

THE PUNJAB LOCAL GOVERNMENT (AMENDMENT) ACT 2013 (XXIII OF 2013)

CONTENTS

1. Short title and commencement.
2. Amendment in section 2 of Act XVIII of 2013.
3. Amendments in section 8 of Act XVIII of 2013.
4. Insertion of section 10A in Act XVIII of 2013.
5. Amendments in section 12 of Act XVIII of 2013.
6. Substitution of section 13 of Act XVIII of 2013.
7. Amendments in section 14 of Act XVIII of 2013.
8. Amendments in section 15 of Act XVIII of 2013.
9. Substitution of section 18 of Act XVIII of 2013.
10. Amendment in section 19 of Act XVIII of 2013.
11. Amendment in section 21 of Act XVIII of 2013.
12. Substitution of section 22 in Act XVIII of 2013.
13. Substitution of section 23 in Act XVIII of 2013.
14. Substitution of section 24 in Act XVIII of 2013.
15. Amendments in section 27 of Act XVIII of 2013.
16. Amendments in section 32 of Act XVIII of 2013.
17. Amendments in section 144 of Act XVIII of 2013.
18. Amendments in First Schedule of Act XVIII of 2013.
19. Insertion of Ninth Schedule in Act XVIII of 2013.
20. Repeal.

TEXT

**THE PUNJAB LOCAL GOVERNMENT (AMENDMENT) ACT 2013
(XXIII OF 2013)**

[13th December, 2013]

**An
Act**

to amend the Punjab Local Government Act 2013.

Whereas it is expedient to amend the Punjab Local Government Act 2013 (XVIII of 2013) for purposes hereinafter appearing;

It is enacted as follows:

1. Short title and commencement.—(1) This Act may be cited as the Punjab Local Government (Amendment) Act 2013.

(2) It shall come into force at once.

2. Amendment in section 2 of Act XVIII of 2013.— In the Punjab Local Government Act 2013 (XVIII of 2013), hereinafter referred to as “the said Act”, in section 2, after clause (III), the following new clause (III-a) shall be inserted:

“(III-a) “ward” means a ward of a Union Council or, as the case may be, that of a Municipal Committee;”

3. Amendments in section 8 of Act XVIII of 2013.—In the said Act, in section 8, the following amendments shall be made:

(a) in subsection (2), in clause (b), the comma and the words “, a Municipal Committee” shall be omitted.

(b) after subsection (2), the following new subsections (3) and (4) shall be inserted:

“(3) The Government shall, in the prescribed manner, delimit a Union Council into six wards for the election of members on general seats and into two wards, consisting of three adjoining wards of the Union Council, for the election of the two seats reserved for women.

(4) A ward shall, as far as possible, consist of a part of a village, one or more adjoining villages and, in case of an urban area, a part of a census block, census block or adjoining census blocks and, as far as possible, the population of wards shall be uniform.”

4. Insertion of section 10A in Act XVIII of 2013.— In the said Act, after section 10, the following new section 10A shall be inserted:

“**10A. Finality of delimitation.**— A court, officer or authority shall not review or correct any delimitation of a Union Council or ward after the notification of the election schedule.

5. Amendments in section 12 of Act XVIII of 2013.— In the said Act, in section 12:

(a) in subsection (1), the brackets and figure “(1)” shall be omitted; and

(b) subsection (2) shall be omitted.

6. Substitution of section 13 of Act XVIII of 2013.— In the said Act, for section 13, the following shall be substituted:

“13. Union Council.— (1) A Union Council shall consist of directly elected Chairman and Vice Chairman, as joint candidates, six general members, one from each ward of the Union Council, and the following directly elected members on the reserved seats:

- (a) two women members;
- (b) one peasant member in a rural Union Council or one worker member in an urban Union Council;
- (c) one youth member; and
- (d) one non-Muslim member.

(2) For purposes of the election of the Chairman and Vice Chairman and the members mentioned in clauses (b), (c) and (d) of subsection (1), the entire Union Council shall be one ward and for election of the women members mentioned in clause (a) of that subsection, a Union Council shall be two wards consisting of three adjoining wards of a Union Council.”

7. Amendments in section 14 of Act XVIII of 2013.— In the said Act, in section 14, in subsection (2):

- (a) the comma and words“, Vice Chairmen and members” shall be omitted; and
- (b) for clause (e), the following shall be substituted:

“(e) such non-Muslim members, not exceeding five, as the Government may notify for each District Council.”

