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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 VILLAGE PANCHAYATS AND NEIGHBOURHOOD COUNCILS (AMENDMENT) ORDINANCE 2019

(XVI OF 2019)

AN

ORDINANCE

further to amend the Punjab Village Panchayats and Neighbourhood Councils Act, 2019.

It is necessary to amend the Punjab Village Panchayats and Neighbourhood Councils Act, 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 Village Panchayats and Neighbourhood Councils (Amendment) Ordinance 2019.

(2) It shall come into force at once.

2. Amendment of section 2 of Act XIV of 2019.— In the Punjab Village Panchayats and Neighbourhood Councils Act, 2019 (XIV of 2019), for brevity cited as the Act, in section 2:

- (a) after the heading and before the rider clause, the expression “(1)” shall be inserted;
- (b) for clause (e), the following shall be substituted:

“(e) ‘census’ means a population and housing census provisionally or finally published under the General Statistics (Reorganization) Act, 2011 (XIV of 2011), whichever is later;”;
- (c) clause (h) shall be omitted;
- (d) after clause (j), the following clause (j-a) shall be inserted:

“(j-a) ‘Elections Act’ means the Elections Act, 2017 (XXXIII of 2017);”;
- (e) in clause (dd), for the words “an estate”, the words “one or more estates or part of an estate notified as a village and not being a part of an urban local area” shall be substituted; and
- (f) for subsection (2), the following shall be substituted:

“(2) In this Act, an expression used but not defined shall mean the same as in the Punjab Local Government Act 2019 (XIII of 2019).”.

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

“2A. Elections Act to apply.— For the purpose of election of panchayats and neighbourhood councils, provisions of the Elections Act shall, as nearly as possible, apply to an election under this Act.”

4. Amendment of section 3 of Act XIV of 2019.— In the Act, in section 3:

- (a) for subsection (1), the following shall be substituted:

“(1) The Government shall, by notification in the official Gazette, demarcate villages within the local areas, excluding the cantonments and urban local areas, for the purpose of this Act.”.
- (b) subsection (2) shall be omitted;
- (c) for subsection (5), the following shall be substituted:

“(5) The area comprising a distinct and compact inhabitation or a group of two or more contiguous, distinct and compact inhabitations within an urban local area, having population specified in the First Schedule, shall constitute the limits of a neighbourhood for the purpose of this Act.”; and
- (d) in subsection (6), for the expression “In the like manner, the”, the expression “The” shall be substituted.

5. Insertion of section 3A in Act XIV of 2019.— In the Act, after section 3, the following section 3A shall be inserted:

"3A. Delimitation of villages and neighbourhoods.— (1) Notwithstanding anything contained in section 3 and for the purpose of election of panchayats and neighbourhood councils, the Election Commission shall delimit the villages and neighbourhoods under this Act and the Elections Act.

(2) The Election Commission may, in the process of delimitation, consider the demarcation of villages under section 3.

(3) In delimitation of villages and neighbourhoods, the Election Commission shall:

- (a) not split a census block for a neighbourhood;
- (b) not split an estate for a village unless part of the estate is included in an urban local area; and
- (c) as far as possible, keep the population of two or more neighbourhoods within an urban local area in the range specified in the First Schedule."

6. Amendment of section 5 of Act XIV of 2019.— In the Act, in section 5, in subsection (2), for the words "general assembly", the words "common assembly" shall be substituted.

7. Amendment of section 10 of Act XIV of 2019.— In the Act, in section 10, in subsection (1), for the expression "shall, by notification in the official gazette, establish", the expression "shall, in collaboration with the Election Commission, ensure elections of" shall be substituted.

8. Substitution of section 27 in Act XIV of 2019.— In the Act, for section 27, the following shall be substituted:

"27. Notification of elections.— (1) Subject to section 10, the Election Commission shall, in consultation with the Government and by notification, fix the date or dates for election of the chairpersons and members of the panchayats and neighbourhood councils.

(2) Nothing in subsection (1) shall prohibit the Election Commission from specifying different dates for elections for different panchayats or neighbourhood councils or group or groups thereof."

