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ORDINANCE No.VIII OF 2014

AN

ORDINANCE

*further to amend the Delimitation of Constituencies
Act, 1974 (Act No.XXXIV of 1974)*

WHEREAS, it is expedient further to amend the Delimitation of Constituencies Act, 1974 (Act No.XXXIV of 1974), for the purposes hereinafter appearing;

AND WHEREAS the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Delimitation of Constituencies (Amendment) Ordinance, 2014.

(2) It shall come into force at once.

2. **Amendment of section 2, Act XXXIV of 1974.**—In the Delimitation of Constituencies Act, 1974 (Act No. XXXIV of 1974), hereinafter referred to as the said Act, in section 2, after clause (b), the following new clauses shall be inserted, namely:—

“(bb) “local government” means a local government established under a Federal or a Provincial law relating to local government;

(bbb) “local government law” means a Federal or a Provincial law relating to local government;

(bbbb) “council” means a local council as defined in the respective Federal or Provincial local government laws.”

3. **Insertion of new section, Act XXXIV of 1974.**—(1) In the said Act, after section 3, the following new section shall be inserted, namely:—

“3A. *Delimitation of constituencies etc. for local government elections.*—(1) The Commission shall delimit constituencies for elections to the local governments as nearly as possible in accordance with the provisions of this Act and rules made thereunder.

(2) Constituencies of all local government institutions shall be delimited as nearly as possible in accordance with the criteria and principles laid down in this Act and the rules made thereunder, or as the Commission may, by order or by rules, determine.

- (3) Delimitation disputes and other matters relating thereto including representations shall as nearly as possible be decided in accordance with the provisions of this Act and the rules made thereunder, or as the Commission may, by order or by rules, determine.
- (4) In the discharge of its functions, the Commission may take such steps and measures, adapt such laws, rules and procedures, make or adapt electoral rolls, do such acts, pass such orders, issue such directions and take all such ancillary, incidental and consequential steps as may be deemed necessary for effectively carrying out the purposes of this section and conducting local government elections honestly, fairly and justly.
- (5) Notwithstanding anything contained in this section or section 10B, If any difficulty arises in giving effect to any of the provisions of the Delimitation of Constituencies (Amendment) Ordinance, 2014, the Commission may make such order for removal of the difficulty as it may deem fit.
- (6) The provisions of this Act as amended by the Delimitation of Constituencies (Amendment) Ordinance, 2014 and the rules made thereunder shall have effect notwithstanding anything contained in any other law or the rules for the time being in force.”

4. **Amendment of section 8, Act XXXIV of 1974.**—In the said Act, in section 8, after sub-section (5), the following new sub-section shall be added, namely:—

- “(6) For the purpose of election to the local government, the Commission shall divide each local government into as many as separate territorial constituencies and the number of councils / seats for direct election as provided in the respective Federal or Provincial local government laws.”

5. **Amendment of section 10, Act XXXIV of 1974.**—In the said Act, in section 10, in sub-section (2), for the word “or” occurring after the words “Provincial Assembly”, a comma “,” shall be substituted and after the words “Provincial Assembly”, the words “or a local council” shall be inserted.

6. **Addition of new section, Act XXXIV of 1974.**—In the said Act, after section 11, the following new section shall be added, namely :--

“12. **Power to make rules.**—The Commission may make rules to carryout the purposes of this Act.”.

STATEMENT OF OBJECTS AND REASONS

Under Article 140A of the Constitution the power to hold election of the local governments stand vested in the Election Commission of Pakistan. The Hon'ble Supreme Court of Pakistan in its decision dated 20-03-2014 in Civil Appeal No. 38 to 45/2014 and C.P. No.297 of 2014, directed the Federal Government to make necessary enactment to empower the Election Commission of Pakistan to carry out the Delimitation of Constituencies of Local Government.

2. Accordingly, necessary amendment is being made in the Delimitation of Constituencies Act, 1974 (Act No.XXXIV of 1974).

The Bill is designed to achieve the aforesaid object.

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