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NO. 168 QUETTA MONDAY JULY 19, 1999

GOVERNMENT OF BALOCHISTAN
LAW DEPARTMENT

NOTIFICATION.

Dated Quetta, the 19th July, 1999

No. Legis. 2-30/Law/75-I1 The following Ordinance made by the Government of Balochistan on 13th July, 1999, is hereby published for general information - i

BALOCHISTAN ORDINANCE NO. I OF 1999.

THE BALOCHISTAN LOCAL GOVERNMENT
(SECOND AMENDMENT) ORDINANCE, [1999
AN
ORDINANCE

further to amend Balochistan Local
Government Ordinance, 1980 (II of 1980).

Preamble WHEREAS it is expedient further to amend
the Balochistan Local Government Ordinance,
1980, in the manner hereinafter appearing;

Printed by the Controller, Government Pristine & Stationery Department Balochistan, Quetta

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Short title
and
Commencement

Amendment of

Section 16 of
Ordinance II

of 1980.

Amendment of
Section 16 of
Ordinance II
of 1980.

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AND WHEREAS the Governor is satisfied
that circumstances exist which render it
necessary to take immediate action;

NOW THEREFORE in exercise of Powers
conferred by Article 128 of the Constitution
of Islamic Republic of Pakistan, 1973, the
Governor of Balochistan is pleased to make and
promulgate the following Ordinance: -

= (1) This Ordinance may be called the
Balochistan Local Government (Second Amendment)
Ordinance, 1999.

(2) It shall come into force at once.

2: In the Balochistan Local Government
Ordinance, 1980, hereinafter referred to as
the said Ordinance, in section 3-

fa) after clause (68), the following
shall be added :-

"(68-A)"Vice Chairman" means a Vice-
Chairman of a Local Council constituted
under the said Ordinance but in case of
Municipal Corporation the Vice-Chairman
shall be called the Deputy Mayor".

(%) after clause (72), the following
shall be added: -

"Provided that worker should be
employed or should be self employed
Craftsman or Worker earning wages within

the limits of the Local Council to which
seat he has to contest election".

1 In the said Ordinance, for section 16,
the following shall be substituted :-

"16 ELECTION OF CHAIRMAN AND VICE

an, a

Amendment of

section 17 of
Ordinance II

of 1980,

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{1) For every Local Council, except Municipal Corporation, there shall be a Chairman and a Vice Chairman.

(2) For every Municipal Corporation, there shall be a Mayor and a Deputy Mayor.

(3) The office bearers mentioned in sub sections (1) and (2) above shall be elected in the prescribed manner.

4. In the said Ordinance, after sub-section (2) of section 17, the following new sub-section shall be added, namely:-

"(3) Every nomination shall be made by a separate nomination paper in the prescribed form on solemn affirmation made and s. ved by the candidate, accompany: -

(i) a declaration that he has consented to the nomination and that he fulfills the qualifications and is not subject to any of the disqualifications being elected as a member;

(ii) a declaration that no loan, obtained from Government , any bank, financial institution, cooperative society or corporate body in his own name or in the name of his spouse or dependent children or dependent parents or any business concern mainly owned by the aforesaid, remains unpaid on due date and he has not defaulted the payment of loan.

(iii) a declaration that he, his spouse or dependent children or dependent parents or a business concern mainly owned by the

(iv)

(v)

(vi)

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aforesaid have not made any default in

" payment of taxes or Government dues and

utility expenses including telephone,
electricity, gas*:and water charges etc;

a n-

for the purposes of utility expenses

the following information shall b-

submitted: -

(i) Telephone number(s).

(ii) Account numbers of Gas

and Electricity.

(iii)Complete addreses of

. immovable properties,

Explanation-II. hired or rented or
owned or shared. The required
information shall be in respect of
nominee, his spous, dependent,
parents and children and business
concern mainly owned by any of them..

a statement specifying his educational -
qualifications, occupation, National
Identity Card Number and date of
birth/age;

a statement of assets and liabilities of
his own, spouse and Gependents on the

prescribed form as on the preceding
thirtieth day of June;

an assurance that he shall abide by the
Code of Conduct issued by the Election
Authority;

Explanation:- For the purpose of this

section the expression-

Insertion of new
section 18-4

in Ordinance II
of 1980.

