



Violence Against Women in Elections: Practical Toolkit



Centre for Peace and
Development Initiatives



WOMEN IN ELECTIONS

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Acronyms

Acronyms	
Civil Society Organization	CSO
District Returning Officer	DRO
District Monitoring Officer	DMO
District Election Commissioner	DEC
Election Commission of Pakistan	ECP
Provincial Election Commissioner	PEC
Federal Investigation Agency	FIA
Federal Ombudsman Secretariat for Protection against Harassment	FOSPAH
Khyber Pakhtunkhwa	KP
Pakistan Penal Code	PPC
Violence Against Women in Election	VAWE
Prevention of Electronic Crimes Act	PECA
Returning Officer	RO

Section 1: Introduction

Background

Women's rights to political and electoral participation are enshrined in the Constitution of Pakistan and safeguarded by a legal framework. Like in many other countries, violence against women in elections (VAWE) is a pervasive but largely overlooked issue in Pakistan, inhibiting women's full and equal democratic engagement.

It is important that Pakistan's elections remain free and fair. This can only be the case if all people – including women – are able to participate in the electoral process safely and fully. The Election Commission of Pakistan (ECP) plays a key role in ensuring electoral security, including the safety and security of women electoral stakeholders, and protecting democratic integrity. Within this context, the ECP acts against any violations of the Elections Act 2017 and electoral codes of conduct. Police also have the authority to address any law-and-order violations or offences committed during the elections. Therefore, any complaints related to VAWE can be registered with the police, ECP and in case of online violence/harassment with the Federal Investigation Agency (FIA) under Prevention of Electronic Crimes Act, 2016.

About the Toolkit

This toolkit is an effort to provide information about the existing redressal mechanisms against VAWE provided by the government, ECP, and civil society organizations. It should be viewed as a compendium to CPDI's VAWE in Pakistan assessment published in July 2022. This toolkit is meant for women, including women with disabilities, minority women, and transgender women who are active in politics and service provision. Service providers can also benefit from the toolkit in ensuring that services are imparted within a human rights framework to uphold dignity, respect, and confidentiality to build trust among women, including women from marginalized groups.

The key objective of the toolkit is to provide information and enhance an understanding of the existing legal redressal mechanisms to address VAWE in Pakistan. This toolkit briefly touches upon the internationally accepted definition of VAWE, its forms and perpetrators and guides about the legal framework and services. It also includes information about the helplines available by the state as well as civil society organizations for registering complaints and forwarding/referring them to the relevant service providers. The toolkit provides survivors centric guidelines/approaches in line with human rights framework to avoid victim blaming and treat them with respect and dignity to build their trust in services.

Section 2: Understandings VAWE

Violence against women in politics is a substantial threat to the integrity of the electoral process, affecting women's participation as voters, candidates, election officials, activists and political party leaders and undermining free, fair and inclusive democratic processes. It impacts the quality of the electoral process

because it coercively excludes women from having a voice in governance through civic and political participation. VAWE is defined as:

Any harm or threat of harm committed against women with the intent and/or impact of interfering with their free and equal participation in the electoral process during the electoral period. It includes harassment, intimidation, physical harm or coercion, threats, and financial pressures, and it may be committed in the home or other private spaces, or in public spaces. These acts may be directed at women in any of their roles as electoral stakeholders (e.g., voters, media, political actors, state actors, community leaders, electoral officials).¹

What are the forms of VAWE?

VAWE can be in the form of physical, sexual, emotional, psychological, or economic violence. While men also experience these kinds of violence, women experience these forms of violence in different ways.

- **Physical Violence:** Physical violence includes intentional use of any violent act or physical force with the potential to cause bodily harm.
- **Sexual Violence:** Sexual violence includes any sexual act or attempt to obtain a sexual act, unwanted sexual comments, or advances, bribes to get sexual favors or attempts to sexually exploit a person by force or coercion.
- **Psychological Violence:** any kind of pressure or discrimination, defamation, slander, character assassination that puts mental pressure or stress on a person, making them feel fearful, self-loathing, incapable, guilty or helpless.
- **Economic violence:** the systematic denial of resources to women for election activities, or restricting women's access to resources that are available to men.