8. Amendments in section 15 of Act XVIII of 2013.— In the said Act, in section 15:

- (a) in subsection (1), the comma and words“, Vice Chairmen and members” shall be omitted;
- (b) in subsection (2):
 - (i) the comma and words “,Vice Chairmen and members” shall be omitted; and
 - (ii) for clause (e), the following shall be substituted:

“(e) such non-Muslim members, not exceeding five, as the Government may notify for each Municipal Corporation.”;

and
- (c) in subsection (3), for clause (d), the following shall be substituted:

“(d) such non-Muslim members, not exceeding three, as the Government may notify for each Municipal Committee.”

9. Substitution of section 18 of Act XVIII of 2013.— In the said Act, for section 18, the following shall be substituted:

“18. Franchise.— Save as otherwise provided, election of members of all local governments shall be held through secret ballot on the basis of adult franchise in such manner as may be prescribed.”

10. Amendment in section 19 of Act XVIII of 2013.— In the said Act, in section 19, for subsection (1), the following shall be substituted:

“(1) The Election Commission shall conduct the local government elections and, for the purpose, shall, by notification in the official Gazette, declare the election schedule for election under this Act.”

11. Amendment in section 21 of Act XVIII of 2013.— In the said Act, in section 21, in subsection (2), after the word “prepared”, the words “or adapted or adopted” shall be inserted.

12. Substitution of section 22 in Act XVIII of 2013.—In the said Act, for section 22, the following shall be substituted:

“22. Appointment of District Returning Officer, Returning Officer etc.—

(1) The Election Commission shall appoint from amongst the officers of the Election Commission, the Government, a body or entity controlled by the Government, District Returning Officers, Returning Officers and Assistant Returning Officers for purposes of election under this Act.

(2) An Assistant Returning Officer shall assist the Returning Officer in the performance of his functions under this Act and may, subject to such conditions as may be imposed by the Election Commission, exercise the powers and perform the functions of the Returning Officer, under the control of the District Returning Officer.

(3) The District Returning Officer shall do all such acts as may be necessary for effectively conducting an election in accordance with the provisions of this Act and the rules.”

13. Substitution of section 23 in Act XVIII of 2013.—In the said Act, for section 23, the following shall be substituted:

“23. Polling stations.— (1) The Returning Officer shall, before such time as the Election Commission may fix, submit to the District Returning Officer a list of polling stations he proposes to provide for a Union Council or a ward for purposes of election.

(2) Subject to the direction of the Election Commission, the District Returning Officer may make such alterations in the list of polling stations submitted under subsection (1) as he deems necessary and shall, within fifteen days before the polling day, publish in the official Gazette the final list of polling stations specifying the electoral area, the voters who are entitled to vote at each polling station.

(3) The Returning Officer shall, for a Union Council and a ward, establish a polling station or polling stations according to the final list published under subsection (2).

(4) A polling station shall not be located in any premises belonging to or under the control of any candidate.”

14. Substitution of section 24 in Act XVIII of 2013.—In the said Act, for section 24, the following shall be substituted:

“24. Presiding Officers and Polling Officers.— (1) A Returning Officer shall appoint for each polling station a Presiding Officer and such number of Assistant Presiding Officers and Polling Officers from amongst the officers of the Government, local governments and corporations established or controlled

by such governments to assist the Presiding Officer as the Returning Officer may consider necessary.

(2) A person who is or has, at any time, been in the employment of any candidate shall not be appointed as a Presiding Officer, Assistant Presiding Officer or Polling Officer.

(3) A list of such Presiding Officers, Assistant Presiding Officers and Polling Officers shall be submitted to the District Returning Officer within fifteen days before the polling day for its approval and no change in the personnel shall be made except with the approval of the Election Commission.

(4) A Presiding Officer shall conduct the poll in accordance with the provisions of this Act and the rules, and shall be responsible for maintaining order at the polling station and shall report to the Returning Officer any fact or incident which may, in his opinion, affect the fairness of the poll.

(5) The Presiding Officer may, during the course of poll, entrust such of his functions as may be specified by him to any Assistant Presiding Officer and it shall be the duty of such Assistant Presiding Officer to perform the functions so entrusted.

(6) The Returning Officer shall authorize one of the Assistant Presiding Officers to act in place of the Presiding Officer if the Presiding Officer is, at any time, during the poll, by reason of illness or any other cause, not present at the polling station or is unable to perform his functions; and any absence of the Presiding Officer and the reasons for the absence shall, as soon as possible after the close of poll, be reported to the Returning Officer.

