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## GOVERNMENT OF THE PUNJAB LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT

### NOTIFICATION

05 November 2019

No.Legis:13-10/2019(P-I): The following Ordinance promulgated by Governor of the Punjab is hereby published for general information:

### THE PUNJAB LOCAL GOVERNMENT (AMENDMENT) ORDINANCE 2019

(XV OF 2019)

AN

#### ORDINANCE

*further to amend the Punjab Local Government Act, 2019.*

It is necessary to amend the Punjab Local Government Act, 2019 (XIII of 2019) to bring it in harmony with the Elections Act, 2017 (XXXIII of 2017) and to provide for the ancillary purposes.

Provincial Assembly of the Punjab is not in session and Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action.

In exercise of the powers conferred under clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is pleased to make and promulgate the following Ordinance:

**1. Short title and commencement.**— (1) This Ordinance may be cited as the Punjab Local Government (Amendment) Ordinance 2019.

(2) It shall come into force at once.

**2. Amendment of section 2 of Act XIII of 2019.**— In the Punjab Local Government Act, 2019 (XIII of 2019), for brevity cited as the Act, in section 2:

- (a) for clause (i), the following shall be substituted:  
“(i) ‘census’ means a population and housing census provisionally or finally published under the General Statistics (Reorganization) Act, 2011 (XIV of 2011), whichever is later;”;
- (b) clause (t) shall be omitted;
- (c) after clause (z), the following clause (za) shall be inserted:  
“(za) ‘Elections Act’ means the Elections Act, 2017 (XXXIII of 2017);”;
- (d) for clause (bb), the following shall be substituted:  
“(bb) ‘electoral group’ means an electoral group enlisted under the Act;”;
- (e) for clause (cc), the following shall be substituted:  
“(cc) ‘electoral officer’ means an officer appointed for election under the Act and includes a Presiding Officer, an Assistant Presiding Officer and a Polling Officer;”;
- (f) for clause (dd), the following shall be substituted:  
“(dd) ‘electoral roll’ means an electoral roll prepared, revised or corrected under the Elections Act;”;
- (g) for clause (ii), the following shall be substituted:  
“(ii) ‘Government’ means Government of the Punjab;”;  
and
- (h) for clause (jj), the following shall be substituted:  
“(jj) ‘government agency’ means an office or entity of the Government;”.

**3. Insertion of section 2A in Act XIII of 2019.**— In the Act, after section 2, the following section 2A shall be inserted:

**“2A. Elections Act to apply.**— For the purpose of local government election, the Elections Act shall, as nearly as possible, apply to an election under this Act.”.

**4. Amendment of section 6 of Act XIII of 2019.**— In the Act, in section 6, for subsection (3), the following shall be substituted:

“(3) The Government may, by general or special order, direct a local government to take any measure in furtherance of section 5, and the local government shall comply with such direction.”.

**5. Amendment of section 14 of Act XIII of 2019.**— In the Act, in section 14:

(a) in subsection (2), for the figure "112", the figure "113" shall be substituted; and

(b) for subsection (3), the following shall be substituted:

"(3) The order under subsection (1) shall become effective from the next election to the local government."

**6. Amendment of section 17 of Act XIII of 2019.**— In the Act, in section 17:

(a) for subsection (2), the following shall be substituted:

"(2) When, as a result of such division, amalgamation or re-classification, a new local government is constituted or the limits of a local area are altered under section 14, the Government shall, by an order, specify the extent to which the new, reconstituted or re-classified local government shall succeed the local government so divided, amalgamated or reconstituted."

(b) in subsection (3), for the figure "112", the figure "113" shall be substituted; and

(c) for subsection (4), the following shall be substituted:

"(4) The order under subsection (1) shall become effective from the next election to the local government."

**7. Amendment of section 21 of Act XIII of 2019.**— In the Act, in section 21, in subsection (3), for the words "of the commencement of this Act", the words "from the date of establishment of the Metropolitan Corporation" shall be substituted.

**8. Amendment of section 24 of Act XIII of 2019.**— In the Act, in section 24, in subsection (1), in clause (c), for the figure "25", the figure "26" shall be substituted.

