

CHAPTER - XVII

LOCAL GOVERNMENT ELECTIONS

¹⁸⁴ [SECTION 148: FRANCHISE.

(1) Members of a Union Council, including Union Nazim and Naib Union Nazim shall be elected through direct elections based on adult franchise and on the basis of joint electorate.

(2) The electoral college for the election of Zila Nazim and reserved seats of women, peasants and workers, and minorities in the Zila Council shall be all the members of Union Councils in the District, including Union Nazims and Naib Union Nazims.

(3) The electoral college for the election of a Taluka Nazim, Town Nazim and reserved seats of women, peasants and workers, and minorities in the Taluka Council and Town Council shall be all the members of the Union Councils in the Taluka or, as the case may be, Town, including Union Nazims and Naib Union Nazims:

Provided that for the election for reserved seats for women in Zila Council proportionately divided among Talukas or Towns shall be all members of the Union Councils in a Taluka or, as the case may be, Town.

Explanation.- For the purpose of this Section, all members of Union Councils notified as returned candidates in the elections held under this Ordinance shall be deemed to be members of the electoral college.]

SECTION 149: MANIFESTO.

(1) The candidates for the seat of a Zila Nazim, Taluka Nazim and Town Nazim shall, before the election to such office, make public a manifesto containing the policies and programmes they propose to pursue and implement, if elected.

(2) The manifesto prepared under sub-section (1) shall be attached to the nomination papers.

SECTION 150: AUTHORITY FOR LOCAL GOVERNMENT ELECTIONS.

(1) The Local Government elections under this Ordinance shall be conducted by the Chief Election Commissioner in pursuance of the Local Government Elections Order, 2000 (Order No.8 of 2000).

(2) The Chief Election Commissioner may require any person or authority to perform such functions or, render such assistance for the purpose of elections, including preparation of electoral rolls ¹⁸⁵[and disposal of election petitions and other disputes] under this Ordinance as deemed fit.

(3) The Chief Election Commissioner may authorize any of his officers to exercise any of his powers and to perform any of his functions under this Ordinance.

(4) The elections to the Local Governments shall be held every ¹⁸⁶[four] year so as to enable their installation on the 14th day of August of the year in which elections are held.

¹⁸⁷ [SECTION 151: DELIMITATION OF ELECTORAL WARDS.

(1) The electoral ward for the election of a Zila Nazim shall be a District, for a Taluka Nazim, a Taluka, for a Town Nazim, a Town, and for a Union Nazim and a Naib Union Nazim, a Union.

(2) The electoral ward for the election of a Naib Zila Nazim, Naib Taluka Nazim and Naib Town Nazim shall be the respective Council.

(3) The Union shall be a multi-member ward for election of members of a Union Council.]

SECTION 152: QUALIFICATIONS FOR CANDIDATES AND ELECTED MEMBERS.

(1) A person shall qualify to be elected or to hold an elective office or membership of a Local Government, if he-

- (a) is a citizen of Pakistan;
- (b) is at least twenty five years of age;
- (c) is enrolled as a voter in the electoral rolls of the relevant ward;
- (d) is of good character and is not commonly known as one who violates Islamic injunctions; has adequate knowledge of Islamic teachings and practices, obligatory duties prescribed by Islam as well as abstains from major sins;

Provided that these qualifications shall not apply to a person who is a non-Muslim, but such a person shall have a good reputation;

- (e) has academic qualifications of not less than matriculation or secondary school certificate or equivalent from a recognized institution, for contesting the election of a Nazim or a Naib Nazim;
- (f) has not been declared by a competent Court to be of unsound mind;
- (g) is not in the service of the Federal, a Provincial or a Local Government or any statutory body or a body which is controlled by any such Government or, in which any of such Government has a controlling share or interest, except the holders of elected public office and part-time officials remunerated either by salary or fee:

Provided that in case of a person who has resigned or retired from such service, a period of not less than six months has elapsed since his retirement;

