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GOVERNMENT OF BALUCHISTAN V/

LAW DEPARTMENT

NOTIFICATION

Dated QUETTA, the 8th August, 1983

No. Legis,2—30;/ LAW/75

-IV. The following Ordinance inude by the Governor of Baluch-
istan on the 3 Ist July,

1983, is hereby published for general information:—
BALUCHISTAN ORDINANCE NO. XI OF 1983.

@ THE BALUCHISTAN LOCAL GOVERNMENT (THIRD AMENDMENT)
ORDINANCE. 1983.

\N
ORDINANCGF

lurther to amend the Baluchistan Local Governmdy Ordinance,
1980

Preamble WHEREAS it is expedient further to amend the Baluchistan
Local Government Ordinance, 1980 (11 of 1980) for the purpose herem-
after appearing;

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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 the powers conferred by Article 128 of the Constitution read with Article 2 of the Provisional Constitution Order, 1981 (C.M.L.A. Order No. | of 1981) the Governor of Baluchistan is pleased to make and promulgate the following © -rdinance: —

Short title and I (1) This Ordinance may be called the Baluchistan Local Government (Third Amendment) Ordinance, 1983,

(2) It shall come into force at once.

Amendment ok In the Baluchistan Local Government Ordinance, 1980 (II of

Section | of 1980), hereinafter referred to as the said Ordinance, in sub-section Ordinance II (3) of Section 1 the following words shall be omitted and a full stop of 1980. shall be inserted after the word “once” :—

“except the provisions of Chapter XVII which shall come into force w.e.f. such date as the Government may be notification in the official Gazette specify in this behalf,

Amendment 3, In the said Ordinance, in Section 3, Section - , ‘tercheuse (1), the following new clause shall be inserted. Orin, x ‘ .

: “Authority” means the Baluchistan Local Councils Election Authority:

A bar chitise (39) the following: shall be substituted, namely -- SS) SPeagol means a person who is a landless tenant.

who for a continuous period of five years preceding the year in which the election is held is or has been the Owner of not more than five acres of land and engages himself personally in cultivation for his maintenance”.

c) Clause (61) shall be omitted.

Amendment in - In the said Ordinance, in Section 7 the following words wherever Section 7 of appearing shall be omitted: —

Ordinance I of 1980,

. oe

“4 Moby!iah”

yi wind Mohallah Committee)” _

Amendmentin 5, In the tid Ordinance Section 8 shall be substituted namely:—
Section 8 of ay

Ordinance II 8. The Government may by notification ;—

of 1980.

(a) declare any area;—

2 (i) not included within a Town, City, Municipality or
Cantonment, to be a Union:

(ii) not included within the Municipality, Cantonment
or City to be Tehsil, and specify the names of Unions
comprised therein;

(iii) not included within a Cantonment and which has
developed urban characteristics, to be a Town or Muni-
pality.

(iv) to be a City for constituting a Corporation;

(b) extend, curtail or otherwise alter the limits of a Local
area and declare that any area shall cease to be a Union,
Tehsil, Town, Municipality, or a City, as the case may be.”

Amendmentin 6, In the said Ordinance in Section 9, the word “Mohallah” shall
Section 9 of be omitted.

Ordinance []

of 1980.

Amendment in : In the said Ordinance, Clause (g) of sub-section (1) of section
Section 10 of 10 shall be omitted.

Ordinance II

of 1980,

Amendment in In the said Ordinance for Section 12, the following shall be
Section 12 of bstituted, namely :—

Ordinance JI

ge Peers “12. Composition o al Councils.

of 1980. .

(1) The composition of District Councils, Union Councils,

Town Committees, Municipal Committees and Municipal Corporation shall be as follows:—

(i)

(ii)

(iii)

District Councils.

(a) Muslim members equal to the number of Union

Councils in the District;

(b) such number of Non-Muslim members as are determined under Section 13;

(c) such number of members belonging to peasants, workers, and women as are determined under Section 15;

and

{d) all elected Chairmen of Tehsil Councils, Municipal *

'Committees, and Town Committees, and in the case of Municipal Corporation an elected member also of that Corporation nominated by the Corporation in a special meeting for that purpose:

Provided that they shall have no right to vote or to stand as candidates in any meeting which is presided over by an officer appointed by the Government — or Authority:

Provided further that all heads of nation building departments at district level shall be ex-officio members who shall have no right to vote. \

Union Councils.

