

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Cantonment Laws

WHEREAS it is expedient further to amend the Cantonments' Act, 1924 (II of 1924) and the Cantonments Local Government (Elections) Ordinance, 2002 (LXXIX of 2002), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Cantonments Laws (Amendment) Act, 2013.

(2) It shall come into force at once.

2. **General Amendment.** In the Cantonment Local Government (Elections) Ordinance 2002 (LXXIX of 2002), hereinafter referred to as the said Ordinance, for the words "Union Nazim" and "Naib Union Nazim" wherever occurring, the words "Chairman" and "Vice Chairman" shall be substituted, respectively.

3. **Amendment of section 2, Ordinance LXXIX of 2002** - In the Cantonments Local Government (Elections) Ordinance 2002 (LXXIX of 2002), hereinafter referred to as the said Ordinance, in section 2,-

- (a) in clause (iii), for the word "Administrative" the word "Executive" shall be substituted;
- (b) for clause (xi) the following shall be substituted, namely,-
"(xi) "local government" includes Cantonment Board and Union Council";
- (c) for clause (xiii), the following shall be substituted, namely,-
"member" means a member of a Union Council or a Cantonment Board".
- (d) clauses (xv) and (xvi) shall be omitted and clauses (xvii), (xviii), (xix), (xx) and (xxi) renumbered as clauses (xv), (xvi), (xvii), (xviii), and (xix) respectively;
- (e) after clause (xix) renumbered as aforesaid, the following new clause (xx) shall be added, namely,-

"(xx) "technocrat" means a person who is the holder of a degree requiring conclusion of at least sixteen years of education recognized by the Higher Education Commission and at least five years of experience in the relevant field";

(f) clauses (xxii) and (xxiii) shall be renumbered as clauses (xxi) and (xxii);

(g) after clause (xxii) renumbered as aforesaid, the following new clause (xxiii) shall be added, namely,-

"(xxiii) "youth" means a person who is not less than twenty-one years and not more than twenty-five years of age on the last day fixed for filing of nomination papers; and

(h) clause (xxiv) shall be omitted.

4. Amendment of section 4, Ordinance LXXIX of 2002.- In the said Ordinance, section 4 shall be renumbered as sub-section (1) thereof and thereafter the following new sub-sections shall be inserted, namely,-

"(2) A Union shall be sub-divided into Wards, delimitation of which shall be based on the same principles and shall be subject to the same provisos as in sub-section (1) above."

(3) The number of Unions in a Cantonment shall be such as may be determined by the Federal Government by notification in the Official Gazette.

5. Amendment of section 5, Ordinance LXXIX of 2002.- In the said Ordinance, in section 5:-

(a) In sub-sections (1) and (3), for the word "Administrative" wherever occurring, the word "Executive" shall be substituted;

(b) In the title and in sub-sections (1) and (2), for the word "Wards" wherever occurring, the words "Union Councils and Wards" shall be substituted;

(c) For sub-section 2, the following shall be substituted, namely,-

"(2) The Election Commission of Pakistan shall dispose off all objections and suggestions relating to delimitation of Union Councils and Wards and may, subject to such conditions as it may deem fit, delegate all or any of these powers to any Member of the Election Commission or any officer, authority or forum as it may deem appropriate."

6. **Amendment of section 6, Ordinance LXXIX of 2002.-** In the said Ordinance, in section 6,-

- (i) in clause (a), the words "Cantonment Administration and" shall be omitted; and
- (ii) in clause (b), the words "Union Administration and" shall be omitted.

7. **Omission of section 7, Ordinance LXXIX of 2002.-** In the said Ordinance, section 7 shall be omitted.

8. **Amendment of section 8, Ordinance LXXIX of 2002.-** In the said Ordinance, section 8 shall be renumbered as section 7 and substituted by the following, namely,-

- "7. Composition of Cantonment Board.--** A Cantonment Board shall be composed of –
- (a) Officer Commanding the Station or, if the Government so directs in respect of any Cantonment, such other Armed Forces Officer as may be nominated by the Government, who shall be the President of the Cantonment Board;
 - (b) Vice-President of the Cantonment Board;
 - (c) All Chairmen of the Union Councils in the Cantonment.
 - (d) Indirectly-elected members on reserved seats comprising:
 - (i) two women members;
 - (ii) one peasant member from rural areas or one worker from urban areas;
 - (iii) one non-Muslim member;
 - (iv) one technocrat member; and
 - (v) one youth member."

9. **Amendment of section 9, Ordinance LXXIX of 2002.-** In the said Ordinance, section 9 shall be renumbered as section 8 and substituted by the following, namely-

"8. Composition of Union Council.- (1) There shall be a Union Council in each Union comprising the following members:

- (a) Directly-elected members from the Wards of the Union Council;
- (b) Directly elected members on reserved seats comprising:
 - (i) two women members;
 - (ii) one peasant member from the rural areas or one worker member from the urban areas;
 - (iii) one non-Muslim member; and
 - (iv) one youth member.