- (h) has not been dismissed, removed or compulsorily retired from public service on the grounds of moral turpitude;
- (i) does not possess assets which are inconsistent with his declaration of assets or justifiable means, whether held in his own name or of the dependents or any other person or corporate body in whose name assets are held in trust or under any other formal or informal arrangement whereby the de-facto control of such assets including their sale, transfer or pecuniary interest, is retained by him;
- (j) has not been adjudged a willful defaulter of any tax or other financial dues owed to the Federal, a Provincial, or a Local Government or any financial institution, including utility bills outstanding for six months or more;
- (k) has not been convicted by a Court of competent jurisdiction on a charge of corrupt practice involving moral turpitude or misuse of power or authority under any law for the time being in force;
- (l) has not been sentenced to imprisonment for more than three months for an offence under any law and, a period of less than five years has elapsed since his release; and in case of a member or a holder of a public office, has not been sentenced to imprisonment;
- (m) has not failed to file the required return of election expenses or is not convicted for exceeding the limits of election expenses prescribed under the electoral laws;
- (n) has not been declared an un-discharged insolvent by any Court;

- (o) does not engage in any transaction involving pecuniary interest with the Local Government of which he is a member;
- (p) does not absent himself without reasonable cause from three consecutive meetings of the Council of which he is a member;

Provided that a member shall not be disqualified if the absence was necessitated by a national emergency or force majeure:

- (q) does not fail to attend a training course as required under Section 189 of this Ordinance;
 - (r) has not been and has not involved, in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society; and
 - (s) has not used, directly or indirectly, for his election the platform, flag, symbol, affiliation and financial or material resources or support of a political, religious, ethnic or sectarian party, formation or organization.
- (2) Whoever-
- (a) is found by the Chief Election Commissioner to have contravened the provisions of sub-section (1) shall stand disqualified from being a candidate for election to any office of the Local Governments for a period of four years; or
 - (b) having been elected as a member of a Local Government or is a holder of an elective office of the Local Government is found by the Chief Election Commissioner to have contravened the provisions of sub-section (1) shall cease forthwith to be an elected member or to hold the office of such member and stand disqualified from being a candidate for election to a Local Government for a period of four years.

SECTION 153: NON-PARTY ELECTIONS.

Local Government elections shall be held on non-party basis.

¹⁸⁸ **[SECTION 154: ELECTIONS OF NAZIMS ETC.**

- (1) A candidate for the office of Zila Nazim and a Taluka Nazim or a Town Nazim securing highest number of votes in their respective wards against other candidates shall be declared elected.
- (2) A Union Nazim and Naib Union Nazim as joint candidates securing highest number of votes in their electoral ward against other joint candidates shall be declared elected.]

SECTION 155: ALLOCATION OF RESERVED SEATS.

- (1) Reserved seats for women in the Zila Council shall be divided among the Talukas and Towns in the City District in proportion to the number of Unions in such Talukas or, as the case may be, Towns.
- (2) A Taluka and Town in the City District shall be a multi-member ward for the reserved seats for women in the Zila Council, Taluka Council and Town Council.
- (3) A District shall be a multi-member ward for the reserved seats for peasants and workers, and minority population in the Zila Council.

SECTION 156: ELECTION TO VACANT SEATS.

(1) If a seat of a member becomes vacant during the term of office of a Council, a new member shall be elected through by-election and the member elected in by-election shall hold office for the remaining portion of the term of the Council.

(2) If any seat reserved for women remains vacant, the seat shall be filled through by-elections and the elected women member shall hold office for the remaining portion of the term of the Council.

(3) All by-elections ¹⁸⁹[for the vacant seats of members of Councils] shall be held once a year on a date or dates fixed by the Chief Election Commissioner.

¹⁹⁰ [(3-A) The period of one year referred to in sub-section (3) shall be computed from the date of assumption of office of the Council:

Provided that in a year in which general elections are to be held, the by-election may be held within eighteen months.]

