



THE CANTONMENTS LOCAL GOVERNMENT (ELECTIONS) ORDINANCE, 2002



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THE PAKISTAN CODE

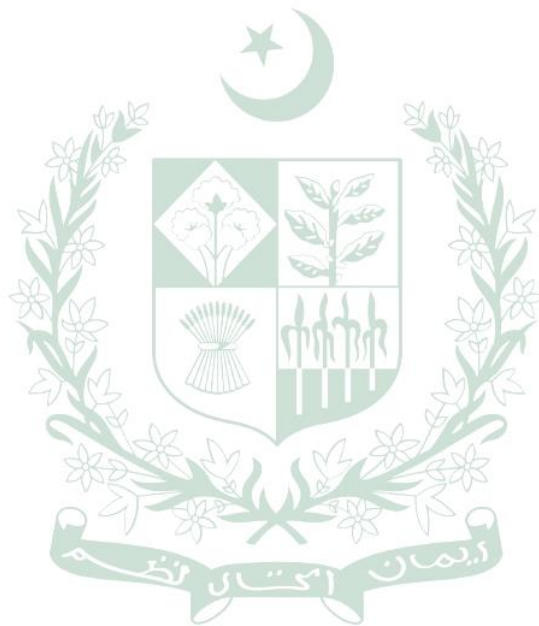
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THE PAKISTAN CODE

THE CANTONMENTS LOCAL GOVERNMENT (ELECTIONS) ORDINANCE, 2002

ORDINANCE No. LXXIX OF 2002

[18-10-2002]

to provide for the conduct of local government elections in the cantonments

WHEREAS it is expedient to provide for the conduct of Local Government elections in cantonments for the purposes of grass-root level participation and to provide adequate linkages and fiscal arrangements between Cantonments Local Government and the District Government within the basic spirit of the Cantonment Act, 1924 (II of 1924):

AND WHEREAS the President of Pakistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the Fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999 read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement:—(1) This Ordinance may be called the Cantonments Local Government (Elections) Ordinance, 2002.

(2) It extends to all cantonments in Pakistan.

(3) It shall come into force at once.

2. Definitions:—In this Ordinance, unless the context otherwise requires,—

- (i) “Cantonment” means an area notified as such under the Cantonment Act, 1924 (II of 1924);
- (ii) “Cantonment Board” means a Board constituted under this Ordinance comprising nominated and elected members;
- (iii) “Cantonment Administrative Officer” means the person appointed under this Ordinance to be the Cantonment Administrative Officer of a Cantonment;
- (iv) “Competent Authority” means the Chief of the Army Staff, Chief of Naval Staff, Chief of Air Staff or Chairman POF Wah, as the case may be, or his delegatee *i.e.*, any other officer nominated by him for any specific purpose to work on his behalf;

- (v) “Council” for purposes of the Ordinance means a Cantonment Board or a Union Council;
- (vi) “district” means a district notified under the Provincial Land Revenue Acts, 1967 (W.P. Acts XVII of 1967), including cantonments; and includes a largely urban district or districts declared to be City District under the Provincial Local Government Ordinances 2001;
- (vii) “elector” means a person whose name appears on the electoral roll prepared under section 15;
- (viii) “Government” means the Federal Government of Pakistan;
- (ix) “Health Officer” means the senior executive medical officer in military employment and is on duty in a Cantonment;
- (x) “local area” means the area as specified in section 3;
- (xi) “local government” includes District Government or a City, District Government, Zila Council, Cantonment Administration, Cantonment Board, Union Council and Union Administration.
- (xii) “Maintenance Engineer” means the Public Works Officer of that grade or the officer of the Military Engineer Services of the corresponding grade, having charge of the military works in a Cantonment or, where more than one officer has charge of the military works in a Cantonment, such one of those officers as the Officer Commanding the Station may designate in this behalf, and includes the officer of whatever grade in immediate executive engineering charge of a Cantonment;
- (xiii) “member” means an elected member of a Council, Union Nazim or a nominated or elected member of Cantonment Board;
- (xiv) “*muaziat or dehs*” means revenue estates declared as such under the Provincial Land Revenue Act, 1967 (W.P. Act XVII of 1967);
- (xv) “Naib Nazim” means Naib Zila Nazim, or Naib Union Nazim;
- (xvi) “Nazim” means Zila Nazim, or Union Nazim;
- (xvii) “Officer Commanding the station” means the armed forces officer nominated by the competent Authority to be the Officer Commanding the station for purposes of this Ordinance;
- (xviii) “peasant” means a person who is landless farm worker or, one who during the period of five years preceding the year in which the election is held, has been the owner of not more than five Acres of land and depends directly on it for subsistence;