(7) The Returning Officer may, at any time during the poll, for reasons to be recorded in writing, suspend any Presiding Officer, Assistant Presiding Officer or Polling Officer and make such arrangements as he may consider necessary for the performance of the functions of the officer so suspended."

15. Amendments in section 27 of Act XVIII of 2013.-In the said Act, in section 27:

- (a) in subsection (1), in clause (b), for the word "or", the word "and" shall be substituted;
- (b) in subsection (1), for clause (c), the following shall be substituted:
 - "(c) is enrolled as a voter in the electoral rolls of the ward or the local government from which he is contesting the election.";
- (c) in subsection (2):
 - (i) in clause (i), after semi-colon, the word "and" shall be inserted;
 - (ii) in clause (j), for semi-colon and the word "and", a full-stop shall be substituted; and
 - (iii) clause (k) shall be omitted; and
- (d) after subsection (3), the following subsection (4) shall be inserted:
 - "(4) A candidate who claims to be a Muslim shall submit to the Returning Officer the declaration given in Ninth Schedule along with the nomination papers."

16. Amendments in section 32 of Act XVIII of 2013.-In the said Act, in section 32:

- (a) for sub section (4), the following shall be substituted:

“(4) If a member of a Union Council is elected as Vice Chairman of the Union Council under subsection (3) or the office of the directly elected member of the Union Council, for any reason, falls vacant during the term of office of the Union Council, the new member shall be elected in the prescribed manner within one year from the date such vacancy is notified and he shall, subject to this Act, hold office for the remaining term of the Union Council.”; and

(b) for sub section (6), the following shall be substituted:

“(6) If the vacancy in the office of a directly elected member of a Union Council or a Municipal Committee occurs within one year of the expiry of the term of the Union Council or, as the case may be, the Municipal Committee, the vacancy shall not be filled.”

17. Amendments in section 144 of Act XVIII of 2013.— In the said Act, in section 144, after subsection (3), the following subsection (4) shall be inserted:

“(4) Notwithstanding anything contained in subsection (1), the Government may, in an emergency and for reasons to be recorded, dispense with the requirement of previous publication required under subsection (1).”

18. Amendments in First Schedule of Act XVIII of 2013.— In the said Act, in the First Schedule:

(i) for Part-I, the following shall be substituted:

“PART-I

Union Council	Mode of Election	Membership
	Direct	Chairman and Vice Chairman, as joint candidates.
	Direct	Six general members.
	Direct	Two women members.
	Direct	One peasant or worker member.
	Direct	One youth member.
	Direct	One non-Muslim member.”

(ii) in Part-II, in the column titled “Membership”, for the last entry, the following shall be substituted:

“Such number of non-Muslim members, not exceeding five, as the Government may, by notification, determine on the basis of the number of Union Councils in a District Council.”;

(iii) in Part-III, in the column titled “Membership”, for the last entry, the following shall be substituted:

“Such number of non-Muslim members, not exceeding three, as the Government may, by notification, determine on the basis of the number of wards in a Municipal Committee.”; and

(iv) in Part-IV, in column titled “Membership”, for the last entry, the following shall be substituted:

“Such number of non-Muslim members, not exceeding five, as the Government may, by notification, determine on the basis of the number of Union Councils in a Municipal Corporation”.

19. Insertion of Ninth Schedule in Act XVIII of 2013.– In the said Act, after Eighth Schedule, the following Ninth Schedule shall be inserted:

“NINTH SCHEDULE

Declaration

I, _____ s/o, w/o, d/o _____ solemnly swear that I believe in the absolute and unqualified finality of the Prophethood of Muhammad (Peace be upon him), the last of the prophets, and that I am not the follower of any one who claims to be a Prophet in any sense of the word or of any description whatsoever after Prophet Muhammad (Peace be upon him), and that I do neither recognize such a claimant to be Prophet or religious reformer nor do I belong to the Qadiani group or the Lahori group or call myself an Ahmadi.

Date:

Signature of the candidate.”

20. Repeal.– The following Ordinances are hereby repealed:

- (a) the Punjab Local Government (Amendment) Ordinance 2013 (VI of 2013);
- (b) the Punjab Local Government (Second Amendment) Ordinance 2013 (VII of 2013);
- (c) the Punjab Local Government (Third Amendment) Ordinance 2013 (VIII of 2013); and
- (d) the Punjab Local Government (Fourth Amendment) Ordinance 2013 (IX of 2013).