(4) A vacancy of Union Nazim or Naib Union Nazim shall be filled through by-election ¹⁹¹[within, as far as practicable, one hundred and twenty days] of the occurrence of vacancy as provided in sub-section (1) of Section 148.

¹⁹² [(5) A vacancy of Zila Nazim, Taluka Nazim or Town Nazim, as the case may be, shall be filled through by-election within one hundred and twenty days of the occurrence of vacancy as provided in sub-sections (2) and (3) of Section 148.]

(6) When the office of a Zila Nazim, Taluka Nazim or Town Nazim falls vacant, the members of the concerned Council shall by a majority vote elect an officiating Nazim from amongst its member as provided in Sections 48 and 68 respectively, and the person so elected shall continue to retain his office as a member also:

Provided that the officiating Nazim shall not be a candidate in the by-election held for election of the Nazim.

¹⁹³ [(7) When the office of a Union Nazim or Naib Union Nazim falls vacant, the members of concerned Council shall by a majority vote elect an officiating Union Nazim or, as the case may be, Naib Union Nazim from amongst its members and the person so elected shall continue to retain his office as a member as well:

Provided that the officiating Nazim or the Naib Nazim shall not be a candidate in the by-election to be held for the Union Nazim or, as the case may be, Naib Union Nazim.]

¹⁹⁴ [(8) A vacancy of Naib Zila Nazim, Naib Taluka Nazim or Naib Town Nazim, as the case may be, shall be filled in within ten days from the date of occurrence of the vacancy.]

SECTION 157: ELECTORAL ROLLS.

(1) A person shall be entitled to be enrolled as a voter if he—

(a) is a citizen of Pakistan;

(b) is not less than eighteen years of age on the first day of January of the year in which an election is to be held; and

(c) fulfills such other conditions as the Chief Election Commissioner may specify.

(2) The electoral rolls for the Local Government elections shall be prepared by the Chief Election Commissioner in the manner he may deem appropriate and the electoral rolls shall not be invalid by reason of any erroneous description therein of any person listed or of an omission of the name of any person entitled to be enrolled or of inclusion of the name of any person not so entitled.

¹⁹⁵ **[SECTION 158: BAR AGAINST NAZIMS FOR DUAL MEMBERSHIP ETC.**

¹⁹⁶ [(1)] A Zila Nazim, Naib Zila Nazim, Taluka Nazim, Naib Taluka Nazim, Town Nazim, Naib Town Nazim, Union Nazim and Naib Union Nazim may contest election for any other political office after resigning from the existing office of Nazim, or, as the case may be, Naib Nazim:

Provided that a member of Zila Council, Taluka Council, Town Council or Union Council may contest election for any other political office without resigning from the membership of such Council:

Provided further that such member shall not hold more than one office at one time.]

¹⁹⁷ [(2)] Nothing in sub-section (1) shall apply to a Union Nazim or Naib Union Nazim, becoming members of the Zila Council or Taluka Council, or the members elected against reserved seats in the Zila Council or Taluka Council, or being elected as Naib Zila Nazim or, as the case may be, Naib Taluka Nazim.]

¹⁹⁸ **[SECTION 159: TERM OF OFFICE.**

(1) The term of office of Local Governments in a district shall be four years commencing from the date of the notification of assumption of office by respective Councils:

Provided that a Local Government, notwithstanding the expiry of its term of office, shall continue to hold office until the successor Local Government assumes office.

(2) The Government shall notify the assumption of offices by Nazims, Naib Nazims and members of the Councils.

(3) A Zila Nazim, Taluka Nazim, Town Nazim, Union Nazim and Naib Union Nazim shall not hold the same office for more than two consecutive terms.]

SECTION 160: OATH OF OFFICE.

(1) The elected Nazims, Naib Nazims and members shall take oath before assuming the charge of their respective offices.