¹ IFES, *Violence Against Women in Elections: A Framework for Assessment, Monitoring and Response*, 2016
<http://www.ifes.org/publications/violence-against-women-elections>, page 2

Impact of VAWE Examples:

A few examples of VAWE may include but not limited to are;



Online character assassinations and slander aimed at women candidates and women who are politically active discourages their participation.



A woman is being threatened with divorce by her husband to prevent her from participating in politics.



Opposition candidates post intimate photos of a woman candidate in social media.



Women candidates, politicians or political party supporters are harassed during the campaign and in assemblies.

Who to protect?

Electoral processes are complex events involving many groups of actors. Women and men participate in numerous different roles related to elections, including as candidates and party supporters, voters, and poll workers. All these groups of electoral actors can potentially become victims of VAWE and require specific protection from law enforcement. Here are some examples of different roles played by women as election stakeholders during elections:



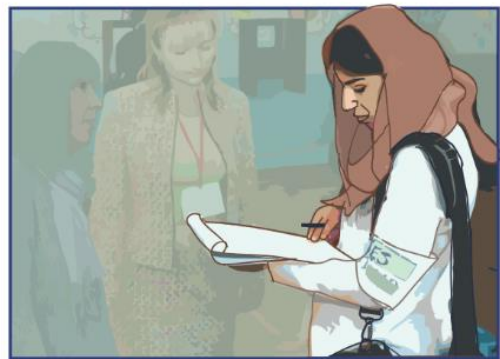
Candidates



Voters



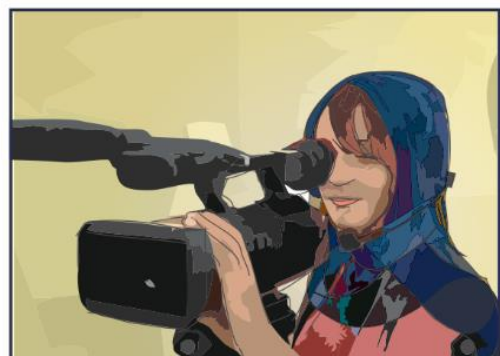
Poll Workers



Election Observers



Party Workers



Media



Security Personal

Where does VAWE Occur?

VAWE can be more challenging for law enforcement agents to detect and investigate because of the most common locations where it occurs (including inside the home and online) as well as the perpetrators involved (sometimes including family members). VAWE occurs in all stages of the electoral cycle -- pre-election, election, and post-election. Some examples of where VAWE can occur includes polling stations, political party offices, in street or public spaces, homes, community centers and online spaces such as Facebook, Twitter, WhatsApp groups, SMS text messages, phone, emails, radio and TV shows, etc.

Section 3: Legal Frameworks and Services to address VAWE

As outlined below, Pakistan has several legal provisions that can be drawn on to counter violence against women.

The Constitution of the Islamic Republic of Pakistan, 1973

The Constitution of the Islamic Republic of Pakistan provides for fundamental rights for all its people which reflect what has been provided in some of the Articles of Universal Declaration of Human Rights. Article 25, for example, establishes that all citizens are equal before law and are entitled to equal protection of law (25:1), and states that there shall be no discrimination on the basis of sex (25:2).

The Constitution also calls for steps to be taken to ensure full participation of women in all spheres of national life (Article 34). Articles 20, 21 and 22 provide for professing any religion and safeguard against discrimination based on religion, and notes that the State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.

Other Legal Framework

Outside of the Constitution, which is the law of the land in Pakistan, a legal framework comprising a range of other laws provides legal remedies and redressal for various forms of VAWE. The most important is **Pakistan Penal Code, 1860** which has many sections that penalize acts of assault or criminal force to women, rape, unnatural offence, kidnapping, abduction, offences relating to marriage, defamation, criminal intimidation, insult and annoyance, abuse, physical assaults, show of arms publicly and others.

