

## PROPOSED AMENDMENT IN RULE 171 OF THE ELECTION RULES, 2017

	Rationale
<p><b>171. Monitoring of election campaign.</b>— (1) The Commission shall appoint and place, on its website, the names and jurisdiction of officers nominated under sub-section (1) of section 234 and that of monitoring teams constituted under sub-section (2) thereof:</p> <p>Provided that the Commission shall appoint the nominated officers under this sub-rule:</p> <p>(a) from amongst its own officers;</p> <p>(b) from the subordinate judiciary in consultation with the Chief Justice of the concerned High Court;</p> <p>(c) by selection from a list of officers provided by Government or a provincial government; or</p> <p>(d) by selecting any other person as it may deem appropriate.</p> <p>(2) The monitoring team shall monitor the election campaign of political parties and candidates as per mechanism and instructions issued by the Commission from time to time in this behalf:</p> <p>Provided that the monitoring team shall submit its reports on daily basis to the nominated officer, regarding violation of code of conduct and candidates' campaign expenditure and shall also submit its report of monitoring on election day in such format and manner as the Commission may determine.</p> <p>(3) In case a political party or a candidate is found guilty of violation of any provision of code of conduct and the nominated officer after holding summary inquiry, finds that the reported violation has been committed and imposes a fine not exceeding rupees fifty thousand as provided in sub-section (3) of section 234, he shall submit a concise</p>	<p><b>171. Monitoring of election campaign.</b>— (1) The Commission shall appoint and place, on its website, the names and jurisdiction of officers nominated under sub-section (1) of section 234 and that of monitoring teams constituted under sub-section (2) thereof:</p> <p>Provided that the Commission shall appoint the nominated officers under this sub-rule:</p> <p>(a) from amongst its own officers;</p> <p>(b) from the subordinate judiciary in consultation with the Chief Justice of the concerned High Court;</p> <p>(c) by selection from a list of officers provided by Government or a provincial government; or</p> <p>(d) by selecting any other person as it may deem appropriate.</p> <p>(2) The monitoring team shall monitor the election campaign of political parties and candidates as per mechanism and instructions issued by the Commission from time to time in this behalf:</p> <p>Provided that the monitoring team shall submit its reports on daily basis to the nominated office <u>and shall continue monitoring activity till the final consolidation of result and submit report to Election Commission regarding any violation of code of conduct, the Act or the rules and candidates' campaign expenditure in such format and manner as the Commission may determine.</u></p> <p>(3) In case a political party or a candidate is found guilty of violation of any provision of code of conduct and the nominated officer after holding summary inquiry, finds that the reported violation has been committed and imposes a fine not exceeding rupees fifty thousand as provided in sub-section (3) of section 234, he shall submit a concise report to this effect to the Commission immediately.</p> <p><u>(3A) If the respondent violator does not appear in compliance with the notice and it is proved that the notice has been duly served, the District Monitoring Officer shall</u></p>
	<p>Under Article 218(3) of the Constitution of Islamic Republic of Pakistan, it is indispensable duty of the Election Commission to hold the elections and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law and corrupt practices are guarded against.</p> <p>Under sub-section (3) of section 234, Monitoring Officer is empowered to impose fine on persons who violate the provisions of the Act, rules or the code of conduct. However, there is no prescribed procedure in the rules to recover said fine from the violator.</p> <p>Under the existing provision i.e. proviso to rule 171(2) the Monitoring teams are required to monitor the violation of code of conduct and candidates' campaign expenditure till the election/poll day. Whereas, it is necessary to enhance the scope of powers of the monitoring teams till final consolidation of results to ensure free, fair and impartial elections.</p>

report to this effect to the Commission immediately.

(4) The Federal and the Provincial government concerned shall provide adequate security and assistance by providing logistic and other support for monitoring team in discharge of its duties as and when required.

proceed ex-parte and may impose fine not exceeding fifty thousand rupees.

(3B) Where the person on whom fine has been imposed fails to deposit the same it shall be recoverable as arrears of land revenue as provided in section 80 of the Land Revenue Act, 1967.

(4) The Federal and the Provincial government concerned shall provide adequate security and assistance by providing logistic and other support for monitoring team in discharge of its duties as and when required.