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(a)

(b)

(c)

(d)

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"loan" shall mean the loan, advance,
credit or finance obtained;

"mainly owned" shall mean holding or
controlling or majority interest in a
business concern;

"taxes" includes all taxes levied by
Federal, Provincial or Local authorities;

"Government dues" includes rent charges
of rest houses or lodges owned by the
Federal Government, Provincial
Government, Local authorities or
Corporations established or controlled by
such Governments.

In the said Ordinance, after section
the following new sections shall be added

namely :-

"18-A. Assistance to Election

Authority.

It shall be the duty of
all the executive authorities in the
Federation, in the Province and all
Local authorities under the
administrative control of Federation
and Province to assist the Election
Authority in the performance of its
functions as may be required of them

by the Election Authority or its member or Officer authorised by the Election Authority."

18-B.Suspension of Officer,

(1) The Election Authority
May, at any time, for reasons to be recorded in writing, suspend any Officer performing the functions of the Returning Officer, Assistant Returning Officer, Presiding

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Substitution of
section 20 of
Ordinance II

of 1980.

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Officer, Polling Officer,
Delimitation Officer, Assistant
Delimitation Officer or any other
public functionary assisting such
officer or any member of the Police
force or other law enforcing agency
who obstruct or Prevent or-attempts
to obstruct or prevent the conduct
of fair and impartial polls or
influence or attempts to interfere
viz an elector when he records his
vote or influence in-any manner the
polling staff or an elector or does
any other act calculated to
influence the result of an elector
and make such arrangements as it may
consider necessary for the
performance of the functions of the
Officer so suspended.

(2) Where the Election

Authority proceed against any person
under sub-section(1), it shall refer
the matter to the appropriate
authority for taking disciplinary
action against such person.

"18-C. Contempt of Election

AUCHORIEY es

Any proceedings before the
Election Authority including its
chairman or members independently
shall be deemed to be a judicial
proceedings within the meaning of
Section 228 of the Pakistan Penal
Code, 1860, and the Election
Authority shall be deemed to be a
Court within the meaning of Section
476 and 480 of the Criminal
Procedure Code, 1898."

the said Ordinance, for section

20, the following shall be substituted :-

"20. Qualification of candidates and
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A person shall be qualified to be a
pentidake and a member of the Local Council

Substitution of
section 21 of
Ordinance II

of 1980.

- (a)
- (b)
- (c)
- (d)
- (e)

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- (a)
- (b)
- (c)
- (d)
- (e)

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he is a citizen of Pakistan;

he is not less than twenty five years of age and is enrolled as a voter in any electoral roll of any local area within the limits of Local Council in which the seat falls:

Provided that persons herein before elected shall not be deseated being less than 25 years of age.

he is of good character and is not commoniy known as one who violates Islamic Injunctions;

he has not been convicted for a crime involving moral turpitude or for giving false evidence; and

he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan:

Provided that the disqualifications

specified in clauses (c) shall not apply to a person who is a non-Muslim, but such a person shall...have good moral reputation. .

In the said Ordinance, for section

the following shall be substituted :-

"21. Disqualification of candidates

{1) A person shall be disqualified from being elected as, and from being, a member of a Local Council, if -

he ceases to be a citizen of Pakistan or acquires the citizenship of foreign State, or

he is an undischarged insolvent, or

he is of unsound mind and has been so declared by a competent Court, or

he has submitted any false or incorrect declaration or statement, in any material on nomination form; or

he is a guarantor of any Loan in default.

{f)

{g)

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he is a salaried official of the Federal Government or a Provincial Government or of a public or statutory Corporation, a Local Council or other local authority; or :

has been, on conviction for an offence involving moral turpitude, sentenced to imprisonment for a term of not less than six months; or

EXPLANATION: Moral turpitude means anything that injures the moral fibre of a person and lowers him down in moral values.

