



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

No. CU(LGE&RDD)//ERS/5-10/PO/2022  
Dated Peshawar the 08<sup>th</sup> November 2022


To

The Secretary  
Election Commission of Pakistan  
Islamabad.

Subject: GAZETTE NOTIFICATION OF AMENDMENTS IN THE KHYBER  
PAKHTUNKHWA LOCAL COUNCILS (CONDUCT OF ELECTIONS) RULES,  
2021

Sir,

I am directed to refer to the subject noted above and to enclose herewith copy of the Gazette Notification No.CU(LGE&RDD)/ERS/5-10/PO/2022 dated 07.11.2022 for information and further necessary action, please.

  
SECRETARY  
COORDINATION UNIT  
LGE&RDD KHYBER PAKHTUNKHWA

Endst: Even No. & Date

Copy forwarded to the:

1. All Commissioners Khyber Pakhtunkhwa.
2. Provincial Election Commissioner Khyber Pakhtunkhwa.
3. Director General LG&RD Khyber Pakhtunkhwa with the request to circulate the above mention Notification to All Assistant Directors LG&RD.
4. Secretary Local Council Board Khyber Pakhtunkhwa with the request to circulate the above Notification to all Chairmen Tehsil Local Governments and Tehsil Municipal Officers in the Province.
5. Director (IT) LGE&RDD with the request to upload the notification on the official website of the LGE&RDD.
6. P.S. to Secretary LGE&RDD Khyber Pakhtunkhwa.

  
SECRETARY COORDINATION UNIT



EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P.III

G A Z E T T E

## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 07<sup>TH</sup> NOVEMBER, 2022.

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

### NOTIFICATION

Peshawar, dated the, 07<sup>th</sup> November, 2022.

**No.CU(LGE&RDD)/ERS/5-10/PO/2022.**-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 direct that in the Khyber Pakhtunkhwa Local Councils (Conduct of Elections) Rules, 2021, the following amendments shall be made, namely:

### AMENDMENTS

In the said Rules,-

- (a) after Chapter-VII, the following new Chapter shall be inserted, namely:

### "CHAPTER-VIIIA ELECTION OF PRESIDING OFFICER TEHSIL COUNCIL

**77A. Procedure for election of presiding officer.**---The Election Commission of Pakistan shall appoint the Returning Officer for the election of presiding officer in the Tehsil Council, who shall proceed for the election, in the manner as provided in this Chapter.

**77B. Nomination.**---(1)The Returning Officer shall inform all the returned candidates of the Tehsil Council, clearly intimating the date, place and time of the meeting.

- (2) Any member may propose or second the name of any member who, in his opinion, commands the confidence of the majority of the members of the Tehsil Council.

- (3) Every proposal shall be made by a separate nomination paper as specified in **Form-XXVII.**

- (4) Every nomination paper shall be submitted by the candidate or his proposer or seconder to the Returning Officer by 1300 hours, on the day fixed, for the meeting.

**77C. Election to be without debate.**---(1) In the first meeting of Tehsil Council, following an election or whenever office of the presiding officer falls vacant for any reason, the Tehsil Council shall not transact any business, unless it has been ascertained which one of the members of the Tehsil Council commands, subject to quorum, the confidence of the majority of the total members of the Tehsil Council.



(2) The Tehsil Council, to the exclusion of any other business and without debate, shall proceed as follows:

- (a) a member may propose or second the name of any member who, in his opinion, commands the confidence of the majority of the members of the Tehsil Council, hereinafter referred to as the candidate;
- (b) every proposal shall be made by a separate nomination paper in **Form XXVII** and shall be signed by the proposer and seconder and also by the candidate, stating that he has consented to the nomination;
- (c) a candidate may be proposed by more than one nomination papers but no member shall subscribe to more than one nomination paper either as proposer or as seconder; and
- (d) every nomination paper shall be delivered by the candidate or his proposer or seconder to the Returning Officer by 1300 hours on the day fixed for the election.

**77D. Scrutiny.**---(1) The Returning Officer shall, in presence of the candidates or their proposers or seconders who may wish to be present, scrutinize the nomination papers and may reject a nomination paper, if he is satisfied that-

- (a) the candidate is not a member of the Tehsil Council; or
- (b) the signature of the proposer, the seconder or the candidate is not genuine:

Provided that the rejection of a nomination paper shall not invalidate the nomination in respect of a candidate by any other valid nomination paper: and

Provided further that a nomination paper **Form XXVII** shall not be rejected on the ground of any defect which is not of substantial nature and such defect may be allowed to be remedied forthwith.

(2) The Returning Officer shall endorse, on each nomination form, his decision, accepting or rejecting it, and shall, in case of rejection, record briefly the reasons thereof.

(3) The decision of the Returning Officer, accepting or rejecting a nomination paper, shall be final.

**77E. Withdrawal.**---A candidate may withdraw his candidature at any time before the election takes place.

**77F. Election.**---(1) Before commencement of the proceedings of election of the Presiding Officer, the Returning Officer shall read out to the Tehsil Council, the names of the candidates, validly proposed for the elections, who have not withdrawn, hereinafter called the contesting candidates, in the order in which their nomination papers were received and proceed to effect the election by an open division.



