

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



NOTIFICATION

Peshawar, dated the December 02, 2013

No. PDA(LGE&RDD)5-11/Rules/2013. In exercise of the powers conferred by section 112 of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), read with Seventh Schedule thereof, the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA
LOCAL COUNCILS (DELIMITATION) RULES, 2013**

**PART- A
GENERAL**

- Short title, application and commencement.**--- (1) These rules may be called the Khyber Pakhtunkhwa Local Councils (Delimitation) Rules, 2013.

(2) These rules shall be applicable to the delimitation of Village Councils, Neighbourhood Councils and territorial wards for general seats to Tehsil Councils, Town Councils and, as the case may be, District Councils 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) "Authority" means the Khyber Pakhtunkhwa Local Councils Delimitation Authority constituted under these rules, in pursuance of section 10 of the Act;
- (iii) "Chairman" means the Chairman of the Authority and includes any member presiding a meeting of the Authority in the absence of the Chairman;
- (iv) "delimitation" means delimitation of Village Councils, Neighbourhood Councils, wards of Tehsil Councils, Town Council and wards of District Councils, as the case may be;
- (v) "District Delimitation Officer" means an officer appointed under these rules;
- (vi) "Divisional Appellate Authority" means an officer designated as Appellate Authority under these rules;
- (vii) "elections" means elections to Local Councils under the Act;
- (viii) "Form" means a Form appended to these rules;
- (ix) "member" means any member of the Authority; and
- (x) "population" means the population in accordance with the last preceding population census officially published.

(2) All words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

Part – B

AUTHORITY, PROCESS AND PROCEDURE FOR DELIMITATION

3. Constitution of the Authority.---The Authority for the delimitation of Village Councils, Neighbourhood Councils, wards of Tehsil Councils, Town Council and wards of District Councils, as the case may be, to be notified by the Government in the official Gazette, shall consist of-

- (i) Secretary to Government, Local Government, Elections and Rural Development Department; Chairman
- (ii) Secretary to Government, Law, Parliamentary Affairs and Human Rights Department; Member
- (iii) Director General, Local Government, Elections and Rural Development Department; Member
- (iv) Director Land Records, Board of Revenue; and Member
- (v) Secretary, Delimitation Authority, Local Government, Elections and Rural Development Department. Member/
Secretary

4. Functions of the Authority.---The Authority shall delimit Village Councils, Neighbourhood Councils and territorial wards for general seats to Tehsil Councils, Town Councils and, as the case may be, District Councils in the Province for elections.

5. Procedure of the Authority.---(1) Subject to provisions of the Act and these rules, the Authority shall regulate its own procedure.

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

(3) The Authority 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 Authority:

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

6. Delegation of powers, etc.--- (1) The Authority 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-rule (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 Chairman.

7. Assistance to the Authority.---(1) The Authority, its Chairman or any officer authorized in this behalf may require any person 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 Authority in the performance of its functions and for this purpose the Authority may issue such directions as it may consider necessary.

8. Appointment of District Delimitation Officer.--- For the purpose of these rules, the Authority shall designate, from amongst the officers of Government a District Delimitation Officer for delimitation in that District.

9. Functions of District Delimitation Officer.--- The District Delimitation Officer shall:

- (a) propose on the basis of population, the number and names of Village Councils or, as the case may be, Neighbourhood Councils in the District in accordance with the Act:

Provided that the proposal so cast shall also indicate the number of general seats for each Village Council and Neighbourhood Council;

- (b) divide the Village Councils and Neighbourhood Councils in a Tehsil and District into groups to constitute as many separate territorial wards as the number of general seats allocated in the Act to the respective Tehsil Council and District Council;

Provided that:

- i) the Tehsil shall form one ward for the category of seats reserved in the Act for women, non-muslims, peasants and workers and, as the case may be, youth in the Tehsil Council; and
- ii) the District shall form one ward for the category of seats reserved in the Act for women, non-muslims, peasants and workers and, as the case may be, youth in the District Council.

- (c) provide information required by the Divisional Appellate Authority or, as the case may be, the Authority;
- (d) Incorporate the modifications ordered by the Divisional Appellate Authority, in the final report; and
- (e) provide final report of delimitation to the Authority.

10. Principles of Delimitation.---(1) In addition to the parameters laid down in the Act, the delimitation shall be carried out in accordance with the following principles,-

- (a) a Village Council shall be delimited without distorting the boundaries of traditional village;

- (b) a Neighbourhood Council shall be delimited without affecting the unity of census blocks or the combination of census blocks and muaziat included therein;
- (c) general seats in Village Councils and Neighbourhood Councils shall be determined by population of the areas included in these councils; and
- (d) wards for general seats in Tehsil Council and District Councils as far as practicable, be delimited by grouping together geographically contiguous Village Councils or, as the case may be, Neighbourhood Councils, having regard to existing boundaries of administrative units, facilities of communications, public convenience and other cognate factors to ensure homogeneity in the creation of wards.

(2) As far as may be possible, wards for election to the same Local Council shall be equal among themselves in population.

