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## GOVERNMENT OF THE PUNJAB LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT

### NOTIFICATION (81 of 2018)

04 June 2018

Notification No.SOR(LG)38-28/2017, dated 04.06.2018, issued by Government of the Punjab, Local Government and Community Development Department, is hereby published for general information:



### "GOVERNMENT OF THE PUNJAB LOCAL GOVERNMENT AND COMMUNITY DEVELOPMENT DEPARTMENT

04 June, 2018

### NOTIFICATION

**No.SOR(LG)38-28/2017.-** In exercise of the powers conferred under section 144 of the Punjab Local Government Act 2013 (*XVIII of 2013*) and after previous publication, Governor of the Punjab is pleased to make the following rules.

**1. Short title and commencement.-** (1) These rules may be cited as the Punjab Local Governments (Vote of No Confidence) Rules 2018.

(2) The rules shall come into force at once.

(3) The rules shall apply to all local governments except District Education Authorities, District Health Authorities and Unions Councils, established under the Act.



**2. Definitions.-** (1) In these rules.

- (a) "Act" means the Punjab Local Government Act 2013 (*XVIII of 2013*);
- (b) "Chief Officer" means the Chief Officer of the Metropolitan Corporation, a Municipal Corporation, a Municipal Committee or a District Council;
- (c) "House" means the elected body of a local government;
- (d) "local government" means the Metropolitan Corporation, a Municipal Corporation, a Municipal Committee or a District Council;
- (e) "Presiding Officer" means an Officer appointed under rule 5 to preside over the meeting to consider the motion of no-confidence; and
- (f) "rules" means the Punjab Local Governments (Vote of No Confidence) Rules 2018.

(2) An expression used but not defined in the rules shall have the same meaning as is assigned to it in the Act.

**3. Requisition for convening a meeting.-** (1) A requisition in writing, signed by not less than one-half of the total number of members of a local government, may be moved for convening a meeting to consider the motion of no-confidence against the Mayor, Deputy Mayor or Chairman, Vice Chairman to the concerned authority mentioned in sub-rule (2).

(2) The requisition under sub-rule (1) shall be addressed to:

- (a) the Director of the local government of the Division concerned in case of the Metropolitan Corporation, a Municipal Corporation or a District Council; and
- (b) Deputy Director of the local government of the District concerned in case of a Municipal Committee.

(3) For purposes of moving a requisition under sub-rule (1), a mere expression of "no-confidence" without assigning any reason, shall be sufficient.

**Explanation.-** For purposes of the rules, the expression "total number of members" means the total number of the elected members constituting the local government at the relevant time whether as representatives of the Muslims, non-Muslims, peasants/workers, women, youth or technocrats.

**4. Convening of meeting to consider the motion of no-confidence.-**

(1) On receipt of the requisition under rule 3, the authority receiving the requisition shall, within seven days of the receipt of the requisition, convene a meeting of the local government to consider the motion of no-confidence.

(2) At least seven days' prior notice of the meeting shall be given to the members of the local government.

(3) The notice of the meeting shall be displayed at a conspicuous place of the office of the local government and shall be sent to the members of the local government concerned by any of the following means:



- (a) through courier service;
  - (b) through publication of an advertisement or a press note in a newspaper commonly read in the area of the local government concerned; or
  - (c) through beat of drum; or
  - (d) such other mode as may be considered appropriate by the Chief Officer.
- (4) A meeting convened under sub-rule (1) shall not be postponed except in unavoidable circumstances to be recorded in writing by the authority.
- (5) No quorum is required for a meeting convened under sub-rule (1).

**5. Presiding Officer.-** The meeting convened under rule 4:

- (a) in case of the Metropolitan Corporation, a Municipal Corporation or a District Council, shall be presided over by the Director of the local government of the Division concerned; and
- (b) in case of a Municipal Committee, the meeting shall be presided over by Deputy Director of the local government of the district concerned.

**6. Motion of no-confidence.-** (1) Any member, who had signed the requisition under sub-rule (1) of rule 3, may move a motion of no-confidence against the Mayor, Deputy Mayor, Chairman or as the case may be, Vice Chairman.

(2) If the motion is seconded, it shall be considered by the local government and any member may speak for or against the motion: provided that no member shall be given an opportunity to speak for more than once.

(4) The Mayor, Deputy Mayor or Chairman or Vice Chairman, against whom a motion of no-confidence has been moved, shall have the right to offer a personal explanation either verbally or in writing, and where a written explanation is offered, it shall be circulated amongst the members and shall form part of the record of the proceedings of the meeting.

(5) If the meeting is convened under rule 4 and no member turns up or no member moves the motion of no-confidence, the no-confidence motion shall be deemed to have been moved and rejected.

**7. Procedure for voting.-** (1) When, in the opinion of the Presiding Officer, the motion of no-confidence has been sufficiently discussed, he shall call upon the members to vote.



(2) For purposes of voting, the Presiding Officer shall call upon the members supporting the motion to stand up from their seats and the number of such members shall be counted and declared.

(3) If an objection is raised about the counting, the Presiding Officer shall order recounting.

(4) The motion of no-confidence shall be deemed to have been carried if it is passed by a two-third majority of the total number of members of the local government.

**Explanation.-** In computing the majority for purposes of the rules, the fraction equal to 0.5 or above, if any, shall be counted as one but a fraction less than 0.5 shall be ignored.

**8. Declaration of result.-** (1) If the motion of no-confidence is carried in accordance with rule 7, the Presiding Officer shall declare that the motion of no-confidence has been passed and if the motion is not supported by the requisite majority, the Presiding Officer shall declare that the motion has failed.

(2) The declaration made by the Presiding Officer under the rule shall be final and shall be displayed at a conspicuous place in the office of the local government concerned.

**9. Record of proceedings of the meeting.-** (1) The Presiding Officer shall prepare or cause to be prepared a record of the proceedings of every meeting and authenticate the same under his signature.

(2) The Presiding Officer shall send an authenticated copy of the record of the meeting to the Local Government and Community Development Department and Election Commission of Pakistan under section 35 of the Act.

**10. Vacation of office.-** In case a motion of no-confidence is carried, the Mayor or Deputy Mayor or Chairman or, as the case may be, Vice Chairman, shall cease to hold the office forthwith.

**SECRETARY  
GOVERNMENT OF THE PUNJAB  
LOCAL GOVERNMENT AND COMMUNITY  
DEVELOPMENT DEPARTMENT"**

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