- (xix) “President” means president of the Cantonment Boards;
- (xx) “prescribed” means prescribed by rules;
- (xxi) “rules” means the rules made under this Ordinance;
- (xxii) “Vice President” means a person elected as such under this Ordinance;
- (xxiii) “worker” means a person who is directly engaged in work, or is dependent of personal labour for subsistence and includes a worker as defined in the Industrial Relations Ordinance, 1969 (XXIII of 1969); and
- (xxiv) “Zila Council” means the Council of a district or a city district constituted under the Provincial Local Government Ordinance 2001;

CHAPTER II

LOCAL AREAS AND LOCAL GOVERNMENTS

3. Local Areas:—For the purpose of this Ordinance, the following shall be local areas, namely:—

- (i) Union; and
- (ii) Cantonments.

4. Delimitation of Unions:—A Union shall be an area comprising one or more mauziaat or dehs or, in case of an area where revision of settlement under the law has not been taken, one or more census villages or, in the case of area with urban characteristics, the whole number of population census blocks as delimited for the purpose of the last preceding census or a combination of whole number of census blocks and a whole number of muaziat or dehs, notified as such by the Government:

Provided that as far as may be,—

- (a) the area of a union shall be a territorial unity;
- (b) the area of a Union shall comprise a whole number of census blocks as delimited for the purpose of the last preceding population census; or a whole number of muaziat or dehs or a combination of a whole number of census blocks and muaziat or dehs; and
- (c) the population of unions within a Cantonment shall, as far as possible be uniform based on the Union population criteria of the district in which the concerned Cantonment is located:

Provided further that in specific cases the Government may, for reasons to be recorded, waive the aforesaid conditions.

5. Delimitation of Cantonment into wards:— (1) The Cantonment Administrative Officer shall prepare preliminary proposal for delimitation of wards and publish a copy thereof together with a notice inviting objections and suggestions at his office or at such other place within the Cantonment

as he may consider suitable and the notice shall specify that objections or suggestions may be filed within such time as may be specified therein and be presented to the Cantonment Administrative Officer.

(2) President Cantonment Board shall be the appellate authority for Cantonment within his jurisdiction for the final disposal of objections and suggestions with respect to delimitation of wards;

(3) Objections and suggestions not received within the specified time shall be rejected by the Cantonment Administrative Officer.

6. Local governments for local areas:—There shall be a local government for each local area comprising—

- (a) Cantonment Administration and Cantonment Board in each Cantonment; and
- (b) Union Administration and Union Council in each Union.

CHAPTER III LOCAL GOVERNMENT ELECTIONS

7. Composition of a Zila Council and appointments in the District Government:— (1) In addition to its composition provided in the Provincial Local Government Ordinance, 2001, a Zila Council shall also include as its members, individuals elected by a Cantonment Board falling in a district, from amongst the members, equal to the number of Unions in the Cantonment:

Provided that the reserved seats in a Zila Council already constituted shall not be changed during the tenure of the first local governments, constituted under the Provincial Local Government Ordinance, 2001.

(2) Notwithstanding the provisions of Provincial Local Government Ordinance, 2001, regarding, appointment of District Co-ordination Officers and Executive District Officers, in order to strengthen the administrative and functional linkages between the Cantonment Administration and the District Government, the officers of Military Land sand Cantonments Group shall be appointed on deputation or otherwise to such appointments in the District Government in each province:

Provided that such appointments in the above manner shall be made in at least half of such District Governments which include Cantonment Areas in each province.