The **Elections Act 2017** has many pro-women provisions, such as the power of Election Commission to declare a poll void and call upon the voters to recast their votes in the concerned one or more polling stations or in the whole constituency if the turnout of women voters is less than ten percent of the total votes polled in the said constituency. The Elections Act enjoins upon the political parties to ensure at least five percent representation of women candidates while making selection of candidates on general seats for elective offices of the Majlis-e-Shoora (Parliament) and Provincial Assemblies, through a transparent and democratic procedure (Section 206).

As to the enrolment of women, non-Muslims, persons with disabilities and transgender persons, the Elections Act lays down that the Election Commission shall take special measures for registration of women, non-Muslims, persons with disabilities and transgender citizens in the electoral rolls as voters in coordination with the National Database and Registration Authority (NADRA) (Sections 47 & 48). The Act, however, specifically deals with bribery, undue influence, use of coercion and force to stop women in exercising their right as voters, candidates and polling staff or agents. Another important law is Prevention of Electronic Crimes Act, 2016 that deals with many forms of online violence that women face in their political and public roles (see details in annex A).

Electoral Codes of Conduct

During elections, the ECP, in consultation with political parties, constitutes Codes of Conduct for the political parties, contesting candidates, election agents, and polling agents. The ECP also frames codes of conduct for media, security personnel, and observers as per the Elections Act 2017 (Section 233). These codes of conduct shall have to be followed by all concerned during an election.

Provisions of these codes of conduct prohibit any kind of intimidation, coercion or violation of women, transgender individuals, persons with disabilities and minorities' voting and electoral rights. ECP keeps on updating these codes in consultation with key stakeholders.

Section 4: Redressal Mechanisms: Step by Step Guide

Where to register complaints?

The complaints can be registered with the Police, Federal Investigation Agency (FIA) and the ECP depending on the nature of complaints and crimes committed.

1) Election Commission of Pakistan

Complaint resolution is an important part of an election process which helps the public or a candidate seek resolution of his/her complaint and/or dispute relating to an election. With the exception of certain electoral disputes for which the law provides appropriate mechanism for adjudication thereof, the ECP must act in cases of complaints of the general nature to redress the grievances of the complainants in areas where the law does not specifically provide any adequate remedy. The ECP strives hard towards the timely and effective disposal of complaints received by it during the pre-poll, poll-day, and post poll period of an election. It has multiple systems/forums that can be reached out in case of any complaint related to the violation of the provisions of Elections Act 2017, its rules, and the codes of conduct that ECP announces for political parties, contesting candidates, polling staff, polling agents, media, security personnel and election observers.

Where to file a Complaint?

Any person aggrieved by any decision or action taken or direction issued by an authority subordinate to the Election Commission or any action of a political party or a candidate in violation of the Codes of Conduct may, within fifteen days of such decision or action submit a complaint to the Commission pertaining to matters other than relating to the election dispute falling under Article 225 of the Constitution. The Commission may refer the complaint to the appropriate authority for enquiry and report and on receipt of enquiry report or after hearing the complainant or any other person relevant to the proceedings itself or holding a summary enquiry pass such orders as it may deem fit within thirty days from the date of receipt of the complaint. The Commission may also act on its own accord (Section15).

To ensure the timely resolution of complaints, it is necessary to file complaints with the correct authority, which is dependent upon the type of alleged VAWE explained in the law (see Annex. A). The points of entry for lodging different types of complaints are as follows:

Pre-election

Any complaints arising during this period are reported to the concerned Provincial Election Commissioner (PEC), Regional Election Commissioner (REC) and District Election Commissioner (DEC); and District Returning Officer (DRO) and Returning Officer (RO); and District Monitoring Officer (DMO).

On Election Day

The complaints arising on the Election Day can be reported to the following officials.

- DRO or RO offices or any person authorized by the Election Commission.
- Presiding Officer; DMO or
- ECP or PEC or REC or DEC.

Between Election Day and before Publication of Official Results

- At DRO and RO offices;
- At the ECP Secretariat or field offices;
- Post-election complaints and petitions before ECP and Election Tribunal after publication of official results in the Gazette.

