

## C O N F I D E N T I A L

Not to be released for publication in the press before presentation to the Assembly

### PROVINCIAL ASSEMBLY OF THE PUNJAB

#### REPORT OF THE STANDING COMMITTEE ON LOCAL GOVERNMENT AND RURAL DEVELOPMENT REGARDING THE PUNJAB LOCAL GOVERNMENT (SECOND AMENDMENT) BILL 2014 (BILL NO.28 OF 2014)

The Punjab Local Government (Second Amendment) Bill 2014 (Bill No.28 of 2014) was referred to the Standing Committee on Local Government and Rural Development on 20 October, 2014. The Committee considered the bill in its meeting held on 22 October, 2014.

2. The following were present:—

1.	Ch Abdul Razzaq Dhillon, MPA (PP-33)	Chairman
2.	Chaudhary Muhammad Ashraf Warraich, MPA (PP-97)	Member
3.	Mrs Sobia Anwar Satti, MPA (W-325)	Member
4.	Mr Hammad Nawaz Khan Tippu, MPA (PP-254)	Member
5.	Mrs Gulnaz Shahzadi, MPA (W-329)	Member
6.	Ms Surriya Naseem, MPA (W-322)	Member

3. Mr Dawood M. Breach, Secretary to Government of the Punjab, Local Government and Community Development Department and Mr Mohsin Abbas Syed, Director, Law and Parliamentary Affairs Department represented their Departments. Hafiz Muhammad Shafiq Adil, Special Secretary, Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. The Secretary to Government of Punjab, Local Government and Community Development Department apprised the Committee about the aims and objects of the proposed legislation. He said that the Punjab Local Government Act 2013 was passed on 23-8-2013. It was decided that the Local Bodies Election were to be held in December 2013. In the meanwhile, some people filed a writ petition against the Local Government Act 2013 in Lahore High Court Lahore and finally the Hon'ble Supreme Court of Pakistan in Civil Appeal No.297 of 2013 had declared the section 6,8,9 and 10 of PLGA, 2013 *ultra vires* of the Constitution. The Hon'ble Court also directed Government of the Punjab to make necessary enactments to empower the Election Commission of Pakistan to carry out the delimitation of constituencies of the Local Government. The Secretary to Government of the Punjab, Local Government and Community Development also apprised the Committee that the consequential amendments were also needed which had been proposed in the bill. The Punjab Government had also appropriately amended the Punjab Local Government Act 2013 through an Ordinance dated 16-10-2014 in the light of directions given by the Apex Court in Civil Appeal No.297 of 2013.

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5. The Committee after hearing the Members, having view point of the Administrative Department as well as the Law Department and discussing various points, unanimously decided to recommend that the bill may be passed by the Assembly subject to the following amendment:-

**AMENDMENT IN THE BILL**

**ADDITION OF NEW CLAUSE 9**

After clause 8, a new Clause 9 be added as under –

“9. Repeal.- The Punjab Local Government (Second Amendment) Ordinance 2014 (XVI of 2014) is hereby repealed.”

6. A copy of the bill as introduced in the Assembly is at Annexure-A and a copy of the bill as recommended by the Committee is at Annexure-B.



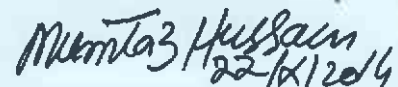
**(CH ABDUL RAZZAQ DHILLON)**

*Chairman*

*Standing Committee on Local Government  
and Rural Development*

Lahore

*22 October, 2014*



**(RAI MUMTAZ HUSSAIN BABAR)**

*Secretary*

Lahore

*22 October, 2014*

# PROVINCIAL ASSEMBLY OF THE PUNJAB

BILL NO 28 OF 2014

## THE PUNJAB LOCAL GOVERNMENT (SECOND AMENDMENT) BILL 2014

A  
Bill

*further to amend the Punjab Local Government Act 2013.*

Whereas it is expedient further 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 (Second Amendment) Act 2014.  
(2) It shall come into force at once.
2. **Substitution of section 6 of Act XVIII of 2013.**— In the Punjab Local Government Act 2013 (XVIII of 2013), hereinafter referred to as "the said Act", for section 6, the following shall be substituted:
 

"6. **Local areas.**— (1) The Government shall, by notification in the official Gazette, divide a District into urban area and rural area.  
(2) For purposes of this Act, the Government shall, by notification, demarcate and declare a local area consisting of:

  - (a) Lahore District as the Metropolitan Corporation;
  - (b) rural area in a District, other than Lahore District, as District Council;
  - (c) urban area in a District, other than the area of a Municipal Committee, as Municipal Corporation; and
  - (d) urban area in a District, other than the area of a Municipal Corporation, as Municipal Committee.