(a) 7 to 15 Muslim members as are determined on the basis of population ranging between 1000 to 1500 with a marginal adjustment of 100 in the lower and upper stage;

{b) such number of Non-Muslim members as are determined under Section 13; and

(c) such number of members belonging to peasants, workers, and women as are determined under Section 15,

Town Committees.

(a) 5 to 13 Muslim members as are determined on the basis of population subject to the limits and marginal

(iv)

(v)

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adjustments as prescribed for the Union Councils:

(b) such number of Non-Muslim members as are determined under Section 13; and

(c) such number of members belonging to workers and women, as are determined under Section 15,

Municipal C Committees.

(a) 9 to 35 Muslim members as are determined on the basis of population subject to limits and marginal adjustments as are prescribed for the Union Councils;

(b) such number of Non-Muslim members as are determined under Section 13; and

(c) such number of members belonging to workers and Women, as are determined under Section 15,

Municipal Corporation,

(a) 40 to 60 Muslim members as are determined on the basis of one member for 1000 population with a marginal adjustment of 1000 in the lower and upper stage:

(b) such number of Non-Muslim members as are determined under Section 13; and

(c) such number of members belonging to workers and women, as are determined under Section 15.

Composition of Tehsil Council. A Tehsil Council shall consist of all elected Chairmen of Union Councils and Town Committees in the Tehsil:

Provided that all heads of nation building departments at sub-divisional level shall be its ex-officio members who shall have no right to vote.

EXPLANATION. Nation Building Departments shall ——— -

(i) Agriculture;

(ii) Civil Defence;

(iii) Communications and Works:

(iv) Cooperatives;

(v) Education;

(vi) Fisheries;

(vu) Food;

(viii) Health;

(ix) Irrigation and Power;

(x) Labour;

(xi) Live Stock:

(xii) Local Government, Rural Development and Agro-villes;

(xiii) Minerals and Industries:

(xiv) — Police;

(xv) Public Health Engineering;

(xvi) Revenue;

(xvii) Social Welfare:

(xviii) such other Departments as the Government may notify”,

Substitution of 9, In the said Ordinance for Section 13 the following shall be

Section 13 of substituted, namely ;—

Ordinance II

of 1980. “13, Representation of Non-Muslims. The number of Non-

Muslim members in a Local Council mentioned in Section 12 shall be such as may be fixed by Government keeping in view the population or number of voters of Non-Muslims in the Local Area:

Provided that the number of seats for Non-Muslims in a local council shall be over and above the number of Muslim Seats and number of members representing special interest groups mentioned in Section 15”.

Substitution of 10. In the said Ordinance for Section 14 the following shall be

Section 14 of substituted, namely :—

Ordinance II

of 1980. “14, Principle of the Electorate. Election for the Muslim and Non-Muslim seats shall be held in the prescribed manner on the principle of separate electorate”.

Substitution of 14. In the said Ordinance for Section 15 the following shall be substituted namely:—

Ordinance II
of 1980.

15. Representation of Peasants, Workers and Women,

(1) A Local Council may have such number of members representing peasants, workers and women from the Local Area as may be determined by the Government through notification in the official gazette,

(2) Nothing contained in sub-section (1) shall prevent the members of the special interests mentioned in the said sub-section from being elected to the general seats in any Local Council from that Local Area.

i (3) Election for the above seats shall be held in the prescribed manner”,

Substitution of 2. In the said Ordinance for Section 17 the following shall be substituted namely:—

Section 17 of — substituted namely: —
Ordinance I “4

of 1980, “(1) Save as otherwise provided, election of members for all

local councils, except Tehsil Councils, shall be held on the basis of adult franchise through secret ballot:

Provided that for election for the seats reserved for special interest groups the electorate shall be as prescribed;

(2) A ward may be multi-member or single member: and in a multi-member ward, the candidates securing the highest number of votes shall be elected and every voter within a ward or for a special interest group, as the case may be, shall have only One vote irrespective of the number of members to be elected from the ward or the special interest group, as the case may be,

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Amendment of [2. In the said Ordinance for Section 20, the following shall be substituted, namely:—

Ordinance I
of 1980.

