

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON PARLIAMENTARY AFFAIRS ON "THE DELIMITATION OF CONSTITUENCIES (AMENDMENT) BILL, 2014 (ORDINANCE NO. VIII OF 2014)"

I, the Chairman of the Standing Committee on Parliamentary Affairs, have the honour to present this report on the Bill further to amend the The Delimitation of Constituencies Act, 1974 (XXXIV of 1974) [The Delimitation of Constituencies (Amendment) Bill, 2014] (Ordinance No. VIII of 2014) referred to the Committee on 23-10-2014.

2. The Committee comprises the following Members:-

1.	Mian Abdul Mannan	Chairman
2.	Sardar Ashiq Hussain Gopang	Member
3.	Dr. Muhammad Afzal Khan Dhandla	Member
4.	Dr. Nisar Ahmad Jatt	Member
5.	Sheikh Muhammad Akram	Member
6.	Mian Tariq Mehmood	Member
7.	Mr. Azhar Qayyum Nahra	Member
8.	Mr. Rasheed Ahmad Khan	Member
9.	Mr. Nadeem Abbas Rabaira	Member
10.	Ch. Salman Haneef Khan	Member
11.	Ms. Arifa Khalid Parvez	Member
12.	Ms. Belum Hasnain	Member
13.	Ms. Shahida Rehmani	Member
14.	Dr. Nafisa Shah	Member
15.	Ms. Nafeesa Inayatullah Khan Khattak	Member
16.	Mr. Salim Rehman	Member
17.	Ms. Saman Sultana Jafri	Member
18.	Syed Essa Nori	Member
19.	Ms. Shahjehan Munir Mangrio	Member
20.	Ms. Shazia Mubashar	Member
21.	Minister of State for Parliamentary Affairs	Ex-officio Member

3. The Committee in its meeting held on 15th June, 2015 considered the above Bill in detail and approved the same. Therefore, the Committee unanimously recommends that the Bill as introduced in the National Assembly placed at Annex-A may be passed by the National Assembly.

Sd/-
(MOHAMMAD RIAZ)
Secretary
National Assembly Secretariat

Sd/-
(MIAN ABDUL MANNAN)
Chairman
Standing Committee on
Parliamentary Affairs

Islamabad, the 23rd June, 2015

A

Bill

*further to amend the Delimitation of Constituencies
Act, 1974*

WHEREAS, it is expedient further to amend the 'Delimitation of Constituencies Act, 1974 (XXXIV of 1974), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Delimitation of Constituencies (Amendment) Act, 2015.

(2) It shall come into force at once.

2. Amendment of section 2, Act XXXIV of 1974.— In the Delimitation of Constituencies Act, 1974 (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) Act, 2015, 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) Act, 2015 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 carry out 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.

MINISTER-IN-CHARGE