commissioner from time to time.

(5) The Assistant Returning Officer shall assist the Returning Officer in the performance of his functions under these rules and may, subject to such conditions as may be imposed by the Chief Election Commissioner, exercise and perform under the control of the Returning Officer, the powers and functions of the Returning Officer.

9. Election schedule.- (1) The Chief Election Commissioner shall announce the schedule for conduct of local government elections in Form-I, hereinafter referred to as "election schedule".

(2) **The election schedule under sub-rule (1)** shall be published in the official Gazette and posted at the Offices of the Returning Officers, Councils concerned, and such other places as the Chief Election Commissioner may direct.

(3) The Chief Election Commissioner may at any time before the date of poll rescind the election schedule published under sub-rule (2) and issue a revised election schedule in the official Gazette.

10. Polling Stations.- (1) The Returning Officer shall before such time as may be fixed, submit to the District Returning Officer a list of polling stations which he proposes to provide in a union for the purpose of election of a member or members for that union.

(2) The District Returning Officer may make such alterations in the list of polling stations submitted under sub-rule (1) as he may consider necessary.

(3) The Returning Officer shall, at least four days before the polling day, publish the final list of polling stations, specifying the area and the voters entitled to vote at each polling station.

(4) The Returning Officer shall provide each union with polling stations according to the final list published under sub-rule (3).

(5) No polling station shall be located in any such premises owned by or under the control of any candidate.

11. Presiding Officers and Polling Officers.- (1) The Returning Officer shall appoint for each polling station a Presiding Officer and such number of Assistant Presiding Officers and Polling Officers to assist the Presiding Officer as he may considered necessary: Provided that a person who is, or has at any time been, in the employment of any candidate shall not be appointed as a Presiding Officer, Assistant Presiding Officer or Polling Officer.

(2) A list of such Presiding Officers and Polling Officers shall be submitted to the District Returning Officer.

(3) A Presiding Officer shall conduct the poll in accordance with the provisions of the Ordinance and these rules and shall be responsible for maintaining order at the polling station and shall report to the Returning Officer any fact or incident which may, in his opinion, affect the fairness of the poll: Provided that during the course of polling, the Presiding Officer may entrust his functions to any Senior Assistant Presiding Officer and it shall be the duty of the Senior Assistant Presiding officer to perform the functions so entrusted.

(4) The Returning Officer shall authorize one of the Senior Assistant Presiding Officers 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. Nomination for elections.- (1) The Returning Officer shall, as soon as may be, after the announcement of the election schedule under rule 9, give a public notice in Form-II inviting nominations, specifying the time before which and the place at which nomination papers shall be received by the Returning Officer.

(2) Any voter of a union may propose or second the name of any duly qualified person to be a candidate for becoming a member of that union.

(3) Every nomination of a candidate for becoming-

(i) a member in a union council shall be made by a separate nomination paper in Form-III(A), which shall be signed by both the proposer and the seconder and shall, on solemn affirmation made, be signed by the candidate.

(ii) a Nazim and a Naib Nazim of a union council, as joint candidates, shall be made by a separate nomination paper in Form-III(B) and shall be signed by both the proposer and seconder and shall, on solemn affirmation made, be signed by both the candidates contesting election as joint candidates.

(iii) a Nazim of a Zila Council, or a Tehsil or Town Council, as a candidate, shall be made by a nomination paper in Form-III (C), signed by both the proposer and seconder and shall, on solemn affirmation made and signed by the contesting candidate.

(iv) Member of a Zila, Tehsil or Town Council against seats reserved for women, peasants and workers and, minority communities shall be made in a separate nomination paper in Form-III(D), signed by both the proposer and seconder and shall, on solemn affirmation made, be signed by the candidate.

(4) Every nomination paper shall be accompanied by a declaration of assets of the candidate in Form-XIX, Form XX which shall be open to inspection by every voter of the local area concerned.

(5) Every nomination paper shall be delivered by the candidate or his proposer or his seconder to the Returning Officer who shall acknowledge the receipt of the nomination paper specifying the date and time of receipt.

(6) A person may be nominated in the same union by more than one nomination paper.

(7) If any person subscribes as a proposer or a seconder to more than one nomination paper, all such nomination papers, except the one received first by the Returning Officer, shall be void.

(8) The Returning Officer shall assign 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.

(9) The Returning Officer shall publish or cause to be affixed at some conspicuous place in his office a notice in Form-IV of every nomination paper received by him containing the particulars of each candidate and the names of the proposer and seconder as shown in the nomination paper for general information and inviting objections or representations from the voters of the local area within such time as may be specified in the election schedule.

(10) The objections or representations, if any, received under sub-rule (9) shall be taken into consideration at the time of scrutiny of nomination papers.

13. Candidature fee.- (1) The nomination papers received under rule 12 shall not be accepted unless the amount specified in Schedule-II is paid in cash or in the form of a bank draft in favor of the Provincial Election Commissioner by or on behalf of the candidate and the fee so paid by or on behalf of the candidate shall be non-refundable and paid only once.

(2) The cash deposit or a bank draft, as the case may be, received by the Returning Officer shall be deposited by him in the Government treasury or sub-treasury under the head of account "C03- Miscellaneous Receipts, C038- Others, C038700-Others (Election Receipts)".

(3) The receipt for the payment of the candidature fee shall be issued in Form-V and the particulars entered in the register in Form-VI.

14. scrutiny.- (1) The scrutiny of nomination papers shall be open to the candidates, their election agents, proposers and seconders, or the persons who made representations or objections against the nomination papers, and any voters of the local area concerned who obtain permission from the Returning Officer, before the commencement of the scrutiny, and the Returning Officer shall give all those present reasonable opportunity for examining all nomination papers delivered to him under rule 12.

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

(3) The Returning Officer, may, either sue Moto or upon any objection, conduct such summary enquiry as he may think fit and reject a nomination paper if he is satisfied that –

- (i) the candidate is not qualified to be elected as a member;
- (ii) the proposer or the seconder is not qualified to subscribe to the nomination paper;
- (iii) any provision of rule 12 or rule 13 has not been complied with; or
- (iv) the signature or thumb impression of the proposer or the seconder is not genuine: Provided that in case of rejection of the nominations of either a Nazim or a Naib Nazim as joint candidates, the nomination as a whole for both the joint candidates shall stand rejected.

(4) An appeal against the decision of the Returning Officer rejecting or accepting the nomination paper of the candidate may be preferred by any person present at the time of scrutiny under sub-rule (1) to the appellate authority appointed for the purpose by the Chief Election Commissioner, and the decision of such authority shall be final.

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

(2) Where an appeal is accepted by the Appellate Authority, the Returning Officer shall revise the list of validly nominated candidates and republish the same at a conspicuous place in his office.