(2) A Zila Nazim, Naib Zila Nazim and the members of Zila Council shall be administered oath of office by the concerned District and Sessions Judge.

(3) A Taluka Nazim, Naib Taluka Nazim, Town Nazim, Naib Town Nazim and members of the Taluka Council and Town Council shall be administered oath of office by an Additional District and Sessions Judge designated by the District and Sessions Judge of the concerned District.

(4) A Union Nazim, Union Naib Nazim and members of a Union Council shall be administered oath of office by a Judicial Officer designated by the District and Sessions Judge of the concerned District.

SECTION 161: REMOVALS.

(1) Where proceedings of disqualification under Section 152 have been initiated on and application made by any person or by the Chief Election Commissioner on his own motion against a member, Nazim or Naib Nazim, the Election Commission or any authority authorised by it may issue a notice to show cause to a member, Nazim or, as the case may be, Naib Nazim, within a specified period as to why proceedings against him may not be taken for his removal for breach of any of the provisions of Section 152.

(2) Where the Election Commission or an authority authorised by it is not satisfied with the reply to the notice to show cause referred to in sub-section (1) or any reply to the said notice is not filed within the period fixed by him, he may order for an enquiry in the matter and for that purpose appoint an Enquiry Officer.

(3) On the basis of enquiry held under sub-section (2), the Election Commission or an authority authorised by it may order the removal of a member, Nazim or, as the case may be, Naib Nazim:

Provided that before an order of removal is passed, the member, Nazim or, as the case may be, Naib Nazim against whom enquiry proceedings are carried out shall be afforded a reasonable opportunity of being heard, including personal hearing if so requested.

SECTION 162: RESIGNATIONS.

(1) A member of the Council may resign from his office by writing under his hand addressed to the Naib Nazim of the concerned Council, whereupon the resignation shall deem to be accepted and effective forthwith.

(2) Copies of all resignations shall be forwarded to the Election Commission and the Government.

(3) Notwithstanding the resignation of a member any proceeding for removal under Section 161, if already initiated, shall not abate.

¹⁹⁹ **SECTION 163: [XXX]**

SECTION 164: NOTIFICATIONS TO BE ISSUED.

The Chief Election Commissioner shall notify every election, by-election and result of such elections and resignation, removal or recall of a member, Nazim or Naib Nazim, as the case may be.

SECTION 165: CORRUPT PRACTICE.

A person guilty of bribery, personating, or undue influence shall be punishable for an offence of corrupt practice with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both.

SECTION 166: BRIBERY.

A person is guilty of bribery, if he, directly or indirectly, by himself or by any other person on his behalf-

- (a) receives, agrees or contracts for any gratification for voting or refraining from voting or for being or refraining from being a candidate at, or withdrawing or retiring from, an election;
- (b) gives, offers or promises any gratification to any person for the purpose of -
 - (i) inducing a person to be or to refrain from being a candidate at an election; or
 - (ii) inducing a voter to vote or refrain from voting at any election; or
 - (iii) inducing a candidate to withdraw or retire from an election; or
 - (iv) rewarding a person for having been or for having refrained from being a candidate at an election; or
 - (v) rewarding a voter for having voted or refrained from voting at an election; or
 - (vi) rewarding a candidate for having withdrawn or retired from an election.

Explanation. In this Section, 'gratification' includes a gratification in money or estimable in money and all forms of entertainment or employment for reward.

SECTION 167: PERSONATING.

A person is guilty of personating, if he votes or applies for a ballot paper for voting as some other person whether that other person is living or dead or fictitious.

SECTION 168: UNDUE INFLUENCE.