**9. Amendment of section 29 of Act XIII of 2019.**— In the Act, in section 29, in subsection (1), for the word "bye-law" wherever occurs, the words "by law" shall be substituted.

**10. Amendment of section 31 of Act XIII of 2019.**— In the Act, in section 31, for the words "between its head of the local government of the local government and the heads of the then constituting local governments of that joint authority", the words "between the head of the local government and the heads of the other local governments then constituting the joint authority" shall be substituted.

**11. Amendment of section 76 of Act XIII of 2019.**— In the Act, in section 76, for subsection (3), the following shall be substituted:

"(3) The Election Commission shall keep in safe custody the record of an election including the votes secured by a political party or an electoral group for a period specified in the Elections Act."

**12. Substitution of section 77 of Act XIII of 2019.**— In the Act, for section 77, the following shall be substituted:

**"77. Submission of complaints.**— (1) During the process of election, a person may submit a complaint to the Election Commission, District Returning Officer or Returning Officer other than an election dispute.

(2) The Election Commission, District Returning Officer or Returning Officer may process and decide a complaint under subsection (1) in accordance with the Elections Act."

**13. Substitution of section 81 of Act XIII of 2019.**— In the Act, for section 81, the following shall be substituted:

**"81. Delegation of powers.**— The Election Commission may delegate any of its functions or powers in accordance with the Elections Act."

**14. Amendment of section 83 of Act XIII of 2019.**— In the Act, in section 83:

(a) for subsection (6), the following shall be substituted:

"(6) In addition to the candidate for the office of the head of the local government, a political party or an electoral group shall field at least as many qualified candidates for election as there are seats of general councillors and seats reserved for women, religious minorities, peasants and workers.";

(b) for subsection (7), the following shall be substituted:

"(7) Where a political party or an electoral group is contesting an election under this Act, its candidates for councillors shall contest election on the list of the political party or the electoral group prepared under subsection (8).";

(c) for subsection (8), the following shall be substituted:

"(8) A political party or an electoral group contesting election under this Act shall indicate the names of the candidates for different seats of councillors on the list in ranking order in which they may be elected on the basis of votes obtained by the political party or the electoral group.";

(d) in subsection (10), for clause (b), the following shall be substituted:

“(b) fielding as many qualified candidates to the seats of various categories of councillors in excess of but not less than the number of such seats provided for the respective council under section 20 keeping in view rejection of nominations under section 92, or for filling casual vacancies during the term of the council for any reason under section 119.”; and

(e) subsection (11) shall be omitted.

**15. Amendment of section 84 of Act XIII of 2019.**— In the Act, in section 84, for subsection (3), the following shall be substituted:

“(3) The electoral units constituted under this section shall remain valid for every subsequent election under this Act unless altered by the Election Commission subsequent to review of local areas under this Act.”.

**16. Substitution of section 85 of Act XIII of 2019.**— In the Act, for section 85, the following shall be substituted:

**“85. Enlistment of an electoral group.**— (1) The Election Commission shall, through public notice, specify the dates for enlistment of electoral groups of a local government with the office of the Election Commission for election under this Act.

(2) The head of a proposed electoral group may, in the prescribed manner, apply for enlistment of the electoral group and in case of:

- (a) a Metropolitan Corporation, submit a list of two hundred or more members of the electoral group and deposit a non-refundable fee of fifty thousand rupees;
- (b) a Municipal Corporation, submit a list of one hundred or more members of the electoral group and deposit a non-refundable fee of twenty-five thousand rupees; and
- (c) any other local government, submit a list of fifty or more members of the electoral group and deposit a non-refundable fee of ten thousand rupees.”.

**17. Omission of section 86 of Act XIII of 2019.**— In the Act, section 86 shall be omitted.

**18. Substitution of section 87 in Act XIII of 2019.**— In the Act, for section 87, the following shall be substituted:

**"87. Electoral rolls.**— (1) The Election Commission shall use the electoral rolls prepared under the Elections Act for election under this Act.