20. Qualifications of candidates and members. —
Any person shall be qualified to be a candidate for the election of a Local Council if for the time being his name appears on the electoral rolls of the local area -f that Local Council”,

Amendment of — [4, In the said Ordinance for Section 23 the following shall be substituted, namely: —
Ordinance I

of 1980. 23, Election Rules.—
The Government may make rules for election:
(a) on the Muslim and non-Muslim seats:
(b) for seats reserved for special interest groups:
(c) Of chairman of a Council, or other matters -onsequential thereof”,

Amendment of 15. In the said Ordinance for Section 24 the following shall be

Section 24 of ‘substituted, namely :—

Ordinance

of 1980, 24. (1) The terms of office of a Local Council shall be four years: or for such other period as the Government may specify commencing on the day on which it assumes office ; provided that the Government may: —

(a) before the expiry of such term of office, and for the purpose of holding fresh elections dissolve any or all local councils and appoint any person to perform such functions of the local council and its Chairman, as may be specified;

(b) on the expiry of such term of office, extend it for such period and appoint any person to perform such functions of the local council and its Chairman, as may be specified.

(2) Nothing provided in this Ordinance regarding elections to Muslim. and Non-Muslim seats or elections to fill reserved seats shall be deemed to prevent the holding of election of the Mayor or Chairman

hes a focal council if - 48 a result of any order of a Court of competent jurisdiction, any of the seats of the local council remain vacant or an elected member of the Local Council is restrained from participating in the proceedings for the election of the Chairman.”

‘vnatisasse Te In the said Ordinance in Section 25, for clause Section 25 of wing shall be substituted:—

Ordinance II

of 1980, Xi of the legitimate or adopted children; or parents:
Or servants; or relatives as reside with him and are wholly dependent upon such person.”

tb) the follow-

Amendment ne In the said Ordinsnce m Section 26, the word * Chairman”
Section 26 of shall be omitted and after the word’ siiall™ a “comma”™ shall be inserted.
Ordinance II

of 1980, ,

Amendment ot fe In the said Ordinance in Section 27—

Section 27 of (a) for sub-section (1) the following shall be subs’ wie namely.-
Ordinance II °
of 1980.

‘(1) Subject to Section 12, no person shall, at the same time,
be a member of more that one councili or more than one ward
of the same council. ™

(b) after sub-section (2), the following new sub-section shall

yl inserted namely: —

(3) A member who has subscribed to oath in Pursuance of
Section 26 and has also submitted declaration of assets as is required
under Section 25, of a Local Council shall assume office on such date
as may be fixed by the Government or notified by the Authority.”

Substitution of 19, In the said Ordinance for Section 29 the following shall be
Section 29 of — substituted namely; —
Ordinance H

of 1980. “29, Removal of a member (1) The Government may_after
giving him an opportunity of being heard, remove a member
of a Local Council from office in the prescribed manner,
if he— ;

f.

Amendment in pe

Section 35 of
Ordinance II
of 1980.

Amendment in
Section 37 of
Ordinance I
of 1980.

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(a)

(b)

{c)

(d)

(ec)

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(2)

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has incurred any of the disqualifications enumerated
in Sections 71 und 22:

absents himself, without reasonable cause, from
three consecutive meetings of the Local Council:

-

refuses to take oath of office as member;

fails to submit a declaration of assets und liabilities
as required under the Ordinance;

fails to undergo the prescribed training: and
is guilty of misconduct involving bribery, corruption,
misappropriation or misapplication of Local Council

funds or any attempt of such misconduct .

A member of a Loca! Council removed under sub-

section (1) may submit a representation within a penod of
30 days, from the date of the order of removal, to the Govern-
/ ment,

(a)

(b)

?

In the said Ordinance in Section 35.—

in sub-section (2), after the word “of” and before the word “Local Council” the word “a” shall be inserted.

for sub-section (4) the following shall be substituted, namely,—

“There shall be a Secretary for each Local Council who shall be incharge of the administration of such Local Council and shall perform such functions as laid down under the said Ordinance or as may be prescribed.”

a) In clause (a) after the word “cause” a “comma” shall

f

21 “hp the said Ordinance in Section 37,-

be inserted,

il

Jw In clause (d) after the words “emergency” and 4” 4
“comma” shall be inserted respectively and thereafter the
words “that expense of executing such work an may det
shali be omitted,

Re for sub-clause (1) of clause (a) the following shali be sub-
stituted, namely:

(i) Provided that he shall not set under this clause,

in contravention of any order of the Council or

Government”.