A person is guilty of undue influence, if he-

- (a) in order to compel any person to vote, refrain from voting, or to induce or compel any person to withdraw his candidature at an election, directly or indirectly, by himself or by any other person on his behalf-
 - (i) makes or threatens to make use of any force, violence or restraint;
 - (ii) inflicts or threatens to inflict any injury, damage, harm or loss; or
 - (iii) uses, any official influence or Governmental patronage; or
- (b) on account of any person having voted or refrained from voting, or having withdrawn his candidature, does any of the acts specified in clause (a), or
- (c) by abduction, duress or any fraudulent device or contrivance-
 - (i) impedes or prevents the free exercise of the franchise by a voter; or
 - (ii) compels, induces or prevails upon any voter to refrain from voting or compels any voter to vote.

Explanation. In this Section, 'harm' includes social ostracism or ex-communication or expulsion from any caste or community.

SECTION 169: ILLEGAL PRACTICE.

A person is guilty of illegal practice punishable with fine which may extend to two thousand rupees, if he-

- (a) obtains or procures, or attempts to obtain or procure, the assistance of any officer or official of the Federal Government, a Provincial Government or a Local Government or authority to further or hinder the election of a candidate;
- (b) votes or applies for a ballot paper for voting at an election knowing that he is not qualified for voting or is disqualified from voting;
- (c) votes or applies for a ballot paper for voting more than once at any polling station;
- (d) removes a ballot paper or a ballot box from a polling station or destroys, damages or tampers with the ballot-box used at a polling station;
- (e) knowingly induces or procures any person to do any of the aforesaid acts; or,
- (f) fails to provide statement of election expenses as required under this Ordinance;
- (g) makes or publishes a false statement-
 - (i) concerning the personal character of a candidate or his relation calculated to adversely affect the election of such candidate or, for the purpose of promoting or procuring the election of another candidate, unless he proves that he had reasonable ground for believing, and did believe, the statement to be true;

- (ii) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate; or
- (iii) regarding the withdrawal of a candidate;
- (h) knowingly, in order to support or oppose a candidate, lets, lends, employs, hires, borrows or uses any vehicle or vessel for the purpose of conveying voters to or from the polling station, except when a person conveys himself or any member of the household to which he belongs, to or from the polling station;
- (i) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting.

SECTION 170: PROHIBITION OF CANVASSING.

A person is guilty of an offence punishable with fine which may extend to two thousand rupees, if he, on the polling day in connection with the election-

- (a) convenes, calls or organizes within a ward any meeting; or
- (b) within a radius of two hundred meters of the polling station-
 - (i) canvasses for votes;
 - (ii) solicits vote of any voter;
 - (iii) persuades any voter not to vote at the election or for a particular candidate; or
 - (iv) exhibits, except with the permission of the Returning Officer and at a place reserved for the candidate or his polling agent beyond the radius of one hundred meters of the polling station, any notice, sign, banner or flag designed to encourage the voters to vote, or discourage the voters from voting, for any contesting candidate.

SECTION 171: DISORDERLY CONDUCT NEAR POLLING STATION.

A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to three thousand rupees, or with both, if he-

- (a) uses, in such manner as to be audible within the polling station any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds, or
- (b) persistently shouts in such manner as to be audible within the polling station; or
- (c) does any act which-
 - (i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting; or
 - (ii) interferes with the performance of the duty of a Presiding Officer, Polling Officer or any other person performing any duty at a polling station; or
- (d) abets the doing of any of the aforesaid acts.

SECTION 172: TAMPERING WITH PAPERS.

A person is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both, if he-

- (a) fraudulently defaces or destroys any nomination paper or ballot paper;
- (b) fraudulently takes out of the polling station any ballot paper or puts into any ballot box any ballot paper other than the ballot paper he is authorized under the rules to put in;
- (c) without due authority-
 - (i) supplies any ballot paper to any person;
 - (ii) destroys, takes, opens or otherwise interferes with any ballot box or packet or ballot papers in use for the purpose of election; or
 - (iii) breaks any seal affixed in accordance with the provisions of the rules; or
- (d) causes any delay or interruption in the beginning, conduct or completion of the procedure required to be immediately carried out on the close of the poll; or
- (e) fraudulently or without due authority attempts to do any of the aforesaid acts.