8. Composition of Cantonment Board:— (1) A Cantonment Board shall be composed of—

- (a) Officer Commanding the Station or, if the Government so directs in respect of any Cantonment, such other Armed Forces Officers as may be nominated by the Competent Authority;
- (b) All Nazims of Union Councils in a cantonment;
- (c) Vice President indirectly elected from amongst the Union Nazims of the Cantonment;
- (d) Indirectly elected members on reserved seats which provides,—

- (i) such number of women as represent thirty three per cent of total number of Unions in the Cantonment, subject to minimum one member; and
- (ii) such number of peasants and workers as represent five percent of the total number of the Unions in the Cantonment; and such number of persons from minority communities as represent five per cent of the total number of Unions in the Cantonment:

Provided that the Government may, by notification in the official Gazette, vary the number of reserved seats to such extent as it deems fit.

- (e) official members including Health Officer and Maintenance Engineer, nominated by the Officer Commanding the Station, equal to the number of elected members as given in clauses (b) and (d);

(2) If in calculating a percentage for the purposes of clause (d) of subsection (1), the number of reserved seats does not come out to be a whole number and such number is.—

- (a) less than half, the number shall be rounded down to the next lower number, or
- (b) a half or more, the number shall be rounded up to the next higher number.

9. Composition of Union Councils in Cantonment:—There shall be a Union Councils in each Union comprising the following members:—

- (a) twelve members, elected to general seats, including four reserved for women;
- (b) six members elected to seats reserved for peasants and workers including two reserved for women;
- (c) one member elected to a seat reserved for minority communities:

Provided that in a Union where the population of minorities is in excess of ten per cent of the total population of the Union, reserved seats for minority communities, shall be allocated in the manner prescribed by the Government; and

- (d) Union Nazim and Naib Union Nazim:

Provided that if the situation so warrants, the Government may vary the number of seats as mentioned in clauses (a) to (c) through a notification published in the official Gazette.

10. Franchise:— (1) Members of Union Council including Union Nazims and Naib Union Nazims shall be elected through elections based on audit franchise and on the basis of joint electorate.

(2) Notwithstanding any provision of Provincial Local Government Ordinances, 2001, Electoral College for the election or by-election of Zila Nazim and Naib Zila Nazim, reserved seats of women, peasants and workers, and minorities in the Zila Council, internal recall of Zila Nazim, and recall of Naib Zila Nazim shall also include all the members of Union Councils of the Cantonment, including Union Nazims and Naib Union Nazims:

Provided that this subsection shall have effect only after the elections are held to the Union Councils in a cantonment.

(3) The Electoral College for election of Vice-President and reserved seats of women, peasants and workers and minorities in the Cantonment Board shall, be all members of the Union Councils in a Cantonment, including Union Nazims and Naib Nazims.

Explanations.— For the purpose of this section, all members of Union councils notified as returned candidates in the elections held under this Ordinance, shall be deemed to be members of the Electoral College.

11. Authority for Local Government Elections:— All elections to the Union Councils and Cantonment Board shall be organized and conducted by the President according to the rules made under this Ordinance and such rules may be provided for all matters connected therewith or incidental thereto, including the time of holding the elections, byelections, corrupt or illegal practices and other election offences and the submission, trial and disposal of election petition:

Provided that in a Cantonment where no Board has been constituted, the functions of the President under this section shall be performed by the Officer Commanding the station.

12. Delimitation of Electoral Wards:— (1) The ward for the election of Vice President, and for reserved seats of women, peasants and workers and minorities in the Cantonment Board shall be whole of a Cantonment and for a Union Nazim and Naib Nazim, a Union.

(2) The Union shall be the multi-member ward for election of members of a Union Council.

(3) The electoral ward for the election of Zila Nazim and Naib Zila Nazim shall be a district, including Cantonments.

