

Citizens' Group on Electoral Process

POSITION PAPER

**Proposed
Model Code of Conduct
for General Election 2007/08**

PILdAT
Pakistan Institute of
Legislative Development
And Transparency

CGEP Election Code of Conduct

Preface

There is a general agreement in the country that the upcoming General Election is by far the most crucial election of our times in terms of the future of Pakistan. To ensure that the election is not only held on a free and fair basis but is also seen and perceived to be free by the citizens of Pakistan, it is necessary that all stakeholders agree on a set of rules and abide by them to achieve the objective. These sets of rules or Election Code of Conduct are voluntarily arrived at and agreed by political parties in different countries. However, in the case of Pakistan, election codes of conduct have never been voluntarily decided by political parties in the past and have been issued by the ECP with little or no consultation with political parties.

The Citizens Group on Electoral Process CGEP, which is a group of eminent Pakistanis working in an honorary capacity under the auspices of PILDAT since December 2006, has come up with a proposed Code of Conduct for the coming General Election. The Code not only combines the good ingredients from the Codes of Conduct of General Elections of 1997 and 2002, it includes clauses or areas that provide a meaningful solution to the specific challenges of the day vis-à-vis the objective of free, fair and credible elections in Pakistan.

The proposed code of conduct specifically focuses on the role of the President of Pakistan, the office that has not been covered by previous codes of conduct in the country. The code also brings into its fold the Local Governments widely perceived to be the vehicles of election rigging in the previous general election as well as covers the caretaker governments.

The CGEP believes that following in the footsteps of mature democracies, the key stakeholders should voluntarily adopt an election code of conduct as early as possible. By sharing it with political parties, the CGEP also proposes that the All-Parties Conference scheduled for the first week of July discusses and takes steps to develop agreement on a Code of Conduct for general Election. The CGEP membership will be pleased to discuss the proposed code of conduct with the ECP and other stakeholders. This code, CGEP believes, is proposed without prejudice to parties' positions on various issues relating to the General Election. The proposed code is a starting point for discussion between stakeholders. A final code of conduct can only be implemented with the input of political parties and other stakeholders.

The CGEP members include Chairman of CGEP Justice (Retd.) Wajih-ud-Din Ahmed, Former Judge, Supreme Court of Pakistan; Amir ul Mulk Mengal, Former Chief Justice Balochistan High Court and former Governor of Balochistan; Anjum Niaz, Columnist Dawn; Arif Nizami, Editor, The Nation; Lt. Gen. (Retd.) Asad Durrani, Former Director General, ISI / MI; Ghazi Salahuddin, Political Analyst, Jang Group; Hameed Haroon, CEO, Dawn Group of Newspapers; Hasan-Askari Rizvi, Political & Defence Analyst; Dr. Ijaz Shafi Gilani, Chairman, Gallup Pakistan; Kamran Khan, Journalist & TV Show Host, Geo News; Mohammad Aslam Kazi, CEO Daily Kawish and KTN; Lt. Gen. (Retd.) Moinuddin Haider, Former Governor Sindh and Former Interior Minister; Mujib-ur-Rehman Shami, Editor-in-Chief, Daily Pakistan; Muneer A. Malik, President, Supreme Court Bar Association; Justice (Retd.) Nasira Iqbal, Former Judge, Lahore High Court; Shafqat Mahmood, Former Civil Service Official, Senator and Minister; Shahid Hamid, Former Governor Punjab; Sikandar Hayat Jamali, Former Chief Secretary, Balochistan; Talat Hussain, Director Current Affairs, Aaj TV; Tasneem Noorani, Former Federal Secretary; Ahmed Bilal Mehboob and Aasiya Riaz, Executive Director and Joint Director of PILDAT respectively.

Proposed Model Code of Conduct¹ for Political Parties, Candidates, Government & the Media General Election 2007/2008

The President

- (1) The President shall not, implicitly or explicitly, support any political party or group in a public statement, speech or a meeting. The President shall not show any inclination towards or promote a lobby or group on the basis of its ideology, ethnic or linguistic identity or faith. Since the office of the President is a symbol of the unity of the state, the holder of the office can not act partisan at any time. However this clause shall come into force 6 months preceding the expiry of the term of the National Assembly, of the President or from the date of dissolution of the National Assembly whichever of the three occurs earlier.
- (2) The law of the land will decide which political party, group or individual can contest elections. The President shall not make any statement which defies or impinges on the legal and constitutional right of any Pakistani citizen or party to contest elections.
- (3) The President shall not attend any public meeting, rally or congregation organised by or organised for the benefit of a political party or alliance.
- (4) The President shall not promise or announce any special or preferential package or programme from public funds for any constituency or area at least 6 months preceding the scheduled expiry of the term of the National Assembly or with effect from the dissolution of the National Assembly whichever occurs earlier.

