

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad the 16th December, 2013

No.F.8(4)/2013-Cord (1).- WHEREAS, under Article 218(3) of the Constitution of the Islamic Republic of Pakistan it is the duty of the Election Commission of Pakistan to organize and conduct an election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law and that the corrupt practices are guarded against;

AND WHEREAS, Article 220 of the Constitution envisages that it shall be the duty of all executive authorities in the Federation and in the Provinces to assist the Chief Election Commissioner and the Election Commission in the discharge of his or their functions;

AND WHEREAS, Section 104 of the Representation of the People Act, 1976 provides that anything required to be done for carrying out the purpose of this Act, for which no provision or no sufficient provision exists shall be done by such authority and in such manner as the Commission may direct;

AND WHEREAS, the Bye-elections are being held in Constituencies **No.NA-69 Khushab-I and PK-50 Haripur-II** and it is expedient to issue the following directives to ensure free, fair and transparent elections and corrupt practices are guarded against.


NOW, THEREFORE, in exercise of the powers conferred upon it under Articles 218(3), and 220 of the Constitution read with Sections 104 of the Representation of the People Act, 1976 and all other powers enabling it in that behalf, the Election Commission of Pakistan has been pleased to direct that:

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

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- (iv) Individual transfers/postings of civil servants shall also not be made after the issuance of Schedule of bye-elections except under exceptional circumstances, in exigency of service and in public interest, with prior approval of the Election Commission.
- (v) After the issuance of Schedule of bye-elections, the President, Prime Minister/Chairman/ Deputy Chairman Senate, Speakers of Assemblies, Federal Minister, Ministers of State, Governors, Chief Ministers, Provincial Ministers and Advisor to the Prime Minister and the Chief Ministers and other public office holders will neither visit the area of any constituency nor shall openly or in secret give any subscription or donation or make promise for giving such subscription or donation to any institution of a constituency, nor shall inaugurate, commit to undertake or announce any development project therein for the advancement of the campaign of a candidate of his choice and thereby influence the results of election.
- (vi) The Prime Minister, Chief Ministers, Federal Ministers, State Ministers, Advisors to the President and the Prime Minister, Provincial Ministers and Advisors to the Chief Ministers or any person on their behalf shall not visit the Constituency or a polling station after the issuance of Schedule of bye-elections till the completion of poll.
- (vii) If any of the public office holders mentioned in para (v) and (vi) above is found to have misused his official position to influence the result of an election in any manner whatsoever, legal action shall be taken against such person in accordance with law under section 103A of the Representation of the People Act, 1976, relating to contempt proceedings.

By order of the Election Commission of Pakistan.


(Masud Ahmed Malik)
Additional Director General (Elections)

To:

The Manager,
Printing Corporation of Pakistan Press,
Islamabad.

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