13. Qualifications for candidates and elected members:— (1) A person shall qualify to be elected or to hold an elective office or membership of a Local Government, if he,—

- (a) is a citizen of Pakistan;
- (b) is at least twenty five years of age;
- (c) is enrolled as a voter in the electoral roll of the relevant ward;
- (d) is of good character and is not commonly known as one who violates Islamic Injunctions; has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins; provided that these qualifications shall not apply to a person who is a non-Muslim, but such a person shall have a good reputation;
- (e) has academic qualifications of not less than Matriculation or Secondary School Certificate or equivalent from a recognized institution, for contesting the election of a Union Nazim or Naib Union Nazim;
- (f) has not been declared by a competent Court to be of unsound mind;

- (g) is not in the service of the Federal, a Provincial or a Local Government or, any statutory body or a body which is controlled by any such government or, in which any of such government has a controlling share or interest, except the holders of elected public office and part time officials remunerated either by salary or fee; provided that in case of a person who has resigned or retired from such service, a period of not less than six months has elapsed since his retirement;
- (h) has not been dismissed, removed or compulsorily retired from public service on grounds of moral turpitude;
- (i) does not possess assets which are inconsistent with his declaration of assets or justifiable means, whether held in his own name or of the depends or any other person or corporate body in whose name assets are held in trust or tinder any other formal or informal arrangement whereby the *de-facto* control of such assets including their sale, transfer or pecuniary interest, is retained by him;
- (j) has not been adjudged a wilful defaulter of any tax or other financial dues owned to the Federal, a Provincial, or a local government or any financial institution, including utility bills outstanding for six months or more;
- (k) has not been convicted by a Court of competent jurisdiction on a charge of corrupt practice involving moral turpitude or misuse of power or authority under any law for the time being in force;
- (l) has not been sentenced to imprisonment for more than three months for an offence under any law and, a period of not less than five year has elapsed since his release; and in case of a member or a holder of a public office, has not been sentenced to imprisonment;
- (m) has not failed to file the required return of election expenses or is not convicted for exceeding the limits of elections expenses prescribed under the electoral laws;
- (n) has not been declared an un-discharged insolvent by any Court;
- (o) does not engage in any transaction involving pecuniary interest with the Local Government of which he is a member;
- (p) does not absent himself without reasonable cause from three consecutive meetings of the Local Government of which he is a member: Provided that a member shall not be disqualified if the absence was necessitated by a national emergency or force majeure;
- (q) does not fail to attend a training course when required to do so by law;
- (r) has not been and is not involved, in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people and the good order and harmony of society; or

- (s) has not used directly or indirectly for his election the platform, flag, symbol, affiliation and financial or material resources or support of a political, religious, ethnic or sectarian party, formation or organization; and
- (t) takes oath of membership of the local government within the specified time.

(2) Whoever,—

- (a) is found by the President Cantonment Board to have contravened the provision of subsection (1) shall stand disqualified from being a candidate for election to a local government for a period of four years; or
- (b) having been elected as a member of local government or being a holder of an elective office of a council is found by the Government to have contravened the provision of subsection (1) shall cease forthwith to be an elected member or to hold the office of such member and stand disqualified from being a candidate for election to a local government for a period of four years.

14. Non-party Election:—Local government elections in a Cantonment shall be held on non-party basis.

15. Joint Candidacy and election:— (1) A Union Nazim and Naib Union Nazim shall contest election as joint candidates:

Provided that on occurrence of a casual vacancy a candidate for the office of a Union Nazim or Naib Union Nazim shall contest the election for such office to his individual capacity.

(2) Union Nazim and Naib Union Nazim securing the highest number of votes, as joint candidates shall be declared elected.

16. Electoral rolls:— (1) In every Union the electoral rolls showing the names of persons qualified to vote at elections to the Union Council shall be prepared on the basis of the electoral rolls pertaining to the concerned Cantonment, prepared under section 4 of the Electoral Rolls Act, 1974 (XXI of 1974).

