

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad, the 27th September 2022

No. F.23(71)/2021-Law WHEREAS, the Elections Act 2017 was promulgated on 2nd October 2017, Section 239 where of empowers the Election Commission to make Rules for carrying the purposes of the Act. Aforesaid section 239 is reproduced as under:

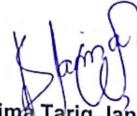
“239. Power to make rules-(1) The Commission may, by notification in the official Gazette and publication on the website of the Commission, make rules for carrying out the purposes of this Act.

(2) The Commission shall make the Rules under sub-section (1) subject to prior publication and after hearing and deciding objections or suggestions filed within fifteen days of the publication.”

WHEREAS, the Election Commission accordingly framed the Election Rules, 2017 in pursuance of section 239 *ibid* and notified the same on 9th November, 2021 and thereafter, in view of different situations, the Election Commission has carried out several amendments therein.

WHEREAS, the present situation so warrants and it is expedient to carry out further amendments in rules 48(7), 86 (Proviso), 88 (2), 138, 140, 157(2), 171(2), 171(3B), 172 and these amendments are required to be published for inviting objections or suggestions to be filed within fifteen days of the publication which will be decided by the Commission after hearing as aforesaid.

NOW THEREFORE, in exercise of its powers conferred under section 239 of the Elections Act, 2017 and all other powers enabling it in that behalf, the Election Commission is pleased to publish the aforesaid draft amendments with the direction that objections or suggestions in respect of any amendment may be filed in ECP secretariat, Islamabad by 11th October, 2022 which will be decided by the Commission by hearing. The draft amendments are uploaded on the official website of the Commission i.e. www.ecp.gov.pk.


(Saima Tariq Janjuha)
Deputy Director (Law)

ELECTION COMMISSION OF PAKISTAN

DRAFT NOTIFICATION

Rule 48. Appointment of Presiding Officers, Assistant Presiding Officers and Polling Officer. —

- (7) The list of Polling Staff to be appointed by the Returning Officer shall be in updated form and error free which shall be prepared on prescribed form.

Rule 86. Procedure for Recount: —
Proviso:

Provided that the notice referred to in sub-rule 1(a) of Rule 86, shall be affixed at a conspicuous place and it shall also be issued to and served on each and every contesting candidate through person or any other medium recognise by law.

Rule 88:- (2) Final Consolidated Result: —

Provided that the Commission may order for preservation of Form-45 (Result of Count) & Form-46 (Ballot Paper Account) in the strong room established at Regional level.

Rule 138. Publication of statement of assets and liabilities: —

The copies of statement of assets and liabilities published by the Commission in the official gazette under section 138 shall be made available upon an application made by any person on payment of fee at the rate of ten rupees per page:

Provided that the application shall be accompanied by court-fee stamps of the requisite value. The person has to provide his identification, reasons of seeking data as per Form- _____ along with an Affidavit that data procured under section 138 of the Elections Act, 2017 will not be misused.

Rule 140. Processing the Petition: —

Every petition shall be processed by the office of the Election Tribunal and in case the petition is not in accordance with the provision of Section 142, 143 or 144 it shall laid before the Tribunal for orders under section 145 sub-section (1).

Rule 157. Scrutiny of political parties' constitution and information, etc. : —

Authentication and verification of 2000 member's list and computerized NICs, NICOPS shall be made from NADRA and NACTA or any other agency as the commission deemed appropriate. Thereafter enlistment notification shall be issued. However, the Commission may apprise the applicant about provisional status of enlistment for information only.

157(2). Scrutiny of political parties' constitution and information, etc. :—

A certificate from party head be obtained by certifying that the list of two thousand members provided with Registration documents of party does not include anyone who is involved in:-

- a) Any financial irregularities,
- b) Any anti-state activities.
- c) Holds dual nationality.
- d) Resident of Azad Jammu Kashmir and Gilgit-Baltistan.
- e) Is faithful / law abiding citizen of Pakistan.

Rule 171. Monitoring of Election Campaign : —

(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:

Provided that the monitoring team shall submit its reports on daily basis to the nominated office, and shall continue monitoring activity till the final consolidation of results and submit report to the election commission regarding any violation of code of conduct, the act or rules and candidate's campaign expenditure in such format and manner as the commission may determine.

Rule 171. Monitoring of election campaign : —

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

Rule 172. Regulations Regarding Web Site Maintenance: —

Every enlisted party is required to maintain functional website regardless of the status of their operations in-terms of section 208(4) of the elections act. The Website should contains :-

- (a) Updated list of its central office bearers and Executive Committee members.
- (b) Constitution of the party and any subsequent changes approved from the commission.
- (c) Statutory meeting Notice to public/members under 207(2), the details/results of the said meeting.
- (d) Statutory meeting Notice to public/members regarding intra-party election under 209, the details/results of the said meeting.

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