9. Substitution of section 29 in Act XIV of 2019.— In the Act, for section 29, the following shall be substituted:

"29. Right to cast vote.— (1) A voter whose name appears in the electoral roll of the respective village or the neighbourhood may cast vote for the election of panchayat or neighbourhood council.

(2) A voter, who is otherwise eligible to vote under subsection (1), shall cast one vote for the election to the general seats including the chairperson, and one vote for the election to the seat or seats reserved for the women for the respective village or the neighbourhood.

(3) Where a voter, who is otherwise eligible to vote under subsection (1), belongs to a religious minority in the respective village or the neighbourhood and there is a seat reserved for minorities for

that village or neighbourhood, the voter may cast an additional vote for the election to such seat.

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

10. Amendment of section 30 of Act XIV of 2019.— In the Act, in section 30, in subsection (1), for the expression "village or, as the case may be, through", the expression "village or neighbourhood through" shall be substituted.

11. Amendment of section 57 of Act XIV of 2019.— In the Act, in section 57, in subsection (5), in clause (c), for the words "was reject", the words "was rejected" shall be substituted.

12. Amendment of section 61 of Act XIV of 2019.— In the Act, in section 61, subsection (4) shall be omitted.

13. Amendment of section 64 of Act XIV of 2019.— In the Act, in section 64, in subsection (3), for the word "Government", the words "Election Commission" shall be substituted.

14. Insertion of section 64A in Act XIV of 2019.— In the Act, after section 64, the following section 64A shall be inserted:

"64A. Election Commission to notify election etc.— (1) The Election Commission shall notify every election or vacancy occurred due to death, resignation, disqualification, and removal of a chairperson or member.

(2) A designated officer shall, in the prescribed manner, immediately inform the Election Commission of occurrence of vacancy and the Election Commission shall, within fifteen days from such information, issue the notification of vacancy and consequential election of chairperson or member."

15. Substitution of section 88 in Act XIV of 2019.— In the Act, for section 88, the following shall be substituted:

"88. Protection of action in good faith.— No suit, prosecution, or other legal proceedings shall lie against a panchayat, a neighbourhood council, the Government or any of their officers or employees in respect of anything which is done in good faith or is intended to be done or purported to be done under this Act or any rule or bye-law made under this Act."

16. Substitution of section 89 in Act XIV of 2019.— In the Act, for section 89, the following shall be substituted:

"89. Recovery of dues as arrears of land revenue.— On an application of a panchayat or neighbourhood council, the collector of the district concerned shall recover any sums owed to the panchayat or neighbourhood council under this Act as if the sums due are arrears of land revenue under the Punjab Land Revenue Act, 1967 (XVII of 1967)."

17. Amendment of section 91 of Act XIV of 2019.— In the Act, in section 91, in subsection (1), for the word “regulations”, the word “bye-laws” shall be substituted.

18. Amendment of First Schedule of Act XIV of 2019.— In the Act, in the First Schedule, in entries at serial No. 1:

- (a) in column 2, the words “excluding rural areas” shall be omitted; and
- (b) in column 3, for the expression “thirty-five thousand”, the expression “thirty thousand” shall be substituted.

19. Amendment of Ninth Schedule of Act XIV of 2019.— In the Act, in the Ninth Schedule, in third paragraph, for the expression “Punjab Village Panchayats and Neighbourhood Councils Act, 2019 and rules, bye-laws and regulations”, the expression “Punjab Village Panchayats and Neighbourhood Councils Act, 2019, and rules and bye-laws” shall be substituted.

20. Amendment of Tenth Schedule of Act XIV of 2019.— In the Act, in the Tenth Schedule, in third paragraph, for the expression “Punjab Village Panchayats and Neighbourhood Councils Act, 2019 and rules, bye-laws and regulations”, the expression “Punjab Village Panchayats and Neighbourhood Councils Act 2019, and rules and bye-laws” shall be substituted.

(MOHAMMAD SARWAR)
GOVERNOR OF THE PUNJAB

Dated: 05/11/2019

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