Powers of the Election Officials under Elections Act,2017

During the elections period the DROs, ROs and presiding officers are duly authorized by the ECP to exercise the powers of the Magistrate of the first class. Under these powers, officials can carry out a summary trial to expediently dispose of the complaint (See Annex B).

How to file a Complaint?

Submit a complaint in writing to the abovementioned competent authority.

A complaint should contain the following;

- Name and contact information of complainant.
- Precise description of the alleged violation, including date, location and number and name of constituency, polling station, if applicable.
- Evidence to substantiate the allegation.
- Remedy to be sought; and
- Declaration of the truth about the information contained in the complaint.

Note: The complaint should not be based on rumors or from unidentified individuals who would not meet the threshold to initiate proceedings. Testimonies shall generally be provided by eye/direct witnesses. Complaints should be based on fact as intentionally making false or incorrect declaration is a violation punishable under the election law.

Assistance by Election Officials

DROs, ROs, the ECP Secretariat or any other concerned election official shall assist the complainants. A register of all the complaints - received directly, through police or based on the official's own suspicion is maintained by the authorized officer and recorded on Form 60 provided under Election Rules 2017. On Polling Day, the Presiding Officers are required to facilitate and assist the complainant in filing and receiving the complaint.

Receipt of Complaints

It is important for a complainant to get an acknowledgement of the complaint filed with any authority in the form of a receipt containing the case number, the date and both their names and signatures. If a relevant official refuses to register a complaint and/or a violation was not remedied, the complainant may refer the matter to the RO, DRO, who have the magisterial powers and conduct the summary trials for disposing of such complaints or refer to the ECP secretariat/PEC.

Note: Complaints can be copied to DECs, PECs or ECP Secretariate through fax on the number provided on ECP website or submitted in person.

Report and Data Entry

ROs, DROs or any authorized election officials must report in writing any decision (whether upholding or dismissing a complaint) daily to the PEC or the Commission by mail or by fax. The information related to decisions should be updated and entered into the Register by the DRO; and the ECP Secretariat shall supervise the completion/update of the Register to ensure accurate case management.

ECP's Online Complaints Management System

ECP has an online Complaint Management System hosted on its website <https://www.ecp.gov.pk/> under its "Home" page. The link can be used by clicking on the home page. The complaint can also be tracked through this system. The complaint management system is in English, to submit your complaint in Urdu or any other local languages, you can opt any one of the following methods:

- Write your complaint on paper, scan it, and send this as attachment.
- Download [Urdu font](#) and install it to enable Urdu keyboard in your PC / Laptop to write Urdu directly in the editor.

Control Rooms Established During Elections by ECP

To monitor and receive complaints of any violations during the elections, ECP establishes control rooms in the ECP Secretariat, Islamabad, and in the offices of Provincial Election Commissioners. These temporary control rooms are set up a couple of days before the poll till the time of consolidation of results. The complaints can be made through phone, SMS on the given numbers or sent in writing through fax, by hand or using any other means.

2) Police

Police has a critical role in investigating any incident of violence against women in investigating VAWE.

Register FIR

The first step in the process is to inform the police about the incident and ask for registration of First Information Report (FIR). FIR is key for police in initiating the inquiry. In registering the FIR ensure the following:

- Visit the police station in area where incident has taken place to report the cognizable offence.
- Request that the police officer read the report to you after he or she has recorded the information. Please keep in mind that you have the right to review the contents of the FIR.
- Double-check the information recorded by the police to ensure that it includes all the information you provided.
- Complainants who are unable to read or write must register their left thumb impression instead of signature.
- Request a copy of the FIR from the police. It must be provided free of cost.

Who can file the FIR?

The survivors against whom the crime was committed

The eyewitness who witnessed the crime being committed

The person who is aware that the offence has been committed

The crime must be reported to the police without any delay. In case of delay, the reasons must be mentioned in the FIR. Otherwise, even a delay of 7 hours in reporting the crime will make FIR doubtful and punishment will not be maintained. Where relevant information must be supported with medical and forensic report and all statements of other witnesses.

Note: If Police refuses to register FIR then the aggrieved person can approach District & Sessions Judge for directing the Police to register his/her statement.