(3) A copy of the list of validly nominated candidates, published under sub-rules (1) and (2) shall be furnished by the Returning Officer to the Provincial Election Commissioner or to such other officer as may be authorized by him in that behalf.

16. Withdrawal and retirement.- (1) Any 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 the candidate in person or by an agent authorized in this behalf in writing by such candidate, withdraw his candidature. Provided that in case of joint candidates for the office of Nazim and Naib Nazim, both shall sign the applications for withdrawal.

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

(3) The Returning Officer shall, on the day next following the withdrawal day, prepare in Form-VIII a list of contesting candidates and exhibit the same at some conspicuous place in his office: Provided that the list in Form-VIII in respect of joint candidates for the Office of Nazim and Naib Nazim shall be forwarded immediately to the Provincial Election Commissioner as soon as possible.

(4) Notwithstanding the publication of the list of contesting candidates under sub-rule (3), a contesting candidate may, in the manner specified in sub-rule (1) retire from the contest on any day not later than 72 hours ending the midnight before the polling day.

(5) The Returning Officer shall delete the name of the candidate who has retired from contest under sub-rule (4) from the list of contesting candidates already prepared in Form-VIII and shall proceed to prepare a revised list in the manner laid down in sub-rule (3).

(6) The provisions of sub-rule (2) shall apply mutatis mutandis to the retirement from contest under sub-rule (4).

17. Death of candidate after nomination.- (1) If a contesting candidate dies before polling, the Returning Officer shall, by public notice, terminate the proceedings relating to that election.

(2) Where proceedings relating to an election have been terminated under sub-rule (1), fresh proceedings shall be commenced in accordance with the provisions of these rules as may apply to a new election.

18. Postponement of election proceedings.- Where the proceedings relating to nomination, scrutiny or withdrawal cannot, for reasons beyond the control of the Returning Officer, take place on the day appointed there for, he may postpone or adjourn such proceedings and shall, inform the District Returning Officer of his having done so, whereupon, the District Returning Officer shall fix another day for the proceedings so postponed or adjourned and, if necessary, also the day or days for any subsequent proceedings, in accordance with the directions of the Chief Election Commissioner.

19. Uncontested election.- (1) Where, after scrutiny under rule 14 only such number of persons remain as contesting candidates as are equal to the number of members to be elected from a union or where after withdrawal or retirement under rule 16 only such number of persons is left as contesting candidates as are equal to the number of members to be elected from a union, the Returning Officer shall, by public notice, declare such candidates to be elected to the seats: Provided that if after scrutiny any candidate indicates that he intends to file an appeal under sub-rule (4) of rule 14 against the rejection of his nomination paper, no person shall be declared elected until the period for filing such appeal has expired and no such appeal has been filed or, where an appeal is filed, until the disposal of such appeal.

(2) The Returning Officer shall submit to the District Returning Officer, a return of the election in respect of which he has made a declaration under sub-rule (1). (3) On receipt of return under sub-rule (2), the District Returning Officer shall cause to be published in the official Gazette the names of the returned candidates.

20. Contested election.- (1) If there are more contesting candidates than the number of seats in respect of any ward, the Returning officer shall-

- (i) allocate, subject to any direction of the Chief Election Commissioner or a District Returning Officer, one of the symbols specified in Schedule-I to each contesting candidate, and in so doing shall, so far as possible, have regard for any preference indicated by the candidate: Provided that if in any union the number of contesting candidates exceeds the number of symbols specified in the said Schedule-I, the

Returning Officer may, with the approval of the District Returning Officer, introduce additional symbols before the date fixed for allotment of symbols;

- (ii) publish the names of contesting candidates arranged in the alphabetical order in English specifying against each candidate the symbol allocated to him in Form-VIII; and
- (iii) give public notice of the poll in Form-IX.

(2) The Returning Officer shall arrange to exhibit prominently at each polling station the name and symbol of each contesting candidate.

21. Election agent.- (1) A candidate may appoint a person qualified to be elected as a member, to 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, address and specimen signatures 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 an election agent.

22. Polling agent.- (1) The contesting candidate or his election agent may, before the commencement of the poll, appoint under intimation to the Presiding Officer polling agents for each polling station; provided that the polling agents shall be the voters of area and their number shall not exceed the number of polling booths.

(2) The candidate or his election agent may at any time revoke the appointment of a polling agent made under sub-rule (1), and where it is so revoked, or in the event of death of the polling agent, another person may be appointed as a polling agent in the like manner by that candidate or his election agent.

23. Absence of candidates and their agents not to invalidate election process.- Where any act or thing is required to be done under these rules in the presence of the candidate, an 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.

24. Hours of the poll.- The Returning Officer shall, subject to any direction of the Chief Election Commissioner, fix the hours during which the poll shall be held and give a public notice to that effect in Form-IX.

25. Stopping of poll.- (1) The Presiding Officer of a polling station shall stop the poll and inform the Returning Officer that he has done so if-

- (i) the poll at the polling station is, at any time, so interrupted or obstructed for reasons beyond the control of the Presiding Officer such that it cannot be resumed during the polling hours fixed under rule 24; or
- (ii) 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 results 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 District Returning Officer, who shall direct a fresh poll at that polling station and fix a date for such poll, unless he is satisfied that the result of the election has been determined by the polling that has already taken place at that polling station taking into account the results of the polling at other polling stations in the same union.

(3) Where an order under sub-section (2) has been made, the Returning Officer shall notify the day for a fresh poll and fix the place at which and the hours during which such fresh poll shall be held.

(4) Where a fresh poll is held under sub-rule (3) at a polling station, all voters entitled to cast their vote shall be allowed to vote but the votes cast earlier at the poll so stopped under sub-rule (1) shall not be counted; and the provisions of the Ordinance and these rules shall apply to such fresh poll.

26. Ballot boxes.- (1) The Provincial Election Commissioner shall provide each Returning Officer with such number of ballot boxes as may be necessary.

(2) Subject to any determination or directives of the Chief Election Commissioner in this behalf, there shall be one or more ballot boxes at each polling booth for casting of votes in the election of Union Council for all categories of candidates.

(3) The Returning Officer shall, subject to sub-rule (2), provide each Presiding Officer with such additional number of ballot boxes as may be necessary.

(4) 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, where there is more than one polling booth at a polling station.

(5) At least half an hour before the time fixed for the commencement of the poll, the Presiding officer shall –

- (i) ensure that every ballot box to be used is empty;
- (ii) show the empty ballot box to the contesting candidates and their election agents and polling agents, whoever may be present and record their statements in this behalf and obtain their signatures thereon;
- (iii) after the ballot box has been shown to be empty, close and seal it with his own seal and with the seals of such of the candidates, or their election agents or polling agents as may be present and may desire to put their own seals on it; and
- (iv) place the ballot box so as to be conveniently accessible to the electors, and at the same time within his view and within the view of such candidates or their election or polling agents as may be present.

(6) 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-rule (4).

(7) 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.