(2) For issuance of an additional ballot paper to a voter belonging to the religious minorities in an electoral unit, the Election Commission shall specify mark or any other indication on the electoral rolls for the identification of such voter."

**19. Omission of sections 88 and 89 of Act XIII of 2019.**— In the Act, sections 88 and 89 shall be omitted.

**20. Amendment of section 90 of Act XIII of 2019.**— In the Act, in section 90, for subsection (2), the following shall be substituted:

"(2) Subject to subsection (3), a voter may cast only one vote for the election to the offices of the head of the local government and councillors to the general seats and seats reserved for women, peasants and workers."

**21. Amendment of section 92 of Act XIII of 2019.**— In the Act, in section 92:

(a) for subsection (2), the following shall be substituted:

"(2) A person shall not contest an election under this Act unless a political party or an electoral group includes the person as candidate for head of the local government or on its list of candidates of councillors under the Act.";

(b) for subsection (3), the following shall be substituted:

"(3) The Returning Officer shall not accept the nomination of a candidate unless the amount as may be prescribed is paid in cash or in the form of a bank draft or pay order in favour of the Election Commission by or on behalf of the candidate as candidature fee.

(3A) The candidature fee paid by or on behalf of the candidate shall be non-refundable.

(3B) The Returning Officer shall deposit the cash, bank draft or pay order received as candidature fee as may be prescribed.

(3C) A candidate may pay only one candidature fee even if the candidate is nominated for the same seat by more than one nomination papers.";

(c) in subsection (4), for the words "Election Commission", the words "Returning Officer" shall be substituted; and

(d) for subsection (5), the following shall be substituted:

"(5) A candidate shall not contest election under this Act unless the Returning Officer is satisfied that the candidate is validly nominated and qualified to be a candidate under this Act."

**22. Substitution of section 93 in Act XIII of 2019.**— In the Act, for section 93, the following shall be substituted:

**"93. Polling stations and appointment of electoral officers.**— The Election Commission shall set up such number of polling stations and polling booths as may be required for an election under this Act and may appoint such number of electoral officers as it considers appropriate for such election under the Elections Act."

**23. Amendment of section 94 of Act XIII of 2019.**— In the Act, in section 94, for subsection (1), the following shall be substituted:

"(1) Every political party and electoral group contesting election under this Act may appoint one election agent for the entire electoral unit and one polling agent for each polling booth at every polling station in the electoral unit."

**24. Omission of section 95 in Act XIII of 2019.**— In the Act, section 95 shall be omitted.

**25. Amendment of section 97 of Act XIII of 2019.**— In the Act, in section 97:

(a) for subsection (3), the following shall be substituted:

"(3) Where there is equality of votes between two or more political parties or electoral groups obtaining highest votes, the Returning Officer shall forthwith draw a lot in respect of such political parties or electoral groups and on whom the lot falls, its candidate for head of the local government shall be declared elected."; and

(b) in subsection (5), for the words "an electoral officer appointed in this behalf by the Election Commission", the words "by the Returning Officer" shall be substituted.

**26. Substitution of section 98 in Act XIII of 2019.**— In the Act, for section 98, the following shall be substituted:

**"98. Election to be called in question only before Election Tribunal.**— (1) No election under this Act shall be called in question except through an election petition made to the Election Tribunal constituted under the Elections Act.

(2) The Election Tribunal shall follow procedure and exercise powers under the Elections Act."

**27. Omission of sections 99, 100, 101, 102, 103, 104 and 105 in Act XIII of 2019.**— In the Act, sections 99, 100, 101, 102, 103, 104 and 105 shall be omitted.

**28. Substitution of section 106 in Act XIII of 2019.**— In the Act, for section 106, the following shall be substituted:

**“106. Notification of election, resignation and removal.**—  
(1) The Election Commission shall, within fifteen days from the date of receipt of information, notify every election or a vacancy occurred due to death, resignation, disqualification or removal of a head of a local government, convenor or councillor and publish the same in the official Gazette.

(2) The Government shall immediately inform the Election Commission about occurrence of the vacancy.”