Online FIR

In Khyber Pakhtunkhwa, FIR can be registered through the online website of the KP Police using following steps:

1. Type www.kppolice.gov.pk/fir.php in the address bar of your browser
2. A form will appear. The form contains different fields and all-important fields are marked with an asterisk character
3. Fill all required fields and press the **Add** button to proceed
4. You will be notified through email if an email address is provided in the form
5. Follow the instructions received through email and SMS

Note: The other provinces do not have an online FIR system but have an online complaint mechanism on their websites.

Federal Investigation Agency (FIA) for cybercrimes

Any violations of cybercrime laws under The Prevention of Electronic Crimes Act, 2016 (PECA) are dealt by the FIA. The FIA can entertain the following complaints in case of VAWE.

- Un-Authorized Accessed (Physical Information system, digital data, personal Identity)
- Email hacking, Fake ID on social media (Facebook, Twitter, Google Plus)
- Impersonation and defamation on social media (Facebook, Twitter, Google Plus)

There are three ways of submitting your complaint.

- By hand submission or by post submission: Simply write down your application (in English or in Urdu), narrate your complete problem, provide as much evidence, details as you can and send it to FIA National Response Center for Cyber Crimes (NR3C) or email at helpdesk@nr3c.gov.pk.
- Online form available on website through complaint.fia.gov.pk
- Calling the 24/7 helpline at the FIA Secretariate on the Phone Number [111-345-786](tel:111-345-786)



Note: After complaint registration, verification is carried out in 14 days while an investigation officer has 90 days to finalize your complaint. As per the rules, action on any complaint is taken within 90 days.

Relevant Services and Helplines

Federal I Ombudsman Secretariats for Protection against Harassment (FOSPAH) and Provincial Ombudsperson's offices:

These offices provide grievance redressal forum for inquiry/ proceedings in cases of harassment at workplace after the promulgation of the Protection Against Harassment of Women at the Workplace Act, 2010, and that extends to whole of Pakistan.

Complaints can be submitted electronically using Email addresses, or through online.

ICT

Contact FOSPAH,

Address: Main Secretariat: First Floor, LG&RD Complex, Behind SBP, Opposite ILO, Sector: G-5/2, Islamabad, Pakistan

Phone: +92 51 9262952, +92 51 9264444 Fax: +92 51 9262945

Email: info@fospah.gov.pk

KP

Contact: Ombudsperson, Protection of Women against Harassment at the Workplace, Office KP

Email: ombd.women.kp@gmail.com & ombd.secretariat.kp@gmail.com For Information and Guidance Contact: Khyber Pakhtunkhwa (KP) Ombudsperson, Protection of Women against Harassment at the Workplace.

Address: Room #123, Ground Floor, Benevolent Fund Building, 6th Saddar Road, Peshawar Cantt.

Tel: 091-921-3093/ 921-2307 Cell: 0318-920-4808 Fax: 091-921-3238/ 921-2308

Sindh

Contact: Ombudsperson, Protection of Women against Harassment at the Workplace, Sindh

E-Mail: mohtasibhd@yahoo.com

Address: Secretariate Provincial, Ombudsperson, Ataturk, Shahrah-e-Kamal, Karachi.

Tel:021-99211031 -25 & 28 Fax: +92-21-99211091,99211262

Note: The Complaint mechanism for the Punjab and Balochistan ombudspersons has yet to be established.

Civil Society Organization's Helpline:

Digital Rights Foundation: Runs the Cyber Harassment Helpline for victims of online harassment and violence. The Helpline aims to provide legal advice, digital security support, psychological counselling, and a referral system to victims of online harassment through a free, safe and confidential service.

It provides a judgment-free, private and gender-sensitive environment for all its callers. Toll-free number: 0800-39393 (9:00 a.m. to 5:00 p.m. daily) Email: helpdesk@digitalrightsfoundation.pk; Website: <https://digitalrightsfoundation.pk/cyber-harassment-helpline/>

Section 5: Survivors – Centered Guidelines for Service Providers

Guiding Principles when dealing with Survivor/s of VAWE:

Service providers should adopt a survivor-centered approach that creates a supportive environment in which the survivors' rights and wishes are respected, their safety is ensured, and they are treated with dignity and respect.