27. Admission to polling station.- The Presiding Officer shall, subject to such instructions as the Chief Election Commissioner or a District Returning Officer or Returning Officer may give in this behalf, regulate the number of voters to be admitted to the polling station at a time and exclude from the polling station all other persons except –

- (a) any person on duty in connection with the election;
- (b) the contesting candidates, their election agents and polling agents; and
- (c) such other persons as may be specifically permitted by the Returning Officer.

28. 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 commits misconduct at the 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 poll and shall if he is accused of an offence in a polling station, be liable to be arrested without warrant by a police officer.

(3) The powers under sub-rule (2) shall be so exercised not to deprive a voter of an opportunity to cast his vote at the polling station at which he is entitled to vote.

29. Election by secret ballot.- An election under these rules, except for the election of Naib Zila Nazim, Naib Tehsil or Naib Town Nazim², shall be conducted through secret ballot and a voter shall cast his vote by inserting, in accordance with the provisions of these rules, in the ballot box, a ballot paper or papers specified in Forms-X(A), X (B), X(C) (I)³ or X(D), and bear the common symbols which shall include those of the contesting candidates.

30. Voting procedure.- (1) Where a voter presents himself at the polling station to vote, he shall show his national Identity card to the Presiding Officer, who shall, after satisfying himself about the identity of the voter, issue him ballot papers: Provided that the voter shall not be issued

² [Rule 29 is amended dated 14th December, 2005]

³ [Rule 29 is amended dated 14th December, 2005]

more than one ballot paper each of different color for different categories of candidates to be determined by the Chief Election Commissioner.

(2) Before the ballot papers are issued to a voter -

- (i) the number and name of the voter as entered in electoral roll shall be called out;
- (ii) a mark shall be placed on the electoral roll against the number and name of the voter to indicate that ballot paper has been issued to him;
- (ii) the ballot paper shall on its back be stamped with the official mark and signed by the Presiding Officer; and
- (iv) the number of the voters on electoral roll shall be written on the counterfoil with the official mark and also obtain the thumb impression of the voter thereon.

(3) A ballot paper or ballot papers shall not be issued to a person who refused or is unable to produce a national identity card.

(4) If a contesting candidate or his election or polling agent alleges that a voter to whom a ballot paper or ballot papers are 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 may also take such measures as he thinks fit to ensure that such voter does not insert more ballot papers than issued to him, in the ballot box.

(5) When a voter is blind or otherwise physically incapacitated that he cannot vote without the assistance of a companion, the Presiding Officer shall allow him to be accompanied by a companion not being a candidate or agent of a candidate and in case the disability is such that voter cannot mark the ballot paper or ballot papers himself, the person accompanying the voter may mark the ballot paper as indicated by him.

(6) The voter, on receiving the ballot paper or ballot papers, shall –

- (i) forthwith proceed to the place reserved for marking the ballot paper;
- (ii) put the marking aid rubber stamp on the ballot paper at place within the space containing the symbol of contesting candidate of his choice; and
- (iii) after he has so marked the ballot paper fold and insert it in the ballot box.

(7) The voter shall vote without undue delay and shall leave the polling station immediately after he has inserted his ballot paper or ballot papers in the ballot box.

31. Tendered ballot paper.- (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 voter.

(2) A tendered ballot paper shall, instead of being put into the ballot box, be given to the Presiding Officer who shall endorse thereon 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 paper”.

(3) The name of the person applying for a ballot paper under sub-rule (1) and his number on the electoral roll shall be entered in a list (hereinafter referred to as the “tendered votes list”) to be prepared in Form-XI by the Presiding Officer.

32. 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 said, person has already voted at the election; at the same or another polling station, or is not the person whose name is entered in the electoral roll against which 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 Rs.10/- 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 (hereinafter referred to as “challenged ballot paper”) to that person.

(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 (hereinafter referred to as the “challenged votes list”) in Form- XII, 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, after it has been marked and folded by the voter, be placed in the same condition in a separate packet bearing the label “challenged ballot paper”, instead of being placed in the ballot box.

33. 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 by 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 papers”.

(3) If a ballot paper issued to a voter has not been inserted by him into the ballot box and is found any where in or near the polling station, it shall be cancelled and also accounted for as “spoilt ballot paper”.

34. 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.

35. Proceedings at the close of the poll.- (1) The Presiding Officer shall count the votes immediately after the close of the poll, in the presence of such of the contesting candidates, election agents and polling agents as may be present.

(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 consistent with the orderly conduct of the count and the discharge of his duties in connection therewith.

(3) No person other than the Presiding Officer and 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 –

(i) open the used and sealed ballot box or ballot boxes and count the entire lot of ballot papers taken out there from;

(ii) open the packet labeled “challenged ballot paper” and include the ballot papers wherein the count; and

(iii) count the votes cast in favor of each contesting candidate excluding from the count the ballot papers, which bear –

(a) no official mark;

(b) any writing or any mark other than the official mark and the mark of “marking aid rubber stamp” or to which a piece of paper or any other object of any kind has been attached;

(c) no “mark of” marking aid rubber stamp” indicating the contesting candidate or whom the voter has voted; or

(d) any mark from which it is not clear for whom the voter has voted; provided that a ballot paper shall be deemed to have been marked in favour of a candidate if the whole or more than half of the area of the mark of “marking aid rubber stamp” appears clearly within the space containing the symbol of that candidate, and

(e) where the mark of “marking aid rubber stamp” is divided equally between two such spaces, the ballot, paper shall be deemed to be invalid.

(5) The Presiding Officer may recount the votes –

(i) of his own motion if he considers it necessary; or

(ii) upon the request of a contesting candidate or an election agent present, if, in his opinion, the request is not unreasonable.

(6) The valid ballot papers cast in favor of each contesting candidate shall be put in separate packets and each such packet shall be sealed and shall contain a certificate as to the

number of ballot paper 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.

(7) The ballot papers excluded from the count shall be put in a separate packet indicating thereon the total number of ballot papers contained therein.

(8) The packets mentioned in sub-rules (6) and (7) shall be put in a principal packet, which shall be sealed by the Presiding Officer.

(9) The Presiding Officer shall, immediately after the count, prepare a statement of the count in Form-XIII showing therein the number of valid votes polled by each contesting candidate and the ballot papers excluded from the count.

(10) The Presiding Officer shall also prepare in Form-XIV a ballot paper account showing separately the number of –

- (i) ballot papers entrusted to him;
- (ii) ballot papers taken out of the ballot box or boxes and counted;
- (iii) tendered ballot papers;
- (iv) challenged ballot papers;
- (iv) spoilt ballot papers; and
- (vi) un-issued ballot papers.

(11) The Presiding officer shall if so requested by any candidate or election agent or polling agent present, give to him a certified copy of the statement of the count and the ballot paper account.