(2) If there is only one contesting candidate and he secures the support of the majority of the members of the Tehsil Council, the Returning Officer shall declare him to be the member commanding the confidence of the majority of the members of the Tehsil Council.

(3) If there is only one contesting candidate and he is not able to secure the support of the majority of the members of the Tehsil Council, all proceedings shall commence afresh for the election.

(4) If there are two or more contesting candidates, the candidate, who secures the support of the majority of members of the Tehsil Council, shall be declared to be the member commanding the confidence of the majority of members of the Tehsil Council.

(5) If no contesting candidate secures such majority in the first round, a second round shall be held between the candidates who are supported by the two highest numbers of members in the first round and the candidate, who is supported by majority of the members of the Tehsil Council, shall be declared to be commanding the confidence of the majority of members of the Tehsil Council.

(6) If both the candidates are supported by an equal number of members, the Returning Officer shall draw a lot in respect of such candidates and the candidate on whom the lot falls, shall be the Presiding Officer of the Tehsil Council.

(7) The lot shall be drawn in presence of contesting candidates.

(8) The Returning Officer shall declare the name of the Presiding Officer and administer him oath of office in the manner provided in the **Schedule-II**.

**77G. Oath of office.**---(1) The Returning Officer shall administer oath to the presiding officer as per **Schedule II**.

(2) The Returning Officer shall keep record of the proceedings, in writing, and obtain thereon the signatures of such candidates and election agents, as have been witness to the proceedings, and if any such person refuses to sign, such fact shall be recorded.

(3) All the above activities will be completed on the same day fixed for election.”; and

(b) after **Form-XXVI**, the following new Form shall be added, namely:



**"FORM-XXVII**

[see rule 77B (3), 77C(2) (b) and proviso of rule 77D (1) (b)]

**NOMINATION PAPER**  
**Election of Presiding Officer of Tehsil Council**

To be filled in by the Proposer.

I, \_\_\_\_\_ as \_\_\_\_\_ Member of Tehsil Council  
\_\_\_\_\_ District \_\_\_\_\_ do hereby propose the name of Mr.  
\_\_\_\_\_ a member of this council for election as a candidate for the office of  
Presiding Officer of Tehsil Council \_\_\_\_\_.

I hereby declare that I have not subscribed to any other nomination paper in this election  
either as proposer or seconder.

**SIGNATURE OF PROPOSER**

Declaration by a Secunder:

I, \_\_\_\_\_ as \_\_\_\_\_ Member Tehsil Council  
\_\_\_\_\_ District \_\_\_\_\_ do hereby second the above proposal of Mr.  
\_\_\_\_\_ as candidate for the office of Presiding Officer of Tehsil Council  
\_\_\_\_\_.

I hereby declare that I have not subscribed to any other nomination paper in this election  
either as proposer or seconder.

**SIGNATURE OF SECONDER**

Declaration by the Candidate:

I, \_\_\_\_\_ as member of Tehsil Council \_\_\_\_\_  
District \_\_\_\_\_ do hereby declare that I have consented to the above proposal and that I  
am qualified to be elected as Presiding Officer of Tehsil Council \_\_\_\_\_.

**SIGNATURE OF CANDIDATE**

Decision of Returning Officer accepting or rejecting the nomination paper on the day fixed for  
election

I have examined this nomination paper in accordance with the provisions of the Khyber  
Pakhtunkhwa Local Councils (Conduct of Elections) Rules, 2021 and decide as follows:

.....  
.....  
.....  
.....

(In case of rejection, state brief reasons)

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**RETURNING OFFICER."**;and

(c) in Schedule II, after PART-A, the following new PART-AI shall be added, namely:



**Schedule-II**  
(see rule 77G)  
**PART-AI**

**OATH OF OFFICE**

**PRESIDING OFFICER, TEHSIL LOCAL GOVERNMENT/ CITY LOCAL GOVERNMENT**

I \_\_\_\_\_ elected as Presiding Officer of Tehsil/City Council \_\_\_\_\_ hereby solemnly (in case of Muslims) swear, or (in case of Non-Muslims) affirm;

That as Presiding Officer of Tehsil/City Council \_\_\_\_\_ and whenever I am called upon to act as Chairman of Tehsil/City Council \_\_\_\_\_, discharge my duties and functions under the Khyber Pakhtunkhwa Local Government Act, 2013, and the rules, bye-laws and regulations made thereunder honestly, efficaciously and efficiently, to the best of my ability.

That I shall act lawfully and shall ensure that the business in my area respectively is carried out according to law, rules and bye-laws of the Council.

That I shall not allow my personal interest to influence my official conduct or my absolute impartiality.

That I shall promote fiscal discipline and, to the best of my ability, prevent misuse, misappropriation and pilferage of public money.

That I shall protect the interest of people of my local government and avail every opportunity to advance their collective welfare and well being.

That in all circumstances I shall do right to all members of the Council according to law, without fear or favor, ill will, or discrimination.

**SIGNATURE OF THE  
OFFICER ADMINISTERING THE OATH**

**SIGNATURE OF DECLARANT**

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