SECTION 173: INTERFERENCE WITH THE SECRECY OF VOTING.

A person is guilty of an offence punishable with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both, if he-

- (1) interferes or attempts to interfere with a voter when he records his vote;
- (2) in any manner obtains or attempts to obtain, in a polling station, information as to the candidate for whom a voter in that station is about to vote or has voted, or
- (3) communicates at any time any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted.

SECTION 174: FAILURE TO MAINTAIN SECRECY.

Any candidate or polling agent attending a polling station, or any person attending the counting of votes, is guilty of an offence punishable with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both, if he-

- (a) fails to maintain or aid in maintaining the secrecy of voting; or
- (b) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

SECTION 175: CONDUCT OF OFFICIALS.

A Presiding Officer, Polling Officer or any other Officer or Clerk performing a duty in connection with an election, or any member of a police force, is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, if he, during the conduct or management of an election or maintenance of order at the polling station:

- (a) persuades any person to give his vote;
- (b) dissuades any person from giving his vote;
- (c) influences in any manner the voting of any person;
- (d) does any other act calculated to further or hinder the election of a candidate;

- (e) fails to maintain or aid in maintaining the secrecy of voting;
- (f) communicates, except for any purpose authorised by any law, to any person before the poll is closed any information as to the name or number on the electoral roll of any voter who has or has not applied for a ballot paper, or has or has not voted at a polling station; and
- (g) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

SECTION 176: BREACH OF OFFICIAL DUTY.

A Presiding Officer or any other person employed by any such Officer in connection with his official duties imposed by or under this Ordinance, is guilty of an offence punishable with fine which may extend to five thousand rupees, if he, without reasonable cause, does or omits to do an act in breach of any official duty.

SECTION 177: ASSISTANCE BY GOVERNMENT SERVANTS.

A person in the service of the Federal Government, a Provincial Government, a Local Government, or a body owned or controlled by the Federal or a Provincial Government is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both if he, in any manner, gives any assistance calculated to further or hinder the election of a candidate.

SECTION 178: SUMMARY TRIAL.

All offences under this Ordinance except the offences under Sections 165 to 168 shall be tried summarily under the provisions of the Code of Criminal Procedure 1898 (Act V of 1898).

SECTION 179: COGNIZANCE.

No Court shall take cognizance of the offences under Sections 175 and 176 except on the complaint in writing of the Returning Officer concerned.

²⁰⁰ **[SECTION 179-A: CONDUCT OF ELECTIONS.**

(1) Notwithstanding anything contained in this Ordinance, for the elections to be held in the year two thousand and five, immediately on notification of the Schedule for elections in a District or Districts by the Chief Election Commissioner, the Zila Council, Taluka Councils, Town Councils and Union Councils in such District or Districts shall stand dissolved and all Nazims, Naib Nazims and members of the Councils shall cease to hold their respective offices.

(2) Within twenty four hours of the announcement of the Schedule for Local Government elections by the Chief Election Commissioner, the Provincial Chief Secretary shall appoint Government officers as Care-takers to perform the functions and exercise the powers of the Nazims take oath of their offices.

(3) The elected members of Zila Council, Taluka Councils, Town Councils, Union Councils, and Zila Nazim, Taluka Nazims, Town Nazims, and Union Nazims shall assume the charge of their respective offices within seven days of the Notification of the result of District and Taluka level elections by the Chief Election Commissioner under section 164 of this Ordinance.

(4) During the election period the Care-takers provided in sub-section (2) are looking after the affairs of the Local Governments, no new development scheme shall be initiated nor shall the Government or the Care-takers or any other officer of a Local Government make posting and transfer of any officer or official of the Local Government without the prior approval of the Chief Election Commissioner.

(5) This Section shall only be for the Local Government elections held in the year two thousand and five and shall cease to have any effect and be deemed to be omitted from this Ordinance forthwith on the completion of assumption of offices referred to in sub-section (3).]