(2) A person shall be entitled to be enrolled as a voter, if he,

- (a) is a citizen of Pakistan;
- (b) is not less than eighteen years of age on the first day of January of the year in which an election is to be held;

17. Validity of electoral rolls etc. not affected by reason of any mistake:—The electoral rolls shall not be rendered invalid by reason of any erroneous description contained therein of any person listed or of an omission of the name of any person entitled to be enrolled as a voter or of inclusion of the name of any person not so entitled.

18. Election to Vacant Seats:— (1) If a seat of a member becomes vacant during the terms of office of a council, a new member shall be elected through by-election and the member elected in by-election shall hold office for the remaining portion of the term of the council.

(2) If any seat reserved for women remains vacant, the same shall be filled through by-elections and the elected woman member shall hold office for the remaining portion of the term of the council.

(3) All by-elections shall be held once a year on a date or dates fixed by the President;

(4) A vacancy of a Vice-President and Union Nazim or Naib Union Nazim shall be filled through by-election within sixty days of the occurrence of vacancy.

(5) When the office of Vice-President falls vacant, the elected members of a Cantonment Board shall, by a majority vote elect an officiating Vice-President from amongst the elected members of the Board:

Provided that, the officiating Vice-President shall not be candidate in the by-election held for election of Vice-President.

(6) When the office of a Union Nazim, falls vacant, the members of the concerned Union Council shall by a majority vote elect an officiating Union Nazim from amongst its members and the person so elected shall continue to retain his office as a member also:

Provided that the officiating Nazim shall not be a candidate in the by-election held for election of the Union Nazim.

19. Bar against dual membership:— A Vice-President, Union Nazim and Naib Union Nazim may contest election for any political office, except that of a Vice-President, after resigning from the existing office of Vice-President, Union Nazim or, as the case may be, Naib Nazim:

Provided that a member of a Cantonment Board other than a Vice-President, or member of Union Council may contest election for any other political officer without resigning from the membership of the Cantonment Board, or as the case may be, of such Council:

Provided further that such member shall not hold more than one office at one time

20. A member representing:— Cantonment Board in Zila Council may be recalled through a majority resolution of the Cantonment Board:

Provided that such record member shall retain his membership of the Cantonment Board.

21. A Union Nazim:— if found working against the interest of the Cantonment may be externally recalled through majority vote by the Cantonment Board:

Provided that his external recall is approved by the Competent Authority.

22. Term of Office:— (1) The term of office of a local government shall be four years commencing on the 14th day of August of the year in which elections are held:

Provided that the term of office of a local government for which elections are held for the first time under this Ordinance shall be for the period ending 14th August, 2005.

Provided further that a local government notwithstanding the expiry of its office shall continue to hold office until the successor local government assumes office.

(2) The Government shall notify the assumption of offices by the Vice-President, Nazim, Naib Nazim and members of the local governments.

(3) A Vice-President, Union Nazim or a Naib Union Nazim shall not hold the same office for more than two terms.

23. Notification to be issued:— The results of every election or by-election shall be notified by the Government.

24. Oath of Office:— The elected Nazims, Naib Nazims, Vice-President and members shall, before assuming the charge of their respective offices make oath as may be prescribed.

CHAPTER IV OFFENCE, PENALTY AND PROCEDURE

25. Corrupt Practice:— A person is guilty of corrupt practice punishable with imprisonment for a term which may extend to three years: or with fine which may extend to fifteen thousand rupees, or with both, if he is guilty of bribery or personating or undue influence.

26. Bribery:— A person is guilty of bribery, if he, directly or indirectly, by himself or by any other person on his behalf,—

(I) receives, agrees or contracts for any gratification for voting or refraining from voting or for being or refraining from being a candidate at, or withdrawing or retiring from an election; and

(II) gives, offers or promises any gratification to any person,—

(a) for the purpose of inducing,—

- (i) a person to be or to refrain from being a candidate at an election; or
- (ii) a voter to vote, or refrain from voting at any election; or
- (iii) a candidate to withdraw or retire from an election; or

(b) for the purpose of rewarding:—

- (i) a person for having been or for having refrained from being a candidate at an election; or
- (ii) a voter for having voted or refrained from voting at an election; or
- (iii) a candidate for having withdrawn or retired from an election.