{h)

(3)

{1)

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he has been dismissed from the service of Federal Government or a Provincial Government or of public or statutory corporation on the ground of misconduct, unless a period of two years has not elapsed since his dismissal; or

he has in the service of Federal Government or Provincial Government or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of one year has not elapsed since he ceased to be in such service; or

he is found guilty of a corrupt or illegal practice under any law for the time being in force, unless a period of two years has elapsed from the date on which that order takes effect; or

he has been removed or compulsorily retired from the service of Federal Government, Provincial Government or of a public or statutory corporation, on the

ground of misconduct unless a period of
"wo years has not eélapsed since his
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Amendment of
section 24 of
Ordinance ITI
of 1980,

Amendment of
section 25 of
Ordinance II
of 1980.

Amendment of
section 28 of
Ordinance IT
of 1980.

Amendment of
section 3060 of
Ordinance IT
of 1980,

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(m) he is a retired servant of the Federal Government or the Provincial Government or of a public or statutory corporation, a Local Council or other local authority unless one year have elapsed from the date of such retirement: or

(n) he is under contract for work to be done or goods to be supplied to any of the Local Council with the district or has otherwise any pecuniary interest in its affairs; or ‘

(o) he is disqualified from the membership of any elective body under any law for the time being enforce; and

(p) he has been or is engaged directly or indirectly in subversive or anti-state activities or propagating any opinion or acting in any manner prejudicial to the ideology of Pakistan or the sovereignty, integrity or security of Pakistan.

EXPLANATION: Anti-state activities shall include instigation to students, labour or any other section of people with a view to promote

law-lessness or disorder.

(_) No order passed under sub section (1),
shall be called in question in any Court,

8. In the said Ordinance, after the word
"Chairman" appearing' in clause (a) of sub
section (1) of Section 24, the words "or vice
Chairman" shall be inserted.

\$. In the said Ordinance, after the word
"Chairman" appearing in section 25, the words
"or Vice Chairman" shall be inserted. '

10. In the said Ordinance, after the word
"Chairman" appearing twice in sub section (1)
of section 28, the words 'or a Vice Chairman"
shall be inserted'.

11, In the said Ordinance, after the word
"Chairman" appearing twice in sub section (1)
of Section 30, the words "or a Vice Chairman"
shall be inserted.

Amendment --
section 31 of
Ordinance II
of 1980

Amendment of
section 32 of
Ordinance II
of 1980.

Amendment of
section 33 of
Ordinance II
of 1980.

Amendment of
section 34 of
Ordinance II
of 1980.

Amendment of
section 36 of
Ordinance II
1980.

Amendment of
section 39 of
Ordinance II
of 1980.

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2. in the said Ordinance, after the word
"Chairman" wherever appearing in section 31,
the words "or a Vice Chairman" shall be
inserted.

13. %In the said Ordinance, after the word
"Chairman" appearing in section 32, the words
"or a Vice Chairman" shall be inserted. j

14.. In the said Ordinance, after the word
"Chairman" wherever appearing in sub sections
(1) and (2) of section 33, the words "or/a
Vice Chairman" shall be inserted. ;

15. In the said Ordinance, after the word
"Chairman" appearing in Section 34, the words
"or a Vice Chairman" shall be inserted.

16. %In the said Ordinance, after the word

"Chairman" appearing in sub section (1) of section 36, the words "or a Vice Chairman" of shall be inserted,

17. In the said Ordinance, for sub section (2) of Section 39, the following shall be substituted as under:- a

"(2) (a) All meetings of a Council shall ordinarily be presided over by its Chairman, and in his absence by a Vice-Chairman, or a Member chosen for that purpose by the members present at meeting;

Provided that meeting in which no confidence motion is moved against the Chairman or Vice Chairman, or an Election is held to any of such office bearers, shall be presided over by such person or officer, as may be prescribed.

(b) Every meeting of a Council shall be open to the Public unless the person Presiding the meeting orders that the proceedings or any enquiry or deliberation before the Council should be in camera:

Amerzdment of
section 49 of
Ordinace II
of 1980.

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Provided that the person
Presiding the meeting may, at any time,
cause any person to be removed who
interrupts the proceedings or does not
obey its rulings."

18. In the said Ordinance, after the word
"Chairman" appearing in sub-clause (ii): of
clause (a) of Section 49, the words "or a Vice
Chairman" shall be inserted.

Dated QUETTA, MIANGUL AURANGZEB,
the 13th July, 1999. GOVERNOR BALOCHISTAN.

ABDUL KHALIQ BALOCH,
SECRETARY LAW.