“(2) The entire Union shall be the constituency or the multi-member ward for the election of Chairman, Vice Chairman, and members on the reserved seats of the Union; and the Chairman and Vice-Chairman shall contest the election as joint candidates.”

10. Insertion of new section 9, Ordinance LXXIX of 2002.- In the said Ordinance, after section 8 renumbered as aforesaid, the following new section 9 shall be inserted, namely-

“**9. Variation in reserved seats.-** The Government may, by notification in the Official Gazette, vary the number of members on reserved seats of the Cantonment Board, or Union Council mentioned in sub-clauses (i) to (v) of clause (d) of section 7 and sub-clauses (i) to (iv) of clause (b) of section 8, respectively, keeping in view the requirements of security and specific needs of the local area concerned and public interest.”

11. Amendment of section 10, Ordinance LXXIX of 2002.- In the said Ordinance, for section 10 the following shall be substituted, namely-

“**10. Franchise.-** (1) Chairman, Vice-Chairman and members of a Union Council, shall be elected on single ward basis through adult franchise and joint electoral system.

(2) The Electoral College for the Vice-President of the Cantonment Board and the indirectly-elected members of the Cantonment Board shall be all the Chairmen and Vice-Chairmen of the Union Councils in the Cantonment notified as such by the Election Commission of Pakistan.

12. Amendment of section 11, Ordinance LXXIX of 2002.- In the said Ordinance, for section 11 the following shall be substituted, namely-

“**11. Conduct of Local Government Elections.-** All elections to the Union Councils in the Cantonments shall be held by the Election Commission of Pakistan in such manner as it may determine.”

13. Substitution of section 13, Ordinance LXXIX of 2002.- In the said Ordinance, for section 13 the following shall be substituted, namely-

“**13. Qualifications and Disqualifications.-** (1) A person shall qualify to be elected as a member or to hold an elected office of a local government, if he:

- (a) is a citizen of Pakistan;
- (b) except the youth member, is not less than twenty five years of age on the last day fixed for filing the nomination papers; and
- (c) is enrolled as a voter in the electoral rolls of the Union Council.

(2) A person shall be disqualified from being elected or chosen as, and from being, an elected member of a local government, if he:

- (a) ceases to be citizen of Pakistan or acquires citizenship of a foreign State;
- (b) is declared by a competent court to be of unsound mind;
- (c) is an undischarged insolvent;
- (d) is in the service of Pakistan or of a local government;
- (e) is in the service of any statutory body or a body which is owned or controlled by the Federal Government or a local government or, in which any of such Government or local 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 any such service, a period of not less than two years has elapsed since his resignation or retirement;
- (f) is under an existing contract for work to be done or goods to be supplied to a local government or has otherwise any direct pecuniary interest in its affairs;
- (g) has been dismissed from public service on the grounds of misconduct unless a period of five years has elapsed since his dismissal;
- (h) has been removed or compulsorily retired from public service on the grounds of misconduct unless a period of three years has elapsed since his removal or compulsory retirement;
- (i) has been convicted by a court of competent jurisdiction for a term not less than two years for an offence involving moral turpitude or misuse of power or authority under any law unless a period of five years has elapsed since his release;
- (j) has been convicted for an offence involving activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan unless a period of five years has elapsed since his release; and
- (k) has used for his election the platform, flag, symbol, affiliation and financial or material resources or support of a political, religious, ethnic or sectarian party or organization.

(3) If a person:

- (a) is found by the Election Commission to have contravened any provisions of subsections (1) or (2), he shall stand disqualified from being a candidate for election to any office of a local government for a period of four years; or
- (b) has been elected as a member of a local government and is found by the Election Commission to have contravened any provision of subsections (1) or (2), he shall cease forthwith to be an elected member or to hold the office of such member and shall stand

disqualified from being a candidate for election to a local government for a period of four years.

14. Amendment of section 16, Ordinance LXXIX of 2002 – In the said Ordinance, in section 16, in sub-section (2) for paragraph (b) the following shall be substituted, namely:-

“(b) is not less than eighteen years of age”.

15. Amendment of section 18, Ordinance LXXIX of 2002. – In the said Ordinance, in section 18, for sub-section (3) the following shall be substituted, namely,-

“(3) All bye-elections shall be held on a date or dates fixed by the Election Commission of Pakistan.”

16. Substitution of section 19, Ordinance LXXIX of 2002. – In the said Ordinance, for section 19 the following shall be substituted, namely,-

“**19. Resignation before contesting for other office.** – The Vice-President or member of the Cantonment Board, or Chairman or Vice-Chairman of a Union Council may contest election for any other political office, only after resigning his existing office.”