(dd) in sub-clause (i) before the word “he shall” the word
“that” shall be inserted.

Amendmentin 22, the said Ordinance in Section 38, —
Section 38 of a) the comma and the words. “as the case may be” shall be

Ordinance I omitted and after the word” Chairman” a “dash” shall be
of 1980. inserted.

)

in clause (a) for the word “the duties” the words “duties
assigned to and “shall be substituted and after the word
“him” and before the word “under™ uw “comma” shall
be inserted,

x in clause (b) after the word “administration” a “comma”
shall be inserted and after the words and comma “under
the Council,” the word “shall” be omitted.

Xe in clause (c) after the word “may” and “nominate” a

“comma” shall be inserted, respectively.

ow in clause (e) of sub-section (1) for the word “to” a ‘comma’

shall be inserted “5 retcag b+

(1) sub-section (5) a “comma™ shall respectively be inserted

‘time’ in the first line:

‘return’ in the first line; and

) ‘Council’ in the fourth line.

Wier the words,-

7 ‘shall’ in the first line;

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Amendment 24. 2 In the said Ordinance in Section 35

Section 34 of
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in sub-section (1) the word "of the meeting" shall be
omitted, and after the word "marten" a "Como" shall
be inserted,

in clause (i) of sub-section (1) for the word "questions"
the word "questions" shall be substituted, .

in clause CD of sub-section (1) for the word "discourses"
the word "courses" shall be inserted,

in clause (n) of sub-section (1) the word "provide for"

shall be omitted,

for Clause (5) the following shall be substituted, namely: -

"(s) arrangements for the recreation or entertainment
at the time of meetings".

in sub-section (2) after the word "and" and "absence"
a "comma" shall be inserted respectively,

for sub-section (5) the following shall be substituted.
namely;

"(5) No member shall be liable to any proceedings in any court

in respect of anything said or any vote given by him in the
meeting of the council or a committee thereof so long as
such action does not.

(a) undermine the ideology, security, integrity or soli-
darity of Pakistan:

(b) seek to create or excite feelings of enmity, ill will,
or hatred between different communities, sects, classes
or sections of the citizens:

(c) contain any indecent, obscene, scurrilous or ironical

expressions or defamatory remarks or intend or seek to defame any person:

(but relate to any matter which is not relevant to or beyond the scope of this Ordinance:

~

(ce) amount to propagation of any political opinion or

x indulgence in any other political activity.

Amendment in ~24, In the said Ordinance in clause (fF) of Section 47, the word

Section 47 of “and” after the word “for” shall be omitted,
Ordinance I

of 1980. x

Amendment in “25. In the said Ordinance, sub-section (4) of Section 40 shall be
Section 50 of omitted,

Ordinance II

of 1980,

Amendment x In the said Ordinance mm sub-section (1) of Section 55. after
Section 55 of the word “Councils” the word “will” shall be inserted, and after the
Ordinance II word “jurisdiction” the word “will” shall be omitted,

of 1980.

Amendment at In the said Ordinance in clause (a) of sub-section (2) of Section
Section 56 of \$6, after the word “balance” the word “of” shall be inserted.

Ordinance I

of 1980.

Amendment mw In the said Ordinance in sub-section (2) of Section 72 after the
Section 72 of words “recover arrears of taxes,” the word “or” shall be inserted
Ordinance

of 1980.

