

## CONFIDENTIAL

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### PROVINCIAL ASSEMBLY OF THE PUNJAB

#### REPORT OF THE STANDING COMMITTEE ON LOCAL GOVERNMENT AND RURAL DEVELOPMENT REGARDING THE PUNJAB LOCAL GOVERNMENT (THIRD AMENDMENT) BILL 2014 (BILL NO.34 OF 2014)

The Punjab Local Government (Third Amendment) Bill 2014 (Bill No.34 of 2014) was referred to the Standing Committee on Local Government and Rural Development on 24 December, 2014. The Committee considered the bill in its meeting held on 26 December, 2014.

2. The following were present:-

- |    |                                      |          |
|----|--------------------------------------|----------|
| 1. | Ch Abdul Razzaq Dhillon, MPA (PP-33) | Chairman |
| 2. | Mrs Gulnaz Shahzadi, MPA (W-329)     | Member   |
| 3. | Ms Surriya Naseem, MPA (W-322)       | Member   |

3. Mr Dawood M. Breach, Special Secretary, Government of the Punjab, Local Government and Community Development Department and Mr Mohsin Bukhari, Deputy 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 Hon'ble Supreme Court of Pakistan in Constitutional Petition No.77 of 2010 vide order dated 01-12-2014 had, *inter alia*, directed the Punjab Government to hold meeting with Election Commission on 02-12-2014 to provide assistance for carrying out delimitation for holding of the local bodies elections and submit report on 08-12-2014. Pursuant to the said directions, a meeting was convened with Election Commission on 02-12-2014 wherein certain amendments in the Punjab Local Government Act 2013 had been proposed by the Election Commission. The Election Commission had proposed that word 'election' needs to be defined; no alteration be made in the boundaries of a local area after announcement of election schedule; it should also have the authority to appoint returning officers from amongst officers of the Federal Government; and casual vacancy may be substituted with bye-elections. One clerical error in section 37 was also proposed to be corrected.

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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**

**CLAUSE 3**

in section 6 of Act XVIII of 2013, the proposed subsection (5) shall be substituted as under :-

“(5) The Government may, with the concurrence of the Election Commission, alter the limits of a local area under this section after the initiation of proceedings of delimitation of constituencies by the Election Commission but the Government shall not alter the limits of a local area after the announcement of election schedule for election in the local area.”

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.

Lahore  
26 December, 2014

(CH ABDUL RAZZAQ DHILLON)  
*Chairman*  
*Standing Committee on Local Government*  
*and Rural Development*

Lahore  
26 December, 2014

  
(RAI MUMTAZ HUSSAIN BABAR)  
*Secretary*

(BILL AS INTRODUCED IN THE ASSEMBLY)

## PROVINCIAL ASSEMBLY OF THE PUNJAB

BILL NO. 34 OF 2014

THE PUNJAB LOCAL GOVERNMENT (THIRD AMENDMENT)  
BILL 2014A  
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 (Third Amendment) Act 2014.

(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 (n), the following clause (na) shall be inserted:

“(na) “election” means an election held under this Act and includes a bye-election;”

**3. Amendment in section 6 of Act XVIII of 2013.**— In the said Act, in section 6:

(a) in subsection (4), the words and commas “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” shall be omitted; and

(b) after subsection (4), the following subsection (5) shall be inserted:

“(5) The Government shall not make any alteration in the limits of a local area under this section after the initiation of proceedings of delimitation of constituencies by the Election Commission without the concurrence of the Election Commission but the Government shall not alter the limits of a local area after the announcement of election schedule for election in the local area.”

**4. Amendment in section 22 of Act XVIII of 2013.**— In the said Act, in section 22, in subsection (1), for the expression “the Election Commission, the Government”, the expression “the Election Commission, the Federal Government, the Government” shall be substituted.

**5. Amendment in section 32 of Act XVIII of 2013.**— In the said Act, in section 32, for the marginal heading “Casual vacancy”, the marginal heading “Bye-election” shall be substituted.

**6. Omission in section 37 of Act XVIII of 2013.**— In the said Act, in section 37, in subsection (2), in clause (b), the word and comma “election,” shall be omitted.

### **STATEMENT OF OBJECTS AND REASONS**

The Hon'ble Supreme Court of Pakistan in Constitution Petition No.77 of 2010 vide order dated 01-12-2014 has, *inter alia*, directed the Punjab Government to hold meeting with Election Commission on 02-12-2014 to provide assistance for carrying out delimitation for holding of the local bodies elections and submit report on 08-12-2014. Pursuant to the said directions, a meeting was convened with Election Commission on 02-12-2014 wherein certain amendments in the Punjab Local Government Act 2013 have been proposed by the Election Commission. The Election Commission has proposed that word 'election' needs to be defined; no alteration be made in the boundaries of a local area after announcement of election schedule; it should also have authority to appoint returning officers from amongst officers of the Federal Government; and casual vacancy may be substituted with bye-elections. One clerical error in section 37 is also proposed to be corrected. Hence this Bill.

  
**MINISTER INCHARGE**

Lahore:  
December 2014

**RAI MUMTAZ HUSSAIN BABAR**  
Secretary

**ANNEXURE – B**

**(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 (Third Amendment) Act 2014.

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“(na) “election” means an election held under this Act and includes a bye-election;”

**3. Amendment in section 6 of Act XVIII of 2013.**– In the said Act, in section 6:

(a) in subsection (4), the words and commas “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” shall be omitted; and

(b) after subsection (4), the following subsection (5) shall be inserted:

“(5) The Government may, with the concurrence of the Election Commission, alter the limits of a local area under this section after the initiation of proceedings of delimitation of constituencies by the Election Commission but the Government shall not alter the limits of a local area after the announcement of election schedule for election in the local area.”

**4. Amendment in section 22 of Act XVIII of 2013.**– In the said Act, in section 22, in subsection (1), for the expression “the Election Commission, the Government”, the expression “the Election Commission, the Federal Government, the Government” shall be substituted.

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**6. Omission in section 37 of Act XVIII of 2013.**– In the said Act, in section 37, in subsection (2), in clause (b), the word and comma “election,” shall be omitted.

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