11. Preparation and Publication of Preliminary and Final lists.--- (1) For the purpose of delimitation, the District Delimitation Officer shall, within ten days of his appointment, prepare and publish a preliminary report and list, in **Form-P**, specifying the areas to be included in each Village Council, Neighbourhood Council, ward of each Tehsil Council and District Council in the District for information of the public and inviting objections, if any.

(2) The District Delimitation Officer shall receive and consider representations and may hold inquiries, summon witnesses and record evidence.

(3) Any person entitled to vote at elections in the District may, within ten days of the publication of the report under sub-rule (1), make a representation to the District Delimitation Officer in respect of delimitation of a Village Council, Neighbourhood Council, ward of Tehsil Council and District Council.

(4) The District Delimitation Officer shall hear and consider the representations, if any, received by him, make such amendments, alterations or modifications, in the preliminary list published under sub-rule (1) as he thinks fit or necessary, and shall, within three days of last day fixed for filing of representations, publish, in **Form-F**, the final report and list showing the areas included in each Village Council, Neighbourhood Council, ward of Tehsil Council and District Council in the District.

12. Appointment of Divisional Appellate Authority: --- The Authority shall appoint, from amongst the officers of Government a Divisional Appellate Authority for hearing and disposal of appeals against the orders of District Delimitation Officers in the respective revenue division.

13. Functions of Divisional Appellate Authority: --- (1) Any person feeling aggrieved with the orders of District Delimitation Officer may, within a period of ten days prefer a representation to the Divisional Appellate Authority, who shall requisition and examine the record of representation, provide an opportunity of hearing to the appellant, hold inquiries and may pass such orders as he deems appropriate.

(2) Where the Divisional Appellate Authority finds, on a representation on the basis of enquiry held under sub-rule (1), he shall, within ten days, order respective District Delimitation Officers to incorporate such modifications, as he thinks appropriate, in the final list.

(3) The District Delimitation Officer shall, after incorporating the modifications ordered by the Divisional Appellate Authority, forthwith provide the final list on **Form-F** to the Authority.

14. Publication of Final List in the Official Gazette: --- The Authority shall, within seven days, publish the final list in the official Gazette.

15. Power of Authority to make amendment, alteration or modification in the final list.--- Notwithstanding anything contained in these rules, the Authority may, at any time, of its own motion, make such amendments, alterations or modifications in the

final list of Village Councils, Neighbourhood Councils, wards of Tehsil Councils and District Councils in the Province, as it thinks necessary.

16. Removal of difficulties.--- If any difficulty arises in giving effect to any of the provision of these rules, the Authority may make such provision for the removal of the difficulty as it may deem fit.

17. Bar of jurisdiction.--- The validity of delimitation, or of any proceedings taken or anything done by the Authority or any officer appointed and obligated by it under these rules shall not be called in question in any court.

(HIFZ-UR-RAHMAN)

SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS &
RURAL DEVELOPMENT DEPARTMENT

FORM – P

[See Rule 11(1)]

Preliminary Report and List of **Village Councils, Neighbourhood Councils** in

Tehsil District Khyber Pakhtunkhwa

S #	Name of the Village / Neighbourhood Council	Charge No	Circle No.	Block No.	Name Patwar Circle/ Mauzziat/ Census Block # Included	Population	Population of Village/ Neighbourhood Council	Number of General Seats
1	2	3	4	5	6	7	8	9

Place

Date **SIGNATURE OF DISTRICT DELIMITATION OFFICER**

FORM -P

[See Rule 11(1)]

Preliminary Report and List of Territorial Wards in Tehsil Council in

Tehsil District Khyber Pakhtunkhwa

[illegible]

Place

Date **SIGNATURE OF DISTRICT DELIMITATION OFFICER**

FORM - P

[See Rule 11(1)]

Preliminary Report and List of Territorial Wards of **District Council** in

Tehsil District Khyber Pakhtunkhwa

[illegible]

Place

Date **SIGNATURE OF DISTRICT DELIMITATION OFFICER**

FORM -F

[See Rule 11(4)]

Final Report and List of **Village Councils, Neighbourhood Councils** in

Tehsil District Khyber Pakhtunkhwa

S#	Name of the Village / Neighbourhood Council	Charge No	Circle No.	Block No.	Name of Patwar Circle/ Mauzziat/ Census Block # Included	Population	Population of Village/ Neighbourhood Council	Number of General Seats
1	2	3	4	5	6	7	8	9

Place

Date **SIGNATURE OF DISTRICT DELIMITATION OFFICER**

FORM -F

[See Rule 11(4)]

Final Report and List of Territorial Wards in **Tehsil Council** in

Tehsil District Khyber Pakhtunkhwa

Serial #	Number & Name of Ward	Village Councils/ Neighbourhood Councils included in the Ward

Place

Date **SIGNATURE OF DISTRICT DELIMITATION OFFICER**

FORM -F

[See Rule 11(4)]

Final Report and List of Territorial Wards of **District Council** in

Tehsil District Khyber Pakhtunkhwa

[illegible]

Place

Date **SIGNATURE OF DISTRICT DELIMITATION OFFICER**
