

PROVINCIAL ASSEMBLY OF THE PUNJAB

NOTIFICATION

February 06, 2016

No.PAP/Legis-2(117)/2016/1370. The Punjab Local Government (Second Amendment) Bill 2016, having been passed by the Provincial Assembly of the Punjab on February 04, 2016, and assented to by the Governor of the Punjab on February 05, 2016, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB LOCAL GOVERNMENT (SECOND AMENDMENT) ACT 2016

ACT VIII OF 2016

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated February 06, 2016.]

An Act

further to amend the Punjab Local Government Act 2013.

It is necessary further to amend the Punjab Local Government Act 2013 (*XVIII of 2013*) to make provisions that the election of the members to fill the seats reserved for women, peasants, workers, youth, technocrats and non-Muslims in the local governments in the Punjab shall be held through proportional representation system of political parties' lists of candidates on the basis of the total number of general seats, including directly elected Chairmen and Vice Chairmen of the Union Councils, secured by a political party in the respective local government to bring the system in line with the one prescribed for the reserved seats in the Provincial Assemblies; the election of the Mayor, Deputy Mayor, Chairman and Vice Chairman of a local government, except in case of a union council, shall be held through method of open division; to provide that the first meeting of the local governments shall be held on such date as the Government may determine; to rationalize the definition of 'technocrat'; and, for ancillary purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Local Government (Second Amendment) Act 2016.

(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*), for brevity cited as the said Act, in section 2, for clause (eee), the following shall be substituted:

“(eee) “technocrat” means a person who is the holder of a degree requiring conclusion of fourteen years of education from a university recognized by the Higher Education Commission and at least three years of experience after conclusion of education, or a degree requiring conclusion of sixteen years of education from a university recognized by the Higher Education Commission;”.

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

“13. Union Council.- A Union Council shall consist of the directly elected Chairman and Vice Chairman, as joint candidates, six general members, one from each ward of the Union Council, and the following members indirectly elected to the reserved seats in the manner prescribed by or under this Act:

- (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.”

- 4. Amendment in section 14 of Act XVIII of 2013.-** In the said Act, in section 14:
- (a) in subsection (2), for the expression “by the Chairmen of the rural Union Councils present and voting”, the words “in the manner prescribed by or under this Act” shall be substituted; and
 - (b) for subsection (3), the following shall be substituted:
 “(3) The members of a District Council shall, on the date specified by the Election Commission, elect the Chairman and Vice Chairmen of the District Council mentioned in the First Schedule, as joint candidates, from amongst the members of the District Council, by open division in the prescribed manner.”
- 5. Amendment in section 15 of Act XVIII of 2013.-** In the said Act, in section 15:
- (a) in subsection (1), for the words “by the Chairmen of the Union Councils present and voting”, the words “in the manner prescribed by or under this Act” shall be substituted;
 - (b) in subsection (2), for the words “by the Chairmen of the urban Union Councils present and voting”, the words “in the manner prescribed by or under this Act” shall be substituted;
 - (c) in subsection (3), for the words “by the directly elected members”, the words “in the manner prescribed by or under this Act” shall be substituted; and
 - (d) for subsections (4) and (5), the following shall be substituted:
 “(4) The members of a Municipal Committee shall, on the date specified by the Election Commission, elect the Chairman and Vice Chairman mentioned in the First Schedule, as joint candidates, from amongst the members of the Municipal Committee, by open division in the manner prescribed by or under this Act.
 (5) The members of the Metropolitan Corporation or a Municipal Corporation shall, on the date specified by the Election Commission, elect the Mayor and the Deputy Mayors mentioned in the First Schedule, as joint candidates, from amongst the members of the Metropolitan Corporation or the Municipal Corporation, by open division in the manner prescribed by or under this Act.”
- 6. Insertion of section 18A in Act XVIII of 2013.-** In the said Act, after section 18, the following new section 18A shall be inserted:
“18A. Election to the reserved seats.- (1) For purposes of the election to the seats reserved for women, peasants, workers, youth, technocrats and non-Muslims in a local government, the political parties contesting election for such seats shall, through their authorized representatives, file separate lists of their candidates in order of priority for the reserved seats, within the period fixed by the Election Commission for submission of the nomination papers, with

such officer as the Election Commission may direct, and the Election Commission shall forthwith cause such lists to be published for information of the public at large.

(2) The parties' lists referred to in subsection (1) may contain as many names of additional candidates as a political party may deem necessary for contesting the seats reserved for women, peasants, workers, youth, technocrats and non-Muslims in a local government to provide for any disqualification of candidates during scrutiny of nomination papers or for filling of any vacant seat during the term of the local government.

(3) Where a seat reserved for women, peasants, workers, youth, technocrats or non-Muslim in a local government falls vacant owing to death, resignation or disqualification of a member, it shall be filled in by the next person in order of precedence from the party's list of the candidates submitted to the Election Commission under subsection (1).

(4) A candidate contesting election on a seat reserved for women, peasants, workers, youth, technocrats and non-Muslims in a local government shall, along with the nomination papers and other relevant documents, submit to the Returning Officer appointed by the Election Commission in this behalf:

- (a) a copy of the party list of the candidate's political party for such seats;
- (b) declaration and statements as required by law or rules in support of the nomination; and
- (c) the fee required under any law for the time being in force for filing nomination papers.

(5) Notwithstanding anything in any other law or rules, for purposes of this section, the total number of general seats won by a political party shall include the directly elected candidates and the independent returned candidate or candidates who may join such political party within seven days from the commencement of the Punjab Local Government (Second Amendment) Act 2016."

(6) The Election Commission shall, on the basis of proportional representation system of political parties' lists of candidates, allocate seats to a political party under this section.

7. Amendment in section 30 of the Act XVIII of 2013.— In the said Act:

- (a) for subsection (2), the following shall be substituted:
“(2) The first meeting of the local governments shall be held on such date as the Government may, by notification, determine.”; and
- (b) for subsection (4), the following shall be substituted:
“(4) The proceedings for the election of the Chairman and Vice Chairman or Vice Chairmen or Mayor and Deputy Mayors shall not constitute the meeting of the local government.”

8. Repeal.— The Punjab Local Government (Second Amendment) Ordinance, 2016 (VII of 2016) is hereby repealed.