A survivor - centered approach is based on the following guiding principles:

Safety: The safety and security of the survivor and her/his children is the primary consideration.

Confidentiality: Survivors have the right to choose to whom they will or will not tell their story, and information should only be shared with the informed consent of the survivors.

Respect: All actions taken should be guided by respect for the choices, wishes, rights and dignity of the survivor. The role of helpers is to facilitate recovery and provide resources to aid the survivor.

Non-discrimination: Survivors should receive equal and fair treatment regardless of their age, gender, race, religion, nationality, ethnicity, sexual orientation, or any other characteristic.

Adopting a 'survivor-centered' approach when responding

The primary role of the service providers is to ensure that interventions related to instances of violence against women should always be through a 'survivor-centered' approach as outlined below:

Survivor Centered Approach	Non-Survivor Centered Approach
To be treated with dignity and respect	Victim-blaming attitudes
To choose	Feeling powerless
To privacy and confidentiality	Shame and Stigma
To non-discrimination	Discrimination based on gender identity, disabilities or ethnicity or religion
To information	Being told to be done

Do No Harm Principle

This means ensuring that actions and interventions designed to support the victim-survivor (and their family) do not expose them to further harm. At each step of the response process, care must be taken to ensure that no harm comes to the victim-survivor or their families because of registering formal complaints, investigation, decisions made, or actions taken on behalf of the victim-survivor. For example, care should be taken to avoid creating conflict between individuals, families or communities, political parties and collecting unnecessary information that, if in the wrong hands, could put the victim-survivor at risk of violence. Unless care is taken, this may expose a victim-survivor and her family to further harm such as revenge and acts of violence.

Annex A: Legal Framework

Section	Nature of Offence/Crime
Pakistan Penal Code (PPC)	
PPC 509	Word gesture or act intended to insult the modesty of a woman.- Whoever intends to insult the modesty of any women by uttering any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman or intrudes upon the privacy of such woman, on her modesty in public places, including markets, public transport, streets, or parks, or in private places including workplaces, private gatherings, or home shall be punished with simple imprisonment for a term which may extend to one year, or fine, or with both.
PPC 146	Rioting. - Whenever force or violence is used by an unlawful assembly, or by any member thereof in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.
PCC 508	Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure. Whoever voluntarily causes or attempts to cause any person to do anything which that person is not legally bound to do or to omit to do anything which he is legally entitled to do, by inducing or attempting to induce that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object of Divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
PPC 500	Punishment of defamation. - Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.
501	Printing or engraving matter known to be defamatory. - Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.
The Elections Act, 2017	
Section 167	Corrupt Practice.--Section 167 of the Elections Act penalizes a person, if he is guilty of the offence of corrupt practice such as bribery, personation, exercising undue influence, capturing of the polling station or polling booth, tampering with papers, and making or publishing a false statement or declaration; calls upon or persuades any person to vote, or to refrain from voting, for any candidate on the ground that he belongs to a particular religion, province, community, race, caste, bradari, sect, or tribe; causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting; or contravenes the provisions of section 132 relating to restriction on election expenses.

Section 170	Undue influence. (vii) penalizes a person, who is guilty of exercising undue influence if he prevents any woman from contesting an election or exercising her right to vote.
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The Prevention of Electronic Crime (PECA) Act 2016

