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ORDINANCE NO. XIV OF 2015

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ORDINANCE

to amend the Islamabad Capital Territory Local Government Act, 2015

WHEREAS, it is expedient to amend the Islamabad Capital Territory Local Government Act, 2015 (X of 2015), 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 Islamabad Capital Territory Local Government (Amendment) Ordinance, 2015.

(2) It shall come into force at once.

2. **Amendment of section 2, Act X of 2015.**— In the Islamabad Capital Territory Local Government Act, 2015 (X of 2015), hereinafter referred to as the said Act, in section 2, in sub-section (1), in clause (eee), the word “not” shall be omitted.

3. **Amendment of section 6, Act X of 2015.**— In the said Act, in section 6, in sub-section (3), after the word “notify”, the words “in the official Gazette” shall be inserted.

4. **Amendment of section 7, Act X of 2015.**— In the said Act, in section 7,—

(i) for sub-section (2), the following shall be substituted, namely:—

“(2) The Election Commission shall delimit Union Council into six wards for the election of members on general seats and into two wards consisting of three adjoining wards of the Union Council for the election of the two seats reserved for women.”; and

- (ii) after sub-section (2) substituted as aforesaid, the following new, sub-section shall be added, namely:—

“(3) For the purpose of delimitation of a ward of a Union Council,—

- (a) a ward shall consist of a census block or adjoining census blocks;
- (b) boundaries of the wards shall not cross limits of the Union Council;
- (c) population of wards in a Union Council shall as far as possible be uniform; and
- (d) a court, officer or authority shall not review or correct any delimitation of Union Council or ward after the notification of the election schedule.”.

5. **Amendment of section 10, Act X of 2015.**—In the said Act, in section 10, sub-section (2) shall be omitted.

6. **Amendment of section 12, Act X of 2015.**—In the said Act, in section 12, in sub-section (1), in clause (i), for the words “Mayor and Deputy Mayor,” the words “Mayor and three Deputy Mayors” shall be substituted.

7. **Amendment of section 16, Act X of 2015.**—In the said Act, in section 16, for the word “member” appearing before the expression “Union Councils”, the word “Chairmen” shall be substituted.

8. **Amendment of section 17, Act X of 2015.**—In the said Act, in section 17,—

- (i) in sub-section (1), after the word “elections”, the words and commas “and for this purpose shall, by notification in the official Gazette, declare the election schedule for election under this Act” shall be inserted; and
- (ii) after sub-section (2), the following new sub-section shall be added, namely:—

“(3) Without prejudice to the provisions of this Act and for the purpose of election to the Local Governments under this Act, the provisions of the Representation of the People Act, 1976 (LXXXV of 1976) shall *mutatis mutandis* apply.”.

9. **Amendment of section 20, Act X of 2015.**—In the said Act, in section 20, for sub-section (1), the following shall be substituted, namely:—

- “(1) For the purpose of election under this Act and subject to sub-section (2), the Election Commission shall appoint District Returning Officers, Returning Officers and Assistant Returning Officers from amongst the officers of the Election Commission, the Government, a body or entity controlled by the Government.”.

10. **Amendment of section 21, Act X of 2015.**—In the said Act, for section 21, the following shall be substituted, namely:—

- “21. **Polling stations.**—(1) The Returning Officer shall, before such time as the Election Commission may fix, send to the District Returning Officer a list of polling stations proposed in a constituency for the purpose of election of a member for that constituency.
- (2) The Election Commission may make such alterations in the list of polling stations sent under sub-section (1) as it may deem necessary and shall, at least fifteen days before the polling day, publish in the official Gazette the final list of polling stations specifying the electoral area, the electors whereof will be entitled to vote at each polling station and shall, at least seventy-two hours before the polling day, give wide publicity of the polling stations in such manner as it may deem fit.
- (3) The Returning Officer shall establish in each constituency polling stations according to the final list published under sub-section (2).
- (4) A polling station shall be situated in a Government building for the constituency and, where no Government building is available for the purpose, an improvised polling station shall be set up on a public property:

Provided that no polling station shall be located in any premises which belong to or are under the direct or indirect control of any candidate”.

11. **Amendment of section 25, Act X of 2015.**—In the said Act, in section 25, in sub-section (1), in clause (b), for the word “is”, occurring for the first time, the word “except” shall be substituted.

12. **Amendment of section 31, Act X of 2015.**—In the said Act,—

- (i) section 31 shall be re-numbered as sub-section (1) of that section and in sub-section (1) re-numbered as aforesaid, for the words “thirty days” the words “sixty days” shall be substituted; and
- (ii) after sub-section (1) re-numbered and amended as aforesaid, the following new sub-sections (2) and (3) shall be added, namely:—
- “(2) All by-elections for the vacant seats of members of Union Councils and Reserved Seats of Metropolitan Corporation shall be held once a year on a date or dates fixed by the Election Commission of Pakistan.
- (3) The period of one year referred to in sub-section (2) shall be computed from the date of assumption of office of the Councils.”.

STATEMENT OF OBJECTS AND REASONS

There is a strong realization that urban and rural areas of Islamabad Capital Territory have been receiving disproportionate financial resources in disregard to the local needs. This inequitable allocation of resources has led to inefficiencies in local governance and effective delivery of services. Moreover delivery of municipal services, both in urban and rural areas of ICT, requires targeted focus to identify local needs and to meet them in accordance with inviolable rights guaranteed to the people by the Constitution of Islamic Republic of Pakistan. In line with the manifesto of the government, it has been decided to devolve political power and decentralize administrative and financial authority to accountable local government in ICT for effective delivery of public services at grass roots level.

2. The Bill is designed to achieve the aforesaid object.

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