The Local Government

1. The local government Nazims and Naib Nazims will be made non-functional with effect from the date of announcing of election schedule till the finalization of election results. Administrators belonging to the civil bureaucracy will be appointed during the period when Nazims and Naib Nazims are made non-functional.
2. Administrators of the Local Governments will ensure that:
 - i. Local Government transport, machinery and personnel shall not be used for furtherance of the interest of a candidate or a political party;
 - ii. Government buildings and premises (offices, schools, hospitals & accommodations and their grounds, lawns and open spaces) shall not be used or be allowed to be used as a campaign office or for holding any public meeting for the purposes of election campaign;
 - iii. Local Government Officials made non-functional shall not enter any polling station or place of vote counting except in their capacity as a candidate or voter.
 - iv. Local Government Administrators shall not sanction grants/payments out of discretionary funds from the time general elections are announced till the announcement of results

1. The CGEP-Proposed Code of Conduct has selectively been drawn from the earlier Electoral Codes of Conduct of Pakistan for General Elections 1997 and 2002 as well as Model Code of Conduct, India

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- v. From the time general elections are announced, Local Governments and other authorities shall not
- (a) announce any financial grants in any form or promises thereof; or
 - (b) (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or
 - (c) make any promise of initiating projects such as construction of roads, provision of drinking water facilities etc.; or
 - (d) make any ad-hoc appointments which may have the effect of influencing the voters in favour of an individual or party
 - (e) transfer employees from one location to the other.

The Caretaker Government

1. The caretaker governments for the duration of the election period shall be installed in consultation with the political parties represented in the Parliament.
2. The caretaker governments and their ministers, chief ministers and Prime Minister shall be neutral.
3. In addition to the Caretaker Prime Minister and Chief Ministers, the ministers in the caretaker cabinet shall also not be eligible to contest the immediately following election of any assembly under the General Election
4. The caretaker cabinet, Prime Minister or Chief Ministers shall ensure that no cause is given for any complaint that they have used their official position for the purposes of election campaign or advantage to a political party or candidate

General Guidelines

- (1) No advertisement, notice or announcement paid for from public funds shall carry the explicit or implicit reference, name, designation or photo of any public functionary or holder of a state or public office to project him/her as the originator, sponsor, promoter or organizer of any scheme, project, progress, ideology or vision.
- (2) The political parties shall not propagate any opinion, or act in any manner prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity of independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the professional role of the armed forces of Pakistan.
- (3) Criticism of other political parties, when made shall be confined to their policies and programme, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of the other parties. Criticism of other parties or their workers based on unverified allegations or on distortion shall not be allowed.
- (4) Political Parties and candidates shall refrain from speeches with the potential to arouse parochial and sectarian feelings and controversy or conflict between genders, sects, communities and linguistic groups. Mosques and other places of worship shall not be used as forum for election propaganda.
- (5) Political Parties, candidates and party/political workers shall not propagate against the participation of any person in the elections on the bases of gender, ethnicity, religion or caste. Political Parties officials, candidates or others shall

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- not encourage or enter into agreements to not allow women voters to cast their votes or stand as candidate in an election.
- (6) No person or a political party or a candidate shall hoist or fix party flags on any public property or at any public place.
 - (7) There shall be ban on hoisting party flags on house roofs. Party flags shall be allowed to be displayed on party and election offices of Political parties.
 - (8) Concerned political parties and contesting candidates may announce their overall development programmes. But following the announcement of the election schedule till the day of polling, no candidate or any person on his behalf shall, openly or in secret, give any subscription or donation, or make promise for giving such subscription or donation, to any institution of their respective constituency or to any other institution, nor shall commit to undertake any development project in the respective constituency.
 - (9) All parties and candidates shall scrupulously avoid all activities which are “corrupt practices” and offences under the election law, such as bribing of the voters, intimidation of voters, impersonation of voters, canvassing within 400 yards of a polling station, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll by the ECP.
 - (10) The political Parties, their candidates, agents or workers shall not indulge in offering gifts and gratifications or inducing others to stand or not to stand as a candidate, or to withdraw or not to withdraw his candidature.
 - (11) The right of every individual for peaceful and undisturbed home life shall be respected, however much the political parties or candidates may resent his political opinions or activities. Organizing demonstrations and picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.
 - (12) No political party or candidate shall permit his follower to make use of any individual's private or state land, building, compound wall, etc. without his permission for erecting flags staffs, suspending banners, pasting notices, writing slogans etc.
 - (13) Political parties and candidates shall ensure that their supporters do not create obstructions in or break-up meetings and processions organized by the other parties. Workers or sympathizers of one political party shall not create disturbance at public meetings organized by another political party.
 - (14) Procession shall not be taken out by one party along places at which meetings are being held by another party. Poster affixed by one party shall not be removed, defaced or damaged by workers of another party.
 - (15) The political parties and their candidates shall not hold public meetings or rallies on main streets, roads and chowks to avoid traffic jams and public inconvenience.
 - (16) The party of a candidate or the candidate himself shall inform the local police of the venue and time of any proposed meeting at least 3 days in advance so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.
 - (17) A party or candidate shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place