(3) The Government may, by notification in the official Gazette, after inviting public objections and suggestions, alter the limits of a local area and declare that any area shall cease to be a District Council, Municipal Committee or Municipal Corporation.  
(4) Subject to the Act, any two or more adjoining local governments within a District may, after inviting public objections through a resolution passed by two-third majority of the total membership of each of the local governments, make a proposal to the Government for a change in their respective boundaries subject to the condition that no revenue estate shall be divided and the size of population in the relevant local area shall, as far as possible, be close to the average population of similar local areas in the District."
3. **Amendment in section 7 of Act XVIII of 2013.**— In the said Act, in section 7, after subsection (2), the following subsection (3) shall be inserted:
 

"(3) Nothing contained in this section shall apply to Union Councils and the Union Councils shall be reconstituted under sections 6 and 9."
4. **Substitution of section 8 of Act XVIII of 2013.**— In the said Act, for section 8, the following shall be substituted:
 

"8. **Local governments and delimitation.**— (1) The Government shall, by notification in the official Gazette, determine the number of Union Councils in the Metropolitan Corporation, a Municipal Corporation and a District Council and wards for a Municipal Committee in accordance with the First Schedule.  
(2) After the demarcation of the local governments under section 6 and determination of the number of Union Councils and wards, the Election Commission shall delimit the Union Councils and wards.  
(3) The Election Commission shall delimit and notify the Union Councils and wards on the basis of the principles laid down in sections 9 and 10 and, as nearly as possible, under the Delimitation of Constituencies Act, 1974 (XXXIV of 1974) or any other Act of the *Majlis-e-shoora* (Parliament) "

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

**"9. Delimitation of Union Councils.**— (1) A Union Council shall be an area consisting of one or more revenue estates or, in the case of an area where revision of settlement under the law has not taken place, one or more census villages or, in the case of an urban area, a census block or blocks as determined for purposes of the last preceding census or a census block or blocks and a revenue estate or revenue estates, delimited and notified as such by the Election Commission.

(2) For purposes of delimitation of a Union Council:

- (a) the area of a Union Council shall be a territorial unity;
- (b) the boundaries of a Union Council shall not cross the limits of the Metropolitan Corporation, a Municipal Corporation or a District Council; and
- (c) the population of Union Councils within a local government shall, as far as possible, be uniform.

(3) The Election Commission shall 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) For purposes of delimitation of a ward of a Union Council:

- (a) a ward shall consist of a village, one or more adjoining villages or, in case of an urban area, a census block or adjoining census blocks;
- (b) the boundaries of a ward shall not cross the limits of the Union Council; and
- (c) the population of wards within a Union Council shall, as far as possible, be uniform."

6. **Substitution of section 10 of Act XVIII of 2013.**— In the said Act, for section 10, the following shall be substituted:

**"10. Delimitation of wards in Municipal Committees.**— (1) The Election Commission shall delimit a Municipal Committee into wards for election of members of the Municipal Committee on general seats.

(2) For purposes of delimitation of a Municipal Committee:

- (a) a ward shall consist of a census block or adjoining census blocks;
- (b) the boundaries of a ward shall not cross the limits of the Municipal Committee; and
- (c) the population of wards within a Municipal Committee shall, as far as possible, be uniform."

7. **Amendment in section 11 of Act XVIII of 2013.**— In the said Act, in section 11:

(a) in subsection (1), for clause (d), the following shall be substituted:

"(d) Union Councils; and"; and

(b) in subsection (2), clause (a) shall be omitted.

8. **Substitution of section 21 of Act XVIII of 2013.**— In the said Act, for section 21, the following shall be substituted:

**"21. Preparation of electoral rolls.**— (1) The Election Commission shall cause to be prepared or adapted the electoral rolls for the election of a local government and revise such electoral rolls from time to time, as nearly as possible, under the Electoral Rolls Act, 1974 (Act XXI of 1974) or any other Act of the *Majlis-e-shoora* (Parliament).

(2) Subject to subsection (1), a person shall be entitled to be enrolled as a voter if he:

- (a) is a citizen of Pakistan;
- (b) is not less than eighteen years of age; and
- (c) fulfils such other conditions as the Election Commission may specify.

(3) Every person whose name is entered in the electoral roll shall be entitled to cast vote at the direct election of a local government."

MINISTER INCHARGE

**(BILL AS RECOMMENDED BY THE STANDING COMMITTEE ON  
LOCAL GOVERNMENT AND RURAL DEVELOPMENT**

A  
Bill

*further to amend the Punjab Local Government Act 2013.*

Whereas it is expedient further 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 (Second Amendment) Act 2014.

(2) It shall come into force at once.