(12) The Presiding Officer shall seal in separate packets –

- (i) the un-issued ballot papers;
- (ii) the spoilt ballot papers;
- (iii) the tendered ballot papers;
- (iv) the challenged ballot papers;
- (v) the marked copies of the electoral rolls;
- (vi) the counterfoils of the used ballot papers;
- (vii) the tendered votes' list;
- (viii) the challenged votes' list; and
- (ix) such other papers as the Returning Officer may direct.

(13) The Presiding Officer shall obtain on each statement and packet prepared under this rule the signatures of such of the contesting candidates or their election agents or polling agents as may desire to sign it.

(14) A person entitled to sign a packet or statement under sub-rule (13), may, if he so desires, also affix his seal on it.

(15) 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 Returning Officer in this behalf, causes 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 Returning officer may direct.

36. Consolidation of results.- (1) The Returning Officer shall consolidate in Form-XV the results of counts furnished by the Presiding Officer.

(2) The Returning Officer shall give the contesting candidates and their election agents a notice in writing of the day, time and place for the consolidation of the results.

(3) Before consolidating the results of the count, the Returning Officer shall examine the ballot papers excluded from the count by the Presiding Officer and if he finds that any such ballot paper should not have been so excluded, count it as a ballot paper cast in favor of the contesting candidate for whom the vote had otherwise been cast.

(4) The Returning officer shall include the vote's cast in favor of each contesting candidate in the consolidated statement except those, which he may reject on any of the grounds mentioned in clause (iii) sub-rule (4) of rule 35.

(5) The ballot papers rejected by the Returning Officer under sub-rule (4) shall be shown separately in the consolidated statement.

(6) The Returning Officer shall not recount the valid ballot papers in respect of any polling station unless –

- (i) 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
- (ii) he is directed to do so by the Chief Election Commissioner or the District Returning Officer.

37. Equality of votes.- (1) Where, after consolidation of the results of the count under rule 36, it is found that there is equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the Returning Officer shall forthwith draw a lot by the toss of a coin in respect of such candidates, and the candidate on whom the lot falls shall be deemed to have received the highest number of votes, entitling him to be declared elected.

(2) The lot shall be drawn in the presence of such contesting candidates and their election agents as may be present.

(3) The Returning Officer shall keep a record of the proceedings in writing, and obtain thereon the signatures of such candidates and election agents, as have been witnesses to the proceedings.

38. Declaration of results.- (1) Save as provided in sub-rule (4) of rule 35, the Returning Officer shall, after consolidation of results under rule 36, or after the drawl of the lot under rule 37, declare by public notice, the names or names of such contesting candidate, or candidates in case of multi-member unions as have or are deemed to have received the highest number of votes.

(2) The public notice shall contain the name and total number of votes received by each contesting candidate.

(3) The Returning Officer shall, immediately after publication of the notice under sub-rule (1), submit to the District Returning Officer, a return of the election in Form-XVI together with a copy of the consolidated statement.

(4) The District Returning Officer shall forward to the Provincial Election Commissioner, the names of the returned candidates of a union in a council for publication in the official Gazette by the Chief Election Commissioner.

CHAPTER – V

ELECTION OF ZILA NAZIM, TEHSIL/TOWN NAZIM AND MEMBERS OF ZILA COUNCILS AND TEHSIL/TOWN COUNCILS AGAINST SEATS RESERVED FOR WOMEN, PEASANTS/WORKERS AND MINORITY COMMUNITIES

39. Election of Zila Nazim, Tehsil/Town Nazim and members of Zila and Tehsil/Town Councils against reserved seats.- Subject to the provisions of the Ordinance and these rules, the Chief Election Commissioner shall conduct the elections of Zila Nazims, Tehsil/Town Nazims, and members of Zila Councils and Tehsil/Town Councils against seats reserved for women, peasants and workers, and minority communities, in the manner laid under this Chapter.

40. Appointment of Returning Officers and Presiding Officers.- For the purpose of elections under this Chapter, the Chief Election Commissioner shall appoint as many Returning Officers and Presiding Officers as may be necessary.

41. Appointment of Polling Officers.- The Returning Officer may appoint such number of Polling Officers as may be necessary for the conduct of poll under this Chapter.

42. Authorization.- The Returning Officer may, by a written order authorize any Presiding Officer to perform such of his functions and exercise such powers for the conduct of elections, as may be specified by him.

43. Powers to suspend.- The Returning Officer may, at any time during the poll, for reasons to be recorded, suspend any Presiding Officer or Polling Officer and make such arrangements, as he may consider necessary.

44. List of voters.- (1) The list of elected members eligible to vote and constituting an electoral college for the election of a Zila Nazim, a Tehsil Nazim, and a Town Nazim and reserved seats at these levels shall be provided to the Returning Officer by the Provincial Election Commissioner.

(2) The number of women, peasants and workers, and members belonging to minority communities in a Zila Council or a Tehsil/Town Council shall be determined and notified by the Chief Election Commissioner.

45. Election Schedule.- (1) For the purpose of election of Nazims and members against reserved seats, the Chief Election Commissioner shall announce its election schedule and call upon the members of the union councils concerned to elect –

- (i) a Zila Nazim for a district;
- (ii) a Tehsil Nazim /Town Nazim for each tehsil or town, as the case may be; and
- (iii) for a Zila Council and each Tehsil Council or Town Council, the members against seats reserved for women, peasants and workers, and minority communities.

46. Details of election schedule.- (1) The election schedule announced for conduct of elections under this Chapter may specify a day on which-

- (i) nominations may be field;
- (ii) notice of all the nomination papers received may be published;
- (iii) scrutiny of nomination papers may take place;
- (iv) appeal against acceptance or rejection of nomination papers may be filed;
- (iv) appeals may be disposed of;
- (v) candidature may be withdrawn;
- (vi) a list of contesting candidates with symbols allotted to them may be published;
- (vii) polls shall be held or conducted; and
- (ix) results may be announced.

(2) For conduct of elections under this Chapter, all the provisions of Chapter IV in so far as they are not inconsistent herewith shall, mutatis mutandis, apply.

47. Nomination for election.- Subject to the provisions of the Ordinance, member of an electoral college concerned shall propose and second the names of persons who are enrolled as voters in the local area concerned to be candidates for election of a Zila Nazim, a Tehsil Nazim/ Town Nazim Form-III(C), or a member against seats reserved for women, peasants and workers, and minority communities for the relevant Zila Council or a Tehsil Council or a Town Council in Form-III(D).

48. Declaration of results of Nazims, etc.- The District Returning Officer shall forward to the Provincial Election Commissioner, the names of the returned Nazims and candidates for reserved seats of the councils concerned for publication in the official Gazette by the Chief Election Commissioner.