**29. Amendment of section 107 of Act XIII of 2019.**— In the Act, in section 107, in subsection (1), for the words “the Election Commission may from time to time specify”, the words “may be prescribed and different amount may be prescribed for different categories of candidates” shall be substituted.

**30. Amendment of section 109 of Act XIII of 2019.**— In the Act, in section 109, in subsection (2), for clause (a), the following shall be substituted:

“(a) he is not eligible or becomes ineligible to be enrolled as a voter under the Elections Act;”

**31. Amendment of section 110 of Act XIII of 2019.**— In the Act, in section 110, for the word “councilor” wherever occurs, the word “councillor” shall be substituted.

**32. Amendment of section 111 of Act XIII of 2019.**— In the Act, in section 111:

(a) in subsection (2), after the words “complaint to”, the words “the Returning Officer or” shall be inserted; and

(b) in subsection (3), after the words “order of”, the words “the Returning Officer or” shall be inserted.

**33. Amendment of section 117 of Act XIII of 2019.**— In the Act, in section 117, for subsection (3), the following shall be substituted:

“(3) The Government shall immediately send the resignation to the Election Commission which shall, by notification to be issued within fifteen days from the date of receipt of resignation, declare the office of the resigning head of the local government, convenor or councillor to be vacant from the date of receipt of resignation by the Chief Officer.”

**34. Amendment of section 217 of Act XIII of 2019.**— In the Act, in section 217, for subsection (2), the following shall be substituted:



"(2) A person who has a conflict of interest as defined under section 216 of this Act shall not preside over, take part in the proceedings or vote on any question with respect to the contract, proposed contract or any other matter in respect of which his conflict of interest exists."

**35. Amendment of section 232 of Act XIII of 2019.**— In the Act, in section 232, in subsection (3), after the words "Commission arrives at", the words "a conclusion" shall be inserted.

**36. Amendment of section 233 of Act XIII of 2019.**— In the Act, in section 233, in subsection (5), after the words "Commission arrives at", the words "a conclusion" shall be inserted.

**37. Amendment of section 234 of Act XIII of 2019.**— In the Act, in section 234:

- (a) in subsection (1), in clause (c), after the words "local government shall", the comma shall be omitted; and
- (b) in subsection (2), in clause (b), for the words "as the government may", the words "as the Government may" shall be substituted.

**38. Amendment of section 245 of Act XIII of 2019.**— In the Act, in section 245, for the words "The commission", the words "The Commission" shall be substituted.

**39. Amendment of section 294 of Act XIII of 2019.**— In the Act, in section 294:

- (a) in subsection (2), for the words "appointed by the government", the words "appointed by the Government" shall be substituted; and
- (b) in subsection (3), for the expression "Government, may", the expression "Government may," shall be substituted.

**40. Amendment of section 299 of Act XIII of 2019.**— In the Act, in section 299, in subsection (4), for the word "Service", the word "Services" shall be substituted.

**41. Amendment of section 300 of Act XIII of 2019.**— In the Act, in section 300:

- (a) in subsection (1), in clause (a), for the word "officer", the word "officers" shall be substituted; and
- (b) in subsection (2), for the words "local government in the Punjab", the words "the local governments" shall be substituted.

**42. Amendment of section 305 of Act XIII of 2019.**— In the Act, in section 305, for the words "as the government may", the words "as the Government may" shall be substituted.

**43. Amendment of Second Schedule of Act XIV of 2019.**— In the Act, in the Second Schedule, in entries at serial No. 9, in column 2, for the expression “twenty-five thousand”, the expression “twenty thousand” shall be substituted.

**44. Amendment of Sixteenth Schedule of Act XIV of 2019.**— In the Act, in the Sixteenth Schedule, entries at Serial number (135) shall be omitted.

**(MOHAMMAD SARWAR)  
GOVERNOR OF THE PUNJAB**

**Dated: 05/11/2019**

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**NAZIR AHMAD GAJANA**  
Secretary  
Government of the Punjab  
Law and Parliamentary Affairs Department