Explanation:— In this section, 'gratification' includes a gratification in money or estimable in money and all forms of entertainment or employment for reward.

27. Personation:— A person is guilty of personating, if he, votes or applies for a ballot paper for voting, as some other person whether that other person is living or dead or fictitious.

28. Undue influence:— A person is guilty of undue influence, if he,—

- (a) compels any person to vote, refrain from voting, or to induce or compel any person to withdraw his candidature at an election, directly or indirectly, by himself or by any other person on his behalf, and—
 - (a) makes or threatens to make use of any force, violence or restraint, or
 - (b) Inflicts or threatens to inflict any injury, damage, harm or loss; or
 - (c) Uses any official influence or governmental patronage; or
- (b) on account of any person having voted or refrained from voting, or having withdrawn his candidature, does any of the acts specified in sub-specified in subsection (1); or
- (c) by abduction, duress or any fraudulent device or contrivance,
 - (a) Impedes or prevents the free exercise of the franchise by a voter; or
 - (b) Compels, induces or prevails upon any voter to refrain from voting or compels any voter to vote;

Explanation:— In this section, 'harm' includes social ostracism or ex-communication or expulsion from any caste or community.

29. Illegal practice:— A person is guilty of illegal practice punishable with fine which may extend to two thousand rupees, if he,—

- (a) obtains or procures, or attempts to obtain or procure, the assistance of any officer or official of the Federal Government, a Provincial Government or a local government or authority to further or hinder the election of a candidate; or
- (b) votes, or applies for a ballot paper for, voting at an election knowing that he is not qualified for voting or is disqualified from voting; or
- (c) votes, or applies for a ballot paper for voting more than once at any polling station; or
- (d) removes a ballot paper or a ballot box from a polling station or destroy, damages or tampers with the ballot box used at a polling station: or
- (e) knowingly induces or procures any person to do any of the aforesaid acts; or

- (f) fails to provide statement of election expenses as required under this Ordinance; or
- (g) makes or publishes a false statement,—
 - (a) concerning the personal character of candidate or his relation calculated to adversely affect the election of such candidate or, for the purpose of promoting or procuring the election of another candidate, unless he proves that he had reasonable ground for believing and did believe, the statement to be true; or
 - (b) relating to the symbol of a candidate whether or not such, symbol has been allocated to such candidate; or
 - (c) regarding the withdrawal of a candidate;
 - (h) knowingly; in order to support or oppose a candidate lets, lends, employees hires, borrows or uses any vehicle or vessel for the purpose of conveying voters to or from the polling station, except when a person conveys himself or any member of the household to which he belongs, to or from the polling station; or
 - (i) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting.

30. Prohibition of canvassing:— A person is guilty of an offence, punishable with fine which may extend to two thousand rupees, if he on the polling day in connection with the election,—

- (i) convenes, call or organizes within a ward any meeting; or
- (ii) within a radius of two hundred meters of the polling station,—
 - (a) canvasses for votes; or
 - (b) solicits vote of any voters; or
 - (c) persuades any voter not to vote at the election or for a particular candidate; or
 - (d) exhibits except with the permission of the Returning. Officer and at a place reserved for the candidate or his polling agent beyond the radius of one hundred meters of the polling station, any notice, sign, banner or flag designed to encourage the voters to vote, or discourage the voters from voting, for any contesting candidate.

31. Disorderly conduct near polling station:— A person is guilty of an offence, punishable with imprisonment for a term which may extend to three months, or with fine which may extend to six thousand rupees or with both, if he,—

- (a) uses, in such manner as to be audible within the polling station any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds; or
- (b) persistently shouts in such manner as to be audible within the polling station; or
- (c) does any act which
 - (i) disturbs or causes annoyance to any voter visiting a polling, station for the purpose of voting; or
 - (ii) interferes with the performance of the duty of a presiding officer, polling officer or any other person performing any duty at a polling station; or
 - (iii) abets the doing of any of the aforesaid acts.