CHAPTER – VI

ELECTION OF ZILA NAIB NAZIM AND NAIB TEHSIL/TOWN NAZIM

49. ⁴Election of Naib Zila Nazim, Naib Tehsil Nazim and Naib Town Nazim: -The Chief Election Commissioner shall conduct the election of Naib Zila Nazim, Naib Tehsil Nazim and Naib Town Nazim in the manner provided in this Chapter.

50. ⁵Calling upon the Members for election of Naib Zila Nazim, Naib Tehsil Nazim and Naib Town Nazim. As soon as may be, after the issuance of notification of names of members of Zila, Tehsil and Town Councils, including members elected against seats reserved for women, peasant and workers and minority communities or the occurrence of a vacancy of Naib Zila

⁴[Rule 49 is amended dated 14th December, 2005]

⁵ [in rule 50 is amended dated 14th December, 2005]

Nazim, Naib Tehsil or Naib Town Nazim, as the case may be, the Chief Election Commissioner shall by notification in the Official Gazette-

- a. call upon the members of Zila, Tehsil and Town Councils concerned to elect Naib Nazim, Naib Tehsil Nazim and Town Nazim;
- b. specify the dates for filling of nomination paper and polling; and
- c. appoint Returning Officer and Assistant Returning Officer for the purpose.

51. ⁶Poling scheme (1) Each Zila, Tehsil and Town Council shall be the polling station for the conduct of election of Naib Zila Nazim or as the case may be Naib Tehsil Nazim and Naib Town Nazim.

(2) The Provincial Election Commissioner shall furnish to the Returning Officer an authenticated list of the members referred to in rule 50.

(3) The list referred to in sub-rule (2) shall be kept in the office of the Returning Officer and shall be open to public inspection during office hours.

52. ⁷Filing of nomination papers. (1) Any member of a Zila, Tehsil and Town Council may propose or second the name of any other member of the Council concerned for election as Naib Zila Nazim, Naib Tehsil Nazim or Naib Town Nazim, as the case may be.

(2) Every proposal shall be made by a separate nomination paper in relevant Form [Form-III (E) or Form III (F)] and shall be signed by the proposer and seconder and by the candidate declaring that he has consented to this nomination and is not subject to any disqualification for being elected as Naib Zila Nazim Tehsil Nazim or Naib Town Nazim, as the case may be.

(3) Every nomination paper shall be delivered by the candidate or his proposer to the Returning Officer on or before the date and time and at the place fixed for the receipt of nomination papers.

(4) No person shall subscribe to more than one nomination paper as the proposer or seconder and if any person subscribes to more than one nomination paper, all such nomination papers except the first one received by the Returning Officer shall be void.

(5) The candidate for whom a nomination paper is filed under sub-rule (2) may withdraw his candidature before the poll.⁷

53. ⁸Poll (1) The Returning Officer shall, subject to rule 50 convene and preside over the first meeting or any other meeting of Zila Council, Tehsil Council or Town Council, as the case may be, called for this purpose and cause the conduct of poll where the members of the concerned Council shall elect from amongst themselves a Naib Zila Nazim, Naib Tehsil Nazim or Naib Town Nazim, as the case may be, securing majority votes of total membership of the Council by show of hands:

Provided that the vote count shall be recorded in a register in the presence of the Returning Officer in which every voter shall enter his name, category of membership and sign in favour of a candidate:

Provided further that where no candidate secures the majority votes of the total membership of the Council concerned, a fresh poll shall be taken in the same meeting where the candidate securing lowest number of votes in the first poll shall be excluded from the election and in the like manner, proceed until one candidate secures the majority vote of the total membership of the Council who shall be declared to have been elected.

(2) The provisions of Chapter-IV in as far as they are not inconsistent with the provisions of this Chapter shall, mutatis mutandis, apply to the election of Naib Zila Nazim, Naib Tehsil Nazim and Naib Town Nazim.⁸

54. ⁹Record of proceedings and return of election: (1) The Returning Officer shall forward to the Provincial Election Commissioner the name of the returned Naib Zila Nazim, Naib Tehsil Nazim and Naib Town Nazim, as the case may be, for publication in the official Gazette by the Chief Election Commissioner.

⁶ [in rule 51 is amended dated 14th December, 2005]

⁷ [in rule 52 is amended dated 14th December, 2005]

⁸ [in rule 53 is amended dated 14th December, 2005]

⁹ [in rule 54 is amended dated 14th December, 2005]

(2) The Returning Officer shall also forward a return of election in Form-XX to the Provincial Election Commissioner in a sealed cover, indicating on the cover the name of the Council and the description of the election.⁹

CHAPTER - VII

OATH OF OFFICE

55. Oath of Office.- (1) After the names of the members, Nazim and Naib Nazim of a Zila/Tehsil/Town/Union Council and the names of the members elected against seats reserved for women, peasants and workers and minority communities in Zila Council and Tehsil Council are notified by the Chief Election Commissioner who shall also notify a schedule for oath of office of the said elected members, Nazim and Naib Nazim of a Zila/Tehsil/Town/ Union Council.

(2) The oath of office under sub-rule (1) shall be administered by the judicial officers as have been specified under Section 160.

(3) The judicial officers as may be administering the oath shall perform any or all of the functions of the Presiding Officer as are entrusted to them by the Chief Election Commissioner.

(4) The Presiding Officer appointed under sub-rule (3) shall give notice to the elected members, Nazim and Naib Nazim of a Zila/Tehsil/Town/Union Council to assemble at appointed place or places to take oath of office and shall ensure that such notice is delivered to all persons eligible to take oath.

(5) The notice issued under sub-rule (4) shall specify the time, date and place or places where the oath shall be administered.

(6) All members, Nazim and Naib Nazim of a Zila/Tehsil/Town/Union Council shall assemble and attend the proceedings of the oath of office held under sub-rule (4) and are given oath in the form specified in Schedule-III.

(7) As soon may be, after the assembly of the members under sub-rule (6), such members, Nazim and Naib Nazim of a Zila/Tehsil/Town/Union/Council who could not take oath under sub-rule (6) shall take oath of office before the Presiding Officer and the Presiding Officer may notify the programme of a fresh assembly, if the number of members, Nazim and Naib Nazim of a Zila/Tehsil/ Town/Union/Council to be given oath so justifies.

(8) After taking the oath of office of member, the Nazim and Naib Nazim of a Zila/Tehsil/Town/Union/Council shall affix their signatures and shall be signed by the Presiding Officer, where after, a list of persons taking oath shall be forwarded to the Provincial Election Commissioner.

(9) All the forms of the oath of office shall be kept in record of the Council and copies thereof shall be forwarded to the Provincial Election Commissioner.

56. Issue of Identity cards.- (1) The Provincial Election Commissioner through the Assistant Election Commissioner concerned shall arrange the issuance of identity cards to members, Nazims and Naib Nazims elected to a council as soon as they have taken oath of their office.

(2) The Identity Cards shall be in such form as may be determined by the Chief Election Commissioner.