Section 11	Hate speech.- Whoever prepares or disseminates information, through any information system or device, that advances or is likely to advance interfaith, sectarian, or racial hatred shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.
Section 16	Unauthorized use of identity information: Whoever obtains, sells, possesses, transmits, or uses another person's identity information without authorization shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to five million rupees, or with both.
Section 20	<p>Offences against dignity of a natural person.- (1) Whoever intentionally and publicly exhibits or displays or transmits any information through any information system, which he knows to be false, and intimidates or harms the reputation or privacy of a natural person shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to five million rupees or with both: Provided that nothing under this sub-section shall apply to anything aired by a broadcast media or distribution service licensed under the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002).</p> <p>(2) Any aggrieved person or his guardian, where such person is a minor, may apply to the Authority for removal, destruction of or blocking access to such information referred to in sub-section (1) and the Authority, on receipt of such application, shall forthwith pass such orders as deemed reasonable in the circumstances including an order for removal, destruction, preventing transmission of or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data.</p>
Section 21	<p>Offences against modesty of a natural person or minor.-- (1) Whoever intentionally and publicly exhibits or displays or transmits any information which,-- (a) superimposes a photograph of the face of a natural person over any sexually explicit image or video; or (b) includes a photograph or a video of a natural person in sexually explicit conduct; or (c) intimidates a natural person with any sexual act, or any sexually explicit image or video of a natural person; or (d) cultivates, entices or induces a natural person to engage in a sexually explicit act, through an information system to harm a natural person or his reputation, or to take revenge, or to create hatred or to blackmail, shall be punished with imprisonment for a term which may extend to five years or with fine which may extend to five million rupees or with both.</p> <p>(2) Whoever commits an offence under sub-section (1) with respect to a minor shall be punished with imprisonment for a term which may extend to seven years or with fine which may extend to five million rupees:- Provided that in case of a person who has been previously convicted of an offence under sub-section (1) with respect to a minor shall be punished with imprisonment for a term of ten years and with fine.</p> <p>(3) Any aggrieved person or his guardian, where such person is a minor, may apply to the Authority for removal, destruction of or blocking access to such information</p>

	referred to in sub-section (1) and the Authority, on receipt of such application, shall forthwith pass such orders as deemed reasonable in the circumstances including an order for removal, destruction, preventing transmission of or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data.
Section 24	<p>Cyber stalking.- (1) A person commits the offence of cyber stalking who, with the intent to coerce or intimidate or harass any person, uses information system, information system network, the internet, website, electronic mail or any other similar means of communication to, -- (a) follow person or contacts or attempts to contact such person to foster personal interaction repeatedly despite a clear indication of disinterest by such person;</p> <p>(b) monitor the use by a person of the internet, electronic mail, text message or any other form of electronic communications;</p> <p>(c) watch or spy upon a person in a manner that results in fear of violence or serious alarm or distress, in the mind of such person; or</p> <p>(d) take photograph or make a video of any person or displays or distributes it without his consent in a manner that harms a person.</p> <p>(2) Whoever commits the offence specified in sub-section (1) shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one million rupees or with both:- Provided that if victim of the cyber stalking under sub-section (1) is a minor the punishment may extend to five years or with fine which may extend to ten million rupees or with both.</p> <p>(3) Any aggrieved person or his guardian, where such person is a minor, may apply to the Authority for removal, destruction of or blocking access to such information referred to in sub-section (1) and the Authority, on receipt of such application, shall forthwith pass such orders as deemed reasonable in the circumstances including an order for removal, destruction, preventing transmission of or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data.</p>
Section 25	<p>Spamming, (1) A person commits the offence of spamming, who with intent transmits harmful, fraudulent, misleading, illegal, or unsolicited information to any person without permission of the recipient or who causes any information system to show any such information for wrongful gain. (2) A person including an institution or an organization engaged in direct marketing shall provide the option to the recipient of direct marketing to unsubscribe from such marketing. (3) Whoever commits the offence of spamming as described in sub-section (1) by transmitting harmful, fraudulent, misleading or illegal information, shall be punished with imprisonment for a term which may extend to three months or with fine of rupees fifty thousand which may extend upto five million or with both. (4) Whoever commits the offence of spamming as described in sub-section (1) by transmitting unsolicited information or engages in direct marketing in violation of sub-section (2), for the first time, shall be punished with fine not exceeding fifty thousand rupees, and for every subsequent violation shall be punished with fine not less than fifty thousand rupees that may extend up to one million rupees.</p>
Section 26	<p>Spoofing. - (1) Whoever with dishonest intention establishes a website or sends any information with a counterfeit source intended to be believed by the recipient or visitor of the website, to be an authentic source commits spoofing. (2) Whoever</p>

	commits spoofing shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to five hundred thousand rupees or with both.
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Protection of Transgender Rights Act, 2018

