

**GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND RURAL DEVELOPMENT
DEPARTMENT**

NOTIFICATION

Peshawar, dated

No. _____ .The following draft Rules which the Government of the Khyber Pakhtunkhwa exercise of the powers conferred by (Khyber Pakhtunkhwa Act No. XXVIII of 2013), read with Seventh Schedule thereof, proposes to make, are hereby published for information of persons likely to be affected thereby, and notice is hereby given that the proposed Rules together with any objection and suggestion with respect thereto, which may be received by Secretary to Government, Local Government, Elections and Rural Development Department, within a period of ten days, from the date of publication of this Notification in the official Gazette, shall be taken into consideration after expiry of the said period.

**THE KHYBER PAKHTUNKHWA
LOCAL COUNCILS (DELIMITATION) RULES, 2019**

1. Short title, application and commencement.--- (1) These rules may be called the Khyber Pakhtunkhwa Local Councils (Delimitation) Rules, 2019.

(2) These rules shall be applicable to the delimitation of village council and neighborhood council in the Province.

(3) These rules shall come into force at once.

2. Definitions.---(1) In these rules, unless there is anything repugnant in the subject or context,-

(i) “Act” means the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act, No. XXVIII of 2013);

(ii) “Commission” means the Election Commission of Pakistan, as defined in clause (ix) of section 2 of the Elections Act, 2017 (Act No. XXXIII of 2017);

(iii) “election” means election to Local Councils in the Khyber Pakhtunkhwa;

(iv) “Form” means a Form appended to these rules; and

- (v) “population” means the population in accordance with the last preceding population census officially published;

(2) All words and expressions used but not defined shall have the same meanings as are assigned to them in the Act or the Election Act, 2017(Act No. XXXIII 2017) and the rules made thereunder.

3. Delimitation by Commission.--- The Commission shall delimit village councils and neighborhood councils in accordance with the provisions of the Act.

4. Procedure of Commission.--- (1) The Commission shall regulate its own procedure.

(2) If, upon any matter requiring decision of the Commission, there is difference of opinion amongst its members, the opinion of the majority shall prevail and the decision of the Commission shall be expressed in terms of the opinion of the majority.

(3) The Commission may exercise its powers and perform its functions notwithstanding that any one of its members is, for any reason, unable to attend its proceedings and the decision of at least three members shall have the effect of the decision of the Commission:

Provided that where the members attending the proceedings of the Commission are equally divided in their opinion, the opinion of the Chairman of the Commission shall prevail and the decision of the Commission shall be expressed in terms of that opinion.

5. Delegation of powers, etc.--- (1) The Commission may authorize one or more of its members, acting singly or together, to exercise and perform all or any of its powers and functions under these rules.

(2) Where two or more members are authorized under sub-section (1)-

- (a) their decision shall be expressed in terms of the opinion of the majority; or
- (b) if they are equally divided, the matter shall be placed before the Commission, for decision.

6. Assistance to the Commission.---(1) The Commission or any officer, authorized in this behalf, may require any person or authority, performing executive, functions in connection with the affairs of the Province, to perform such functions or render such assistance in connection with delimitation as it or he may direct.

(2) All executive authorities of Government shall assist the Commission in the performance of its functions and for this purpose the Commission may issue such directions as it may consider necessary.

7. Composition of village council and neighborhood council.---Every village council and neighborhood council shall be a multimember ward for election of the following members:

- (a) three members, determined on the basis of population, elected to general seats;

- (b) one member elected to seat reserved for women;
- (c) one member elected to seat reserved for peasants and workers;
- (d) one member elected to seat reserved for youth; and
- (e) one member elected to seat reserved for non-muslims in village council and neighborhood council where non muslims are registered as voters.

8. Number of village council and neighborhood council. --- The total number of village council and neighborhood council, in every district, shall be such as provided in the Ninth Schedule of the Act.

9. Principles for delimitation of village council and neighborhood council.--- A village council or a neighborhood council shall be delimited by the Commission on the principles laid down in section 6 of the Act and such other instructions as may be issued by the Commission from time to time.

10. Appointment of Delimitation Committee.---- (1) For the purposes of delimitation of village council and neighborhood council, the Commission shall appoint a Delimitation Committee for each district in light of section 222 of the Elections Act, 2017(Act No XXXIII of 2017).

(2)The Revenue or other executive officers, posted in the district, shall provide necessary assistance to the Delimitation Committee in carrying out delimitation in the district.

11. Functions of the Delimitation Committee.--- Subject to the principles of delimitation, specified in the Act, the Delimitation Committee shall, within ten days of its constitution, prepare and publish a preliminary report and list, in **Form-I**, specifying the areas to be included in each village council and neighborhood council, in the district for information of the public and inviting objections, if any:

Provided that the village council and neighborhood council so delimited, shall as far as possible, be equal in population among themselves and in case of variation in population difference shall not be more than ten percent and the census block shall not be broken:

Provided further that in case of variation exceeding ten percent, the Delimitation Committee shall record reasons thereof.