CHAPTER - VIII

RESPONSIBILITIES OF RETURNING OFFICERS AFTER THE POLL

57. Resealing of packets and supply of copies.- The Returning Officer shall:-

- (a) immediately after preparing the consolidated statement and the return of elections, re-seal 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 elections to such of the candidates and their agents as may desire to obtain them.

58. Election record, etc.- (1) The Returning Officer shall, under intimation to the Provincial Election Commissioner, forward to the Chief Election Commissioner or an officer authorized by him in that behalf –

- (i) packets containing the ballot papers each of which shall be sealed with the seal of the Presiding Officer, or, if opened by the Returning Officer, with the seal of the Returning Officer;
- (ii) packets containing the counterfoils of issued ballot papers;
- (iii) the packets containing the marked copies of the electoral rolls;
- (iv) the packets containing the ballot paper account;
- (v) a packet containing the tendered ballot papers, the challenged ballot papers, the tendered votes list and the challenged votes list; and
- (vi) such other papers as the Chief Election Commissioner may direct.

(2) The Returning Officer shall endorse on each packet forwarded under sub-rule (1) the description of its contents, the date of the election to which the contents relate, the name of the electoral unit or ward for which the election was held.

(3) The District Returning Officer shall retain the documents contained in the packets received under sub-rule (1) for a period of one year from the date of their receipt, and thereafter shall, unless otherwise directed by the Provincial Election Commissioner or a Tribunal, cause these to be destroyed.

(4) The documents received under sub-rule (3) shall be kept in the safe custody or such place as is directed by the Chief Election Commissioner.

59. Public inspection of documents.- The documents retained under rule 64 except the ballot papers, shall be open to public inspection at such time and subject to such conditions as may be specified by the Provincial Election Commissioner, upon an application made in this behalf and on payment of such fee as may be fixed by the Provincial Election Commissioner and the copies thereof, or extracts there from may be obtained by any voter of the local area, on written application and payment of fees determined by the Provincial Election Commissioner.

60. Order for production of documents.- (1) A tribunal may order the opening of packets of counterfoils and certificates or the inspection of any accounted ballot papers.

(2) An order under sub-rule (1), may be made subject to such conditions as to persons, time, place and mode of inspection, production of documents and opening of packets as the 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 Returning Officer of any 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 or any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are according to the endorsement made thereon.

(4) The production from proper custody of a ballot paper purporting to have been used at an election, and of a counterfoil having a number, shall be prima facie evidence that the voter whose vote was given by that ballot paper was the voter whose Identity Card number was written on the counterfoil.

(5) Save as provided in this rule, no person shall be allowed to inspect any rejected or counted ballot paper.

CHAPTER - IX

ELECTION EXPENSES

61. Election expenses.- In this Chapter, "election expenses" means any expenditure incurred or payment made, whether by way of gift, loan, advance, deposit or otherwise, for the arrangement, conduct or benefit of, or in connection with, or incidental to the election of a candidate including the expenditure on account of issuing circulars or publications or otherwise presenting to the electors, the candidate or his views, aims or objects; but does not include the deposit made under rule 13.

62. Restriction on election expenses.- No candidate shall incur expenses on his elections exceeding the amount specified in Schedule-IV.

63. Statement of election expenses.- (1) Every contesting candidate shall, within thirty-five days of the publication of names of the returned candidates submit to the Returning Officer a statement of election expenses in Form-XVII containing:-

- (i) an account of all payments made by the contesting candidate together with all the bills and receipts;
- (ii) an account of all disputed claims of which the contesting candidate is aware;
- (iii) an account of all unpaid claims, if any, which the election agent or contesting candidate is aware; and
- (iv) an account of all moneys/securities or equivalent of money received from any person for the purpose of election expenses specifying the name of every such person.

(2) The statement submitted under sub-rule (1), shall be accompanied by an affidavit in Form-XVIII sworn by the contesting candidate.

64. Inspection of statements, etc. (1) The statement and documents submitted under rule 63 shall be kept by the Returning Officer in his office or at such other convenient place as he may think fit and shall, during one year from the date of their receipt, by him, keep open to inspection by any person on payment of fee as may from time to time be fixed by the Chief Election Commissioner.

(2) The Returning Officer shall, on an application made in this behalf and on payment of fee as may from time to time be fixed by the Chief Election Commissioner, give any person copies of any statement or document kept under sub-rule (1) or of any part thereof.

CHAPTER - X

ELECTION PETITIONS

65. Election petition.- (1) No election shall be called in question except by an election petition made by a candidate for that election (hereinafter referred as the "petitioner"),

(2) An election petition shall be presented to the tribunal appointed by the Chief Election Commissioner within thirty days of the publication in the official Gazette the name of the returned candidate and shall be accompanied by a receipt showing that the petitioner has deposited in a scheduled bank in favor of the Chief Election Commissioner, a sum of one thousand rupees, as fee for the petition.

(3) An election petition shall be presented by a petitioner and shall be deemed to have been presented, when it is delivered in person by the petitioner, or by a person authorized in this behalf by him, to the tribunal appointed by the Chief Election Commissioner for the purpose.

66. Parties to the petition.- The petitioner shall join all contesting candidates as respondents to his election petition and shall serve personally or by registered post (acknowledgement due) on each respondent a copy of his petition.

67. Contents of petition.- (1) Every election petition shall contain –

- (i) a precise statement of the material facts on which the petitioner relies;
- (ii) full particulars of any corrupt or illegal practice or other illegal act alleged to have been committed, including as full as possible a statement of the names of the parties alleged to have committed such corrupt or illegal practice or illegal act and the date and place of the commission of such practice or act; and
- (iii) the relief claimed by the petitioner

(2) A petitioner may claim as relief any of the following declarations, namely:-

- (i) that the election of the returned candidate is void and that the petitioner or some other person has been duly elected, or
- (ii) that the election as a whole is void.

(3) Every election petition and every schedule or annex to that petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Act, V of 1908), for the verification of pleadings.

68. Appointment of tribunal.- (1) For the trial of election petitions under these rules, the Chief Election Commissioner may appoint as many tribunals as may be necessary under Section 150.

- (2) A tribunal shall consist of a person who is or has been a District and Sessions Judge or Additional District and Sessions Judge or a Senior Civil Judge.

69. Place of trial.- The trial of an election petition shall be held at such place or places as the tribunal may think fit.

70. Appearance before tribunal.- Any appearance, application or act before a tribunal may be made or done by a party in person or through an advocate: Provided that the tribunal may, where it considers necessary, direct any party to appear in person.

