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PART III

Other Notifications, Orders, etc.

ELECTION COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad, the 31st January, 2022

No. F. 4(7)/2021-MW Vol-II (2).—In pursuance of Article 218(3) of the Constitution of Islamic Republic of Pakistan read with the Article 220 of the Constitution and Section 234 of Elections Act, 2017, and all other powers enabling it in that behalf, the Election Commission is pleased to issue the following Terms of References for the Monitoring Team and District Monitoring Officer for Local Government Election in remaining 18 districts of Khyber Pakhtunkhwa (2nd Phase).

TERMS OF REFERENCES

1. The sub-section-1 of section-234 of the Elections Act-2017 provides that Monitoring Team will report regarding any violation committed by a candidate or a political party of any provision of the Election Act 2017, Election Rules 2017, Khyber Pakhtunkhwa Local Government Act 2013, Khyber Pakhtunkhwa Local Govt. Rules 2021 and the Code of Conduct issued by the Commission in the constituency/area of its jurisdiction as notified to the District Monitoring Officer on Form-M-I.

(179)

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2. The Monitoring Team will collect information regarding any political activity/rally/Jalsa/event for the purpose of monitoring – from district administration or authority concerned and such authority will be bound to provide information instantly as and when required by the Monitoring teams or Officer Nominated by the Commission.

3. (a) Any violation if noticed, shall be reported in **Form-M-I**, along with evidence(s) to the District Monitoring Officer through the quickest means of communication for decision and if so ordered by the District Monitoring Officer for removal/rectification of such violation (if removable/rectifiable), the orders be complied with by the authority concerned with the assistance of the Focal Person of the Local Administration under security provided by local Police Authorities.

(b) The Local Administration will nominate an officer not below than grade-17, hereinafter called Focal Person Administration, for this purpose and police authorities will provide reasonable security personnel under the command of a police officer not below the rank of a sub-inspector to carry out the orders of the District Monitoring Officer or Monitoring Team as the case may be.

4. The District Monitoring Officer or Monitoring teams may require any authority to furnish any information and such authority shall be bound to comply with.

5. (a) The monitoring teams may inquire/investigate any matter of concern which has any covert or overt purposes of election campaign and directly or indirectly affect election Process in any form and for this purpose may involve any such authority(ies) as may deem necessary, such an inquiry/investigation after culmination, if finds someone guilty of violation will be reported to the District Monitoring Officer for orders/decision.

(b) On such report the District Monitoring Officer shall decide the matter as provided under sub-sections-3 & 4 of section-234 of the Elections Act-2017.

6. The DMO will maintain a constituency wise record in shape of **Form-M-II** of all the complaints furnished by the monitoring teams on **Form-M-I**. A daily consolidated report of constituencies under his/her jurisdiction will be submitted to commission as mentioned under sub-rule 3 of rule-171 of the Election Rules-2017, through the Provincial Monitoring Coordinator - who will furnish a consolidated statement of his division to the Secretariat/Provincial Election Commissioner on same day.

7. The District Monitoring Officer shall issue directions to any authority, whoever, to abide by the provisions of the Act, Rules or the Code of

Conduct issued by the Commission and take such measures for its implementation in letter and spirit.

By Orders of the Hon'ble Election Commission of Pakistan.

MUHAMMAD YASIR,
Assistant Director (Monitoring).