Provided also that if it deems necessary the Delimitation Committee may, for reasons to be recorded in writing, waive off the conditions.

12. Assistance to the Delimitation Committee. ---- (1) Subject to superintendence, direction and control of the Commission, the Delimitation Committee may require any person or authority to perform such functions or render such assistance as may be required for the purposes of delimitation.

(2) The Federal Government, subject to the direction of the Commission, shall provide the number of village council and neighborhood council to be delimited, details of administrative and revenue units, census data and requisite maps prepared on the scale determined by the Commission and any other information as may be required for delimitation.

13. Appointment of Delimitation Authority.--- The Commission may appoint from amongst its own officers or from the officers of the subordinate judiciary in consultation with the Chief Justice of the Peshawar High Court as many Delimitation Authorities as may be required to hear and decide the objections against the delimitation carried out by the Delimitation Committee.

14. Manner of filing objections before the Delimitation Authority.---- (1) A voter in a village council or neighborhood council may make an objection to the Delimitation Authority in respect of the preliminary delimitation of that village council or neighborhood council within fifteen days of the delimitation by the Delimitation Committee.

(2) The objection shall be signed by the person making it and be presented either in person or through an agent duly authorized in writing.

(3) The Delimitation Authority may hold inquiries, summon witnesses and record evidence as it may deem necessary and shall decide the objections within thirty days of delimitation.

(4) The Delimitation Authority shall as early as possible, but not later than seven days after last day fixed for disposal of objections communicate its decisions to the Delimitation Committee.

(5) The Delimitation Committee shall incorporate the decisions of the Delimitation Authority received by it under sub-rule (4) in the preliminary list of the village council and neighborhood council and shall prepare final list of village council and neighborhood council on **Form-II** and publish the same as may be directed by the Commission, and send a copy thereof to the Provincial Election Commissioner for publication in the official Gazette.

15. Register of objections.--- The Delimitation Authority shall maintain the record of objections in **Form-III**.

16. Supply of copies.--- Any person, who intends to obtain a copy of preliminary or final list of village council and neighborhood council, so published under rule 13 and subsection of rule 15 respectively, may, on payment of fee at the rate of rupees ten per page in the shape of Court fee stamps be obtained.

17. Coordination with the Commission. --- The Coordination Unit, constituted under section 10 of the Act, shall be responsible for coordination with the Commission, for provision of timely assistance and facilitation, in matters of delimitation.

18. Power of the Commission to make amendment, alteration or modification in the final list.--- Subject to the provisions of the Act, the Commission may, at any time, of its own motion, make such amendments, alterations or modifications in the final list of village council and neighborhood council, as it thinks necessary.

19. Removal of difficulties.---If any difficulty arises in giving effect to any of the provisions of these Rules, the Commission may make such provision for the removal of the difficulty as it may deem fit.

20. Bar of jurisdiction. ---The validity of delimitation or of any proceedings taken or anything done by or under the authority of the Commission under these rules shall not be called in question in any Court.

21. Repeal and savings.----(1)The Khyber Pakhtunkhwa Local Government (Delimitation) Rules, 2013 are hereby repealed.

(2) Notwithstanding the repeal of the said rules, everything done, action taken, inquiry or proceeding commenced, appointment made, person authorized, jurisdiction or power conferred, order made or notification issued under any of the provision of the said rules, shall, if not inconsistent with provision of these rules, be continued, and so far as may be, be deemed to have been respectively done, taken, commenced, appointed, authorized, conferred, made or issued under these rules.

Draft rules

Form-I
(see rule 11)

Preliminary List of Village 7 Neighborhood Councils

Name (and number if any) of Village/ Neighborhood Council.....

Name of Tehsil/Sub-Division.....Name of District.....

No & Name of Village/ Neighborhood Council	Extent of Village/ Neighborhood Council (Name of Electoral Area)	Census Blocks included in Village/Neighborhood Council	Population
1	2	3	4

Date..... 1.....2.....3.....

Place..... (Name, Designation and Signature of Delimitation Committee Members)

Form-II
(see rule 14(5))

Final List of Village/ Neighborhood Councils

Name (and number if any) of Village/ Neighborhood Council.....

Name of Tehsil/Sub-Division.....Name of District.....

No & Name of Village/ Neighborhood Council	Extent of Village/ Neighborhood Council (Name of Electoral Area)	Census Blocks included in Village/Neighborhood Council
1	2	3

Date..... 1.....2.....3.....

Place..... (Name, Designation, Signature and Stamp of Delimitation Authority)

Form-III
(See rule 15)

Register of Objections Filed Against Preliminary Delimitation of Village/Neighborhood Councils

S#	Date of Filing	Name & Address of person Filing Representation	No& Name of Village/Neighborhood Council	Date of Hearing	Decision of Delimitation Authority	
					Accepted	Rejected
1	2	3	4	5	6	7
1						
2						
3						
4						

Date..... (Name, Designation, Signature and Stamp of Delimitation Authority)

Place.....

Secretary to Government
Local, Elections
and Rural Development
Department

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