**2. Substitution of section 6 of Act XVIII of 2013.**– In the Punjab Local Government Act 2013 (XVIII of 2013), hereinafter referred to as “the said Act”, for section 6, the following shall be substituted:

**“6. Local areas.**– (1) The Government shall, by notification in the official Gazette, divide a District into urban area and rural area.

(2) For purposes of this Act, the Government shall, by notification, demarcate and declare a local area consisting of:

- (a) Lahore District as the Metropolitan Corporation;
- (b) rural area in a District, other than Lahore District, as District Council;
- (c) urban area in a District, other than the area of a Municipal Committee, as Municipal Corporation; and
- (d) urban area in a District, other than the area of a Municipal Corporation, as Municipal Committee.

(3) The Government may, by notification in the official Gazette, after inviting public objections and suggestions, alter the limits of a local area and declare that any area shall cease to be a District Council, Municipal Committee or Municipal Corporation.

(4) Subject to the Act, any two or more adjoining local governments within a District may, after inviting public objections through a resolution passed by two-third majority of the total membership of each of the local governments, make a proposal to the Government for a change in their respective boundaries subject to the condition that no revenue estate shall be divided and the size of population in the relevant local area shall, as far as possible, be close to the average population of similar local areas in the District.”

**3. Amendment in section 7 of Act XVIII of 2013.**– In the said Act, in section 7, after subsection (2), the following subsection (3) shall be inserted:

“(3) Nothing contained in this section shall apply to Union Councils and the Union Councils shall be reconstituted under sections 6 and 9.”

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(2) After the demarcation of the local governments under section 6 and determination of the number of Union Councils and wards, the Election Commission shall delimit the Union Councils and wards.

(3) The Election Commission shall delimit and notify the Union Councils and wards on the basis of the principles laid down in sections 9 and 10 and, as nearly as possible, under the Delimitation of Constituencies Act, 1974 (XXXIV of 1974) or any other Act of the *Majlis-e-shoora* (Parliament).”

**5. Substitution of section 9 of Act XVIII of 2013.**– In the said Act, for section 9, the following shall be substituted:

**“9. Delimitation of Union Councils.–** (1) A Union Council shall be an area consisting of one or more revenue estates or, in the case of an area where revision of settlement under the law has not taken place, one or more census villages or, in the case of an urban area, a census block or blocks as determined for purposes of the last preceding census or a census block or blocks and a revenue estate or revenue estates, delimited and notified as such by the Election Commission.

(2) For purposes of delimitation of a Union Council:

- (a) the area of a Union Council shall be a territorial unity;
- (b) the boundaries of a Union Council shall not cross the limits of the Metropolitan Corporation, a Municipal Corporation or a District Council; and
- (c) the population of Union Councils within a local government shall, as far as possible, be uniform.

(3) The Election Commission shall 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) For purposes of delimitation of a ward of a Union Council:

- (a) a ward shall consist of a village, one or more adjoining villages or, in case of an urban area, a census block or adjoining census blocks;
- (b) the boundaries of a ward shall not cross the limits of the Union Council; and
- (c) the population of wards within a Union Council shall, as far as possible, be uniform.”

**6. Substitution of section 10 of Act XVIII of 2013.–** In the said Act, for section 10, the following shall be substituted:

**“10. Delimitation of wards in Municipal Committees.–** (1) The Election Commission shall delimit a Municipal Committee into wards for election of members of the Municipal Committee on general seats.

(2) For purposes of delimitation of a Municipal Committee:

- (a) a ward shall consist of a census block or adjoining census blocks;
- (b) the boundaries of a ward shall not cross the limits of the Municipal Committee; and
- (c) the population of wards within a Municipal Committee shall, as far as possible, be uniform.”

**7. Amendment in section 11 of Act XVIII of 2013.–** In the said Act, in section 11:

- (a) in subsection (1), for clause (d), the following shall be substituted:  
“(d) Union Councils; and”;
- (b) in subsection (2), clause (a) shall be omitted.

**8. Substitution of section 21 of Act XVIII of 2013.–** In the said Act, for section 21, the following shall be substituted:

**“21. Preparation of electoral rolls.–** (1) The Election Commission shall cause to be prepared or adapted the electoral rolls for the election of a local government and revise such electoral rolls from time to time, as nearly as possible, under the Electoral Rolls Act, 1974 (Act XXI of 1974) or any other Act of the *Majlis-e-shoora* (Parliament).

(2) Subject to subsection (1), a person shall be entitled to be enrolled as a voter if he:

- (a) is a citizen of Pakistan;
- (b) is not less than eighteen years of age; and
- (c) fulfils such other conditions as the Election Commission may specify.

(3) Every person whose name is entered in the electoral roll shall be entitled to cast vote at the direct election of a local government.”

**9. Repeal.-** The Punjab Local Government (Second Amendment) Ordinance 2014 (XVI of 2014) is hereby repealed.

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