71. Procedure before tribunal.- (1) Subject to the provisions of the Ordinance and these rules every election petition shall be tried, as nearly as may be, in accordance with the procedure for the trial of suits under the Code of Civil Procedure, 1908 (Act V of 1908); Provided that the tribunal may-

- (a) where the election petition claims relief for a declaration that the election of the returned candidate is void on the ground that the returned candidate was not, on the nomination day, qualified for, or was disqualified from being elected as a member, decide the question of such qualification or disqualification as preliminary issue;
- (b) require the parties to file within fifteen days of the date on which the case is fixed for evidence, a list of witnesses whom they propose to produce to give evidence or to produce documents, mentioning against the name of each witness a precise of the evidence that each witness is expected to give;
- (c) make a memorandum of the substance of the evidence of each witness as his examination proceeds unless it considers that there is a special reason for taking down the evidence of any witness in full;
- (d) refuse to examine a witness if it considers that his evidence is not material or that he has been called on a frivolous or vexatious ground, for the purpose of delaying the proceedings or defeating the ends of justice; and
- (e) refuse to issue any summons for the appearance of any witness unless, within three days following the date on which the parties are called upon to produce their evidence; any party intimates the tribunal that it desires a witness to be summoned through the tribunal and the tribunal is satisfied that it is not possible or practicable for such party to produce the evidence.

(2) The tribunal may permit the evidence of any witness to be given by means of an affidavit: Provided that if the tribunal deems fit, it may call such witness for the purpose of examination before it.

(3) Subject to the provisions of the Ordinance and these rules the Qanoon-e-Shahadat Order, 1984 (P.O. No. 10 of 1984), shall apply to the trial of an election petition.

(4) The tribunal may, at any time, upon such terms and on payment of such costs as it may direct, allow a petition to be amended in such a manner as may, in its opinion, be necessary for ensuring a fair and effective trial and for determining the real questions in controversy, so however that no new ground of challenge to the election is permitted to be raised.

72. Dismissal of petition during trial.- The tribunal may dismiss an election petition if-

- (a) the provisions of rules 67 and 70 have not been complied with; or
- (b) the allegations contained therein are vague or do not disclose the commission of any corrupt practice, material irregularity, or other illegal act.

73. Power of tribunal.- The tribunal shall have all the powers of Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), and shall be deemed to be Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

74. Recrimination where seat is claimed.- (1) Wherein an election petition a declaration is claimed that a candidate other than the returned candidate has been duly elected, the returned candidate or any other party may produce evidence to prove that the election of such other candidate would have been declared void had he been the returned candidate and had a petition been presented calling his election in question: Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he or it has within fourteen days next following the commencement of the trial, given notice to the Tribunal of his intention so to do and has also deposited the fee referred to in rule 65.

(2) Every notice referred to in sub-rule (1) shall be accompanied by statement of the case, and all the provisions relating to the contents, verification, trial, procedure of an election petition or to the security deposit in respect of an election petition shall apply to such a statement as if it were in election petition.

75. Decision of the Tribunal.- The Tribunal may upon the conclusion of the trial of an election petition make an order-

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

76. Grounds of declaring election of returned candidate void.- (1) Tribunal shall declare the election of the returned candidate to be void if it is satisfied that-

- (a) the nomination of the returned candidate was invalid; or
- (b) the returned candidate was not, on the nomination day qualified for, or was disqualified from, being elected as a member or Nazim or Naib Nazim, as the case may be; or
- (c) the election of the returned candidate has been procured or induced by any corrupt or illegal practice; or
- (d) a corrupt or illegal practice has been committed by the returned candidate or his election agent or by any other person with the connivance of the candidate or his authorized agent.

(2) The election of a returned candidate shall not be declared void on the ground-

- (a) that any corrupt or illegal practice has been committed, if the Tribunal is satisfied that it was not committed by or with the consent or connivance of that candidate or his election agent and that the candidate and the election agent took all reasonable precaution to prevent its commission; or
- (b) that any of the other contesting candidates was, on the nomination day, not qualified for or was disqualified from, being elected as a member.

77. Ground for declaring a person other than a returned candidates elected.- The Tribunal shall declare the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected, if it is so claimed by the petitioner or any of the respondents and the tribunal is satisfied that the petitioner or such other contesting candidate was entitled to be declared elected.

78. Ground for declaring election as a whole void.- The Tribunal shall declare the election as a whole to be void if it is satisfied that the result of the election has been materially affected by reason of-

- (a) the failure of any person to comply with the provision the Ordinance or these rules; or
- (b) the prevalence of extensive corrupt or illegal practice at the election.

79. Decision in case of equality of votes.- (1) Where, after conclusion of the trial, it appears that there is an equality of votes between two or more contesting candidates and the addition of one vote for one candidate would entitle him to be declared elected, the tribunal shall draw a lot in respect of such candidates and the candidate on whom the lot falls shall be deemed to have received the highest number of votes entitling him to be declared elected.

(2) Before proceeding to draw a lot under sub-rule (1), the tribunal shall give notice to the contesting candidates between whom there is an equality of votes and shall proceed to draw a lot on the day and the time and place stated in the notice: Provided that, if the contesting candidates are present when it appears that there is an equality of votes between them, the tribunal may proceed forthwith to draw a lot without giving notice as aforesaid.

80. Other provisions relating to tribunal.- An order of the tribunal under rule 75 shall take effect on the date on which it is made and shall be communicated to the Chief Election Commissioner and the Government.

81. Abatement on death of petitioner.- An election petition shall abate on the death of a sole petitioner or of the sole survivor of several petitioners.

82. Death or withdrawal of respondent.- If, before the trial of an election petition, a respondent dies or gives notice in writing that he does not intend to contest the petition, and no respondent remains to contest the petition, the Tribunal shall without any further hearing or after giving such person as it may think fit an opportunity of being heard, decide the case ex-party.

83. Failure of petitioner to appear.- Subject to rule 70, where at any stage of the trial of an election petition, no petitioner makes an appearance, the Tribunal may dismiss the petition for default and make such order as to costs as it may think fit.

84. Order as to costs.- (1) The tribunal shall, when making an order under rule 75 also make an order determining in its discretion the costs and specifying the persons by and to whom such costs are to be paid.

(2) If, in any order as to costs under sub-rule (1) there is a direction for the payment of costs by any part to any person, such costs shall, if they have not already been paid, be payable in full and shall, upon application in writing in that behalf made to the tribunal within sixty days of the order by the person to whom costs have been awarded, be paid as far as possible, out of the fee for costs deposited by such party.

(3) Any order for costs may be enforced upon an application in writing made to the principal civil court of original jurisdiction of the district in which the union to which the disputed election relates is situated, as if such order were a decree passed by that court: Provided that no proceeding shall be brought under this sub-rule except in respect of costs which have been recovered through an application under sub-rule (2).

85. Withdrawal of petition.- (1) An election petition may be withdrawn by leave of the tribunal.

(2) Where leave is granted by the tribunal, the petitioner shall be ordered to pay the costs incurred by respondents to the election petition or such portion thereof as the tribunal may direct.