32. Tampering with papers:— A person is guilty of an offence, punishable with imprisonment for a term which may extend to six months, or with fine which may extended to six thousand rupees, or with both, if he;

- (a) fraudulently defaces or destroys any nomination paper or ballot paper, or
- (b) fraudulently takes out of the polling station any ballot paper or puts into any ballot box any ballot paper other than the ballot paper he is authorized under the rules to put in; or
- (c) without due authority
 - (i) supplies any ballot paper to any person; or
 - (ii) destroys, takes, opens or otherwise interferes with any ballot box or packet or ballot papers in use for the purpose of election; or
 - (iii) breaks any seal affixed in accordance with the provision of the rules;
- (d) Causes any delay or interruption in the beginning conduct or completion of the procedure required to be immediately carried out on the close of the poll; or
- (e) fraudulently or without due authority attempts to do any of the aforesaid acts.

33. Interference with the secrecy of voting:— A person is guilty of an offence, punishable with imprisonment, which may extend to six months or with fine which may extend to six thousand rupees, or with both, if he,

- (a) interferes or attempts to interfere with a voter when he records his vote; or
- (b) in any manner obtains or attempts to obtain in polling station information as to the candidate for whom a voter in that station is about to vote or has voted; or

- (c) communicates at any time any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted.

34. Failure to maintain secrecy:— Any candidate, or polling agent attending a polling station, or any person attending the counting of votes, is guilty of an offence, punishable with imprisonment which may extend to six months, or with fine which may extend to six thousand rupees, or with both, if he,

- (a) Fails to maintain or aid in maintaining the secrecy of voting; or
- (b) Communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

35. Conduct of officials:— A presiding officer, polling officer or any other officer or clerk performing a duty in connection with an election, or any member of a police force, is guilty of an offence punishable with imprisonment for a terms which may extend to six months, or with fine which may extend to five thousand rupees or with both, if he, in the conduct or management of an election or maintenance of order at the polling station,—

- (a) Persuades any person to give his vote;
- (b) Dissuades any person from giving his vote;
- (c) Influences in any manner the voting of any person;
- (d) Does any other act calculated to further or hinder the election candidate.
- (e) Fails to maintain or aid in maintaining the secrecy of voting.
- (f) Communicates, except for any purpose authorized by any law, to any person before the poll is closed any information as to the name or number on the electoral roll of any voter who has or has not applied for a ballot paper, or has or has not voted at a polling station; and
- (g) Communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

36. Breach of official duty:— A presiding officer or any other person employed by any such officer to connection with his official duties imposed by or under this Ordinance, is guilty of an offence, punishable with the fine which may extend to five thousand rupees, if he without reasonable cause, does or omits to do an act in breach of any such official duty.

37. Assistance by Government servants:— A person in the service of the Federal Government, a Provincial Government, a Local Government or a body owned or controlled by the Federal or a Provincial Government is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both if he, in any manner, gives any assistance calculated to further or hinder the election of a candidate.

38. Summary trial:— All offences under this Ordinance, except the offences under section 24 to 27 shall be triable summarily under the Code of Criminal Procedure, 1898.

39. Cognizance:— No Court shall take cognizance of the offences under sections 34 and 35 except on the complaint in writing of the Returning Officer concerned.

CHAPTER V MISCELLANEOUS

40. Overriding effect:— The provisions of this Ordinance shall have effect notwithstanding anything contained in the Cantonment Act, 1924 (II of 1924) or any other law for the time being in force.

41. Power to make rules:— The Government may, by notification in the official Gazette, make rules to give effect to the provision of this Ordinance.

42. Removal of difficulties:— The Government may by order provide for the removal of any difficulty, which may arise in giving effect to the provisions of this Ordinance.



THE PAKISTAN CODE