Section:5	Harassment of transgender persons, as defined in this Act, both within and outside the home, based on their sex, gender identity and gender expression is prohibited.
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Annex B: Elections Staff Jurisdiction and Powers

Elections Staff Jurisdiction and Powers

Elections Staff	Jurisdiction/roles
<p>District Returning Officer: The Commission appoints from amongst the officers of the Federal Government, Provincial Governments, corporations controlled by any such Government and local authorities, a District Returning Officer for each District.</p>	<p>The DROs are responsible for the election process in the entire district and report directly to the Provincial Election Commissioner concerned.</p> <p>The DRO, subject to the superintendence, direction and control of the Commission coordinates and supervises all work in the district in connection with the conduct of elections and performs such other duties and functions as may be entrusted to him by the Commission.</p> <p>Any violations related to the Elections Act, 2017 and the Election Rules, 2017 and electoral Codes of Conduct across the districts can be reported to him. As he/she is responsible for liaison among provincial election commissioner and regional authorities. A DRO has the first class magisterial Powers and can conduct the summary trials.</p>
<p>Returning Officer- The Commission appoints from amongst the officers of the Federal Government, Provincial Governments, corporations controlled by any such Government and local authorities, a Returning Officer for each constituency. He may be appointed as RO for two or more constituencies.</p>	<p>It is the duty of a Returning Officer with the assistance of an Assistant Returning Officer to do all such acts and things as may be necessary for effectively conducting an election in accordance with the provisions of the Elections Act, 2017 and the Election Rules, 2017.</p> <p>An Assistant Returning Officer assist the Returning Officer in the performance of his/her functions under the Act and the Rules subject to any condition imposed by the Commission, exercise and perform, under the control of the RO, the powers and functions of the RO.</p> <p>Any violation at the constituency level inside or outside the polling stations-related to Elections Act 2017, the Election Rules, codes of conduct during elections period is reported to RO. Any incident of harassment, intimidation or coercion during campaign period, elections, and results consolidation can be reported to him. RO has the first class magistrate power and can carry out the summary trials.</p>
<p>Presiding officer: A Returning Officer appoints for each polling station a Presiding Officer and such number of Assistant Presiding Officers and polling officers from amongst the officers of the</p>	<p>A Presiding officer conducts the poll in accordance with the provisions of the Elections Act, 2017 and the Election Rules, 2017. He/She is responsible for maintaining order at the polling station and smooth conduct of voting in line with Elections Act 2017, rules and electoral code of conducts. Any violations of voting rights, undue influence and pressure and harassment is dealt with him/her. In addition to summery trials, he/she can hand over cases of serious violations to the police and security officials. Monitoring</p>

<p>Federal Government, Provincial Governments, Local governments and corporations established and controlled.</p>	<p>the law-and-order situation around the polling station in coordination with government agencies, including police, is his/her responsibility. Presiding Officer has the first-class magistrate power and can conduct the summary trials.</p>
<p>District Monitoring Officers are appointed to monitor the election campaigns of the candidates, political parties in the districts.</p>	<p>A dedicated Monitoring Wing has been established in the ECP to monitor the electoral activities.</p> <p>The Commission constitutes a monitoring team for a constituency or a group of constituencies to monitor election campaign of the candidates and political parties which report to the officer nominated by the Commission to act as District Monitoring Officer. The DMO decides the complaints referred to him/her by the monitoring team regarding any violation by a candidate or a political party of any provision of the Elections Act, 2017 and the Election Rules, 2017 or the Code of Conduct issued by the Commission.</p> <p>If the officer so nominated as DMO receives a report of any violation of the Act and the Rules and, after holding a summary enquiry, finds that the reported violation has been committed and no other punishment is provided under the Act and the Rules for such violation, he/she may impose a fine not exceeding fifty thousand rupees.</p> <p>Any person aggrieved from an order of nominated officer under this section may, within three days from the order, file an appeal before the Election Commission and the order of the Commission on the appeal shall be final.</p>

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