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proposed for the meeting. If such order exists, they shall be followed strictly. If any exception is required from such orders it shall be applied for and obtained well in time.

- (18) Organizer of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create a disorder. Organizers shall not themselves take any action against such persons.
- (19) A party or candidate organizing a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme. The organizers shall give advance intimation of at least 3 days to the local police authorities of the programmes so as to enable them to make necessary arrangements.
- (20) The organizers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restriction unless exempted specifically by competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
- (21) The organizers shall take steps in advance to arrange for the passage of procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organised in segments of suitable length, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held up traffic could be allowed by stages thus avoiding heavy traffic congestion.
- (22) Procession shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.
- (23) If two or more political parties or candidates propose to take procession over the same route or parts thereof at about the same time, the organizer shall establish contact well in advance and decide upon the measures to be taken to see that the procession do not clash or cause hindrance to traffic. The assistance of the local administration shall be availed of for arriving at a satisfactory arrangement. For the purpose, the party shall contact the local administration at the earliest opportunity but not later than 5 clear days before the date of the procession.
- (24) Appeals to violence or resort to violence during meetings, processions, or during polling hours shall be strictly prohibited.
- (25) Carrying lethal weapons and fire arms shall not be allowed in public meeting and processions and official regulations in this regard shall be strictly observed. Use of crackers and other explosive at public meetings shall not be allowed
- (26) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided.
- (27) All political parties and candidates shall:
 - (i) Co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom for the voters to exercise their franchise without being subjected to any annoyance or obstructions;

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- (II) Supply to their authorized workers suitable badges or identity cards;
 - (III) Agree that the identity slips supplied by them to voters shall be on plain (White) papers and shall not contain any symbol, name or the candidate or the name of the party;
 - (IV) not allow unnecessary crowd to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid confrontation and tension among workers and sympathizers of the parties and the candidate;
 - (V) ensure that the candidate's camps shall be simple and shall not display any posters, flags, symbols or any other propaganda material. No eatable shall be served or crowd allowed at the camps;
- (28) Excepting the voters, candidates or duly authorized election agents, no one without a valid pass from the Election Commission or Provincial Election Commissioner concerned or District Returning officer shall enter the polling booths.
- (29) No person or political party shall affix hoarding, posters or banners of any size or cause wall chalking as a part of election campaign of a candidate other than the following:
- (i) No person or political party shall affix hoarding, posters or banners larger than the size mentioned hereunder:
 - a. Posters 1 ft. X 1.5 ft.
 - b. Hoardings 3 X 5
 - c. Banners 3 X 9
- (30) Use of the Stickers of the size 4" X 4" and leaflets/handbills of the size 9" X 6" shall also be allowed.
- (31) No candidate or a political party shall, under any circumstances, cross the limit of election expenses set by the Election Commission for the National Assembly and for the Provincial Assembly seats.
- (32) A political Party may, at the national level, publish or broadcast or caused to be published or broadcast advertisements as a part of its election campaign: total expenses of such publication, broadcast or advertisement shall not exceed fifty million rupees.
- (33) Loudspeakers shall not be used for elections campaign except at the election meetings.
- (34) The procession of buses, trucks, or any other vehicles or torch-bearing procession shall not be brought out by any political party or any candidate in favour of a candidate.
- (35) Election advertisements on the electronic media on behalf of any candidate are prohibited.
- (36) This Code of Conduct shall come into force six months prior to the scheduled expiry of the term of the National Assembly or on the date of the announcement of election whichever of the two is earlier.



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