86. Supply of copies of decision on petition.- (1) Copies of any interim or final orders passed by the tribunal on any election petition may be furnished to the parties to the petition by the tribunal on application in writing.

(2) The fee for supply of copies under sub-rule (1), shall be ten rupees for each page.

(3) Every application for the supply of copies under sub-rule (1) shall be accompanied by court fee stamps of the requisite value.

87. Retention of the record.- The tribunal shall, after an election petition has been disposed of, forward the record thereof to the Provincial Election Commissioner who shall retain such record for a period of five years from the date of its receipt and shall thereafter cause it to be destroyed.

CHAPTER - XI

ELECTION REPORTS

88. Report by Returning Officer.- Within a month of the holding of the election, the Returning Officer shall submit to the Provincial Election Commissioner a detailed report about the conduct of the election specifically stating:

- (a) all the arrangements made for the election;
- (b) total number of the voters and the actual number of votes cast;
- (c) any incident which affected or could have affected smooth polling;
- (d) such other information as may be required by the Provincial Election Commissioner.

89. Report by the Provincial Election Commissioner.- The Provincial Election Commissioner shall draw up a report on the elections held in his Province and such report may be published.

90. Repeal.- The Punjab Local Governments Election Rules, 2003, are hereby repealed.

GOVERNMENT OF THE PUNJAB
LOCAL GOVERNMENT AND RURAL DEVELOPMENT DEPARTMENT

[14th December, 2005]

NOTIFICATION

No. SOR (LG)38-3/2005. In exercise of the powers conferred by Section 191 of the Punjab Local Government Ordinance, 2001 (Punjab Ordinance No. XIII of 2001), read with Section 150 thereof, the Government is pleased to direct that I the Punjab Local Government Election Rules, 2005, (hereinafter referred to as the said rules), the following amendments shall be made, namely-

AMENDMENTS

- 1) In the said rules, in rule 2, in clause (ii), the comma, words, figures and brackets "Form X(C) (II)" occurring after the words, figures and brackets "Form X(C) (I)" shall be omitted.
- 2) In the said rules, in rule 29;
 - (i) after the words "An election under these rules" occurring at the beginning, the words and comma "except for the election of Naib Zila Nazim, Naib Tehsil or Naib Town Nazim." Shall be inserted; and
 - (ii) the comma, words, figure and bracket, "Form X(C) (II)" occurring after the words, figures and brackets "Form X(C) (I)" shall be omitted.

- 3) In the said rules, rule 49 shall be substituted by the following:-

"49. Election of Naib Zila Nazim, Naib Tehsil Nazim and Naib Town Nazim. The Chief Election Commissioner shall conduct the election of Naib Zila Nazim, Naib Tehsil Nazim and Naib Town Nazim in the manner provided in this Chapter".

- 4) In the said rules, rule 50 shall be substituted by the following:-

"50. Calling upon the Members for election of Naib Zila Nazim, Naib Tehsil Nazim and Naib Town Nazim. As soon as may be, after the issuance of notification of names of members of Zila, Tehsil and Town Councils, including members elected against seats reserved for women, peasant and workers and minority communities or the occurrence of a vacancy of Naib Zila Nazim, Naib Tehsil or Naib Town Nazim, as the case may be, the Chief Election Commissioner shall by notification in the Official Gazette-

- d. call upon the members of Zila, Tehsil and Town Councils concerned to elect Naib Nazim, Naib Tehsil Nazim and Town Nazim;
- e. specify the dates for filling of nomination paper and polling; and
- f. appoint Returning Officer and Assistant Returning Officer for the purpose.

- 5) In the said rules, rule 51 shall be substituted by the following:-

"51. Poling scheme (1) Each Zila, Tehsil and Town Council shall be the polling station for the conduct of election of Naib Zila Nazim or as the case may be Naib Tehsil Nazim and Naib Town Nazim.

- (2) The Provincial Election Commissioner shall furnish to the Returning Officer an authenticated list of the members referred to in rule 50.
- (3) The list referred to in sub-rule (2) shall be kept in the office of the Returning Officer and shall be open to public inspection during office hours"

- 6) In the said rules, rule 52 shall be substituted by the following:-

"52 . Filing of nomination papers. (1) Any member of a Zila, Tehsil and Town Council may propose or second the name of any other member of the Council concerned for election as Naib Zila Nazim, Naib Tehsil Nazim or Naib Town Nazim, as the case may be.

- (2) Every proposal shall be made by a separate nomination paper in relevant Form [Form-III (E) or Form III (F)] and shall be signed by the proposer and seconder and by the candidate declaring that he has consented to this nomination and is not subject to any disqualification for being elected as Naib Zila Nazim Tehsil Nazim or Naib Town Nazim, as the case may be.

- (3) Every nomination paper shall be delivered by the candidate or his proposer to the Returning Officer on or before the date and time and at the place fixed for the receipt of nomination papers.
- (4) No person shall subscribe to more than one nomination paper as the proposer or seconder and if any person subscribes to more than one nomination paper, all such nomination papers except the first one received by the Returning Officer shall be void.
- (5) The candidate for whom a nomination paper is filed under sub-rule (2) may withdraw his candidature before the poll.”
- 7) In the said rules, rule 53 shall be substituted by the following:-

“53. Poll (1) The Returning Officer shall, subject to rule 50 convene and preside over the first meeting or any other meeting of Zila Council, Tehsil Council or Town Council, as the case may be, called for this purpose and cause the conduct of poll where the members of the concerned Council shall elect from amongst themselves a Naib Zila Nazim, Naib Tehsil Nazim or Naib Town Nazim, as the case may be, securing majority votes of total membership of the Council by show of hands:

Provided that the vote count shall be recorded in a register in the presence of the Returning Officer in which every voter shall enter his name, category of membership and sign in favour of a candidate:

Provided further that where no candidate secures the majority votes of the total membership of the Council concerned, a fresh poll shall be taken in the same meeting where the candidate securing lowest number of votes in the first poll shall be excluded from the election and in the like manner, proceed until one candidate secures the majority vote of the total membership of the Council who shall be declared to have been elected.

(2) The provisions of Chapter-IV in as far as they are not inconsistent with the provisions of this Chapter shall, mutatis mutandis, apply to the election of Naib Zila Nazim, Naib Tehsil Nazim and Naib Town Nazim.

- 8) In the said rules, rule 54 shall be substituted by the following:-

“54. Record of proceedings and return of election: (1) The Returning Officer shall forward to the Provincial Election Commissioner the name of the returned Naib Zila Nazim, Naib Tehsil Nazim and Naib Town Nazim, as the case may be, for publication in the official Gazette by the Chief Election Commissioner.

(2) The Returning Officer shall also forward a return of election in Form-XX to the Provincial Election Commissioner in a sealed cover, indicating on the cover the name of the Council and the description of the election.

- 9) In the said rules, after “Form-XIX”, a “Form-XX” shall be inserted.