17. Substitution of section 20, Ordinance LXXIX of 2002. – In the said Ordinance, for section 20 the following shall be substituted, namely,-

“**20. Election Petitions.** – (1) Subject to this Ordinance, an election to an office of the Cantonment Board or a Union Council shall not be called in question except by an election petition.

(2) A candidate may, in the prescribed manner, file an election petition before the Election Tribunal constituted for the purpose by the Election Commission of Pakistan.”

18. Substitution of section 21, Ordinance LXXIX of 2002. – In the said Ordinance, for section 21 the following shall be substituted, namely,-

“**21. Vote of No Confidence.** – The Vice President and indirectly-elected members of a Cantonment Board shall cease to hold office if a vote of no confidence is passed against him in the prescribed manner by two-thirds majority of the total membership of the Cantonment

Board on the grounds of proven misconduct, after giving him an opportunity of being heard.”

19. Substitution of section 22, Ordinance LXXIX of 2002.- In the said Ordinance, for section 22 the following shall be substituted, namely,-

“22. Term of Office .- (1) Subject to the this Act, the term of office of a local government shall be five years commencing on the date on which it holds its first meeting.

(2) The first meeting of a local government shall be held not later than thirty days from the day on which the names of its members are notified.

(3) On the expiry of the term of office of a local government the Government may appoint an administrator to perform the functions of the local government until the elected local government assumes office which period shall not exceed six months.

(4) Save as otherwise provided, a Cantonment Board shall, in its first meeting and to the exclusion of any other business, elect the Vice President and indirectly-elected members of the Cantonment Board, in the prescribed manner”.

20. Amendment of section 23, Ordinance LXXIX of 2002.- In the said Ordinance, in section 23, for the word “Government” the words “Election Commission of Pakistan” shall be substituted.

21. Amendment of section 40, Ordinance LXXIX of 2002.- In the said Ordinance, in section 40, after the brackets, figures and words “(II of 1924)” and before the word “or” the comma, words, figures and brackets “, Cantonment Ordinance, 2002 (CXXXIII of 2002)” shall be inserted.

22. Substitution of section 42, Ordinance LXXIX of 2002.- In the said Ordinance, for section 42 the following shall be substituted, namely,-

“42. Power to make rules.- The Government, in consultation with the Election Commission of Pakistan, may, by notification in then official Gazette, make rules to give effect to the provisions of this Ordinance.”

23. Amendment of section 42, Ordinance LXXIX of 2002.- In the said Ordinance, in section 42, for the full stop at the end a colon shall be substituted, and thereafter the following proviso shall be added, namely,-

“Provided that this provision shall remain in force for a period of two years from the commencement of the enactment of this Act.”

24. Amendment of section 14, Act II of 1924.- In the said Act, in section 14, in sub-section (1), for the word, figure and letter “section 13A”, the words and figures “sections 8 and 20 of the Cantonment Local Government (Elections) Ordinance, 2002 (LXXIX of 2002)” shall be substituted.

25. Omission of sections 13A, 15, 15A, 15B, 15BB, 15C, 15D, 15E, 15F, 15G, 15H, 34 and 35, Act II of 1924.- In the said Act, sections 13A, 15, 15A, 15B, 15BB, 15C, 15D, 15E, 15F, 15G, 15H, 34, 35 and 52 shall be omitted.

26. Amendment of section 51, Act II of 1924.- In the said Act, for section 51, the following shall be substituted namely,-

“**51.** If the President dissents from any decision of the Board which he considers prejudicial to the health, welfare or discipline of the troops in the cantonment, he may, for reasons to be recorded in the minutes, by order in writing, refer the decision to the Federal Government.”

27. Amendment of section 53, Act II of 1924.- In section 53, the existing clause (a) shall be renumbered as clause (aa) and before clause (aa) renumbered as aforesaid, the following new clause (a) shall be inserted, namely,-

“(aa) direct that the decision be suspended;”

28. Omission of certain provisions of Ordinance LXXIX of 2002.- In the said Ordinance clauses (xiii) and (xiv) of section 2, sections 10, 11, 12, 17, 57, 58, 59, 60, 61, 62, 64, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88 shall be omitted.

Statement of Objects and Reasons

The amendment in Cantonment laws is required, *interalia* to change the composition of the Cantonment Boards to make the representation of public member more inclusive and meaningful and the need for updating the Cantonment laws to hold local bodies elections in the Cantonment areas, in particular the provisions relating to local bodies in the Cantonments.

The Bill is designed to achieve the said objects

SHAIKH AFTAB AHMED,
Minister of State for Parliamentary Affairs
Member-in-Charge