Substitution 29, In the said Ordinance for Section 76 the following shall be
of Section 76 substituted, namely: —

of Ordinance IT
of 1980.

shall allocate a portion of its income to any other local
council”,

Amendment aS * In the said Ordinance in sub-section (2) of Section 77, for the

Section 77 of words “in meeting and subject to rules and bye-laws and regulations” the
Ordinance II words “subject to rules, regulations and bye-laws” shall be substituted,

HK, A Local Council may, and if so directed by the Government ;

Amendment in 3h In the said Ordinance. in Section 80. —
Section 80 of (a) the words ~ Annual Development Plan” wherever appear
Ordinance I ing shall be substituted by the words * Annual! Development
of 1980. Programme”.

ys m clause Gia) of sub-section (4) the words “other than the

Quetta Municipal Committee/Cororation™ shall be or ‘ted.
x in clause (b) of sub-section (4) «be worls “Committee”
sTiull be omitted. (pA cee Oocnntaeg he. Lot Pam s-iped)
(d)° for stlesection (5) the following shall be substituted,:

namely:

, a The formulation. and supervision of the implementation
of the schemes of the nation building departments shall
“vest in ad Mayor or a Chairman or a Local Council as may
he notified, from time to time, by the Government.

Amendment in 32. nth e sad Ordinance in Section 86,

Section 6 of (a) in stth-section (1) before the word “Municipal” the words
Ordinance “District Council or” shall be inserted,

of 1980.

(bin subsection (2), the end the words “or Town” shall be
omitted

Sinendment aA In the sant Ordinance clause (b) of sub-section (1) of Section
Section 48 of 88 shall be substituted by, namely: —

Oraimance I

of 1980. So Two members of the Municipal Corporation or tt ¢ Muni-
cipal Committee or one member of the Town Committee
m whose jurisdiction the Market Committee is situated”,

Amendment of. Ad. In the said Ordinance in sub-section (1) of Section 90 after
Section 90 of the word “within” the word “the” shall be inserted,

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ol 19S0,

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Amendment of \A5, In the said Ordinance in clause tas) of sub-section (2) of

Section 94 of Section 94 after the words and figures“under Section 90” u “semi colon”
Ordinance II shall be added and thereafter the word “and” shall be omitted
of 1980.

Substitution 4 In the said Ordinance Chapter—XVIII shall be substituted by,
of Chapter-XV namely :—

of Ordinance il “Election Offences, Petitions and Penalties.
of 1980. (A) Election Offences and Penalties, |

102. Corrupt Practice, A person shall be guilty of corrupt practice
if he :—

(1) makes or furnishes a false statement:—

(a) concerning the personal character of a candidate or his
relation calculated to adversely affect the election of such
candidate or for the purpose of promoting or procuring
the election of another candidate, unless he proves that he
had reasonable ground for believing, and did believe, the
Statement to be true:

(b) relating to the symbol of a candidate whether or not such
symbol has been allocated to such candidate :
or

(c) regarding the withdrawal of a candidature.

‘.) Calls upon or persuades any person to vote or to refrain from
voting for any candidate on the grounds that he belongs to a
particular religion, COMMUNITY, Caste, sect or tribe.

(3) Knowingly, in order to support or oppose a candidate lets,
lends, employs, hires, borrows or uses any vehicle or vessel
for the purpose of conveying voters to or from the polling
station, except when:

(4) a person conveys himself or any member of the household
to which he belongs to or from the polling station: or

(4)

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(b) a voter conveys himself or several voters convey themselves to or from the polling station,

Causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting. .

Contravenes the provision relating to election expenses.

Punishment, Whoever is found guilty under Section 102 shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees or with both.

Bribery. A person is guilty of bribery, if he directly or indirectly, by himself or by any other person on his behalf;

(1) receives, agrees or contracts for any gratification for voting, or refraining from voting or for being refraining from being a candidate at, or withdrawing from an election;

(2) gives, offers or promises any gratification to any person;

|

(a) for the purpose of inducing;

(i) a person to be or to refrain from being a candidate at an election: or

(it) =a voter to vote, or refrain from voting at an election; or

(ii) ua candidate to withdraw from an election; or

(b) for the purpose of rewarding:

(i) a person for having been or for having refrained from being a candidate at an election. or

(un) a voter for having voted or retramed from voting atan election: or

Git) oa candidate for having withdraw from an election.

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EXPLANATION: — For the purpose under this Section “bribe” includes a gratification in money or equivalent to money and all forms of entertainment or employment for reward.

Punishment, Whoever is found guilty under Section 104 shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees or with both.

Personation, A person is guilty of personation, if he votes, or applies for a ballot paper for voting, as some other person whether that other person is living or dead or fictitious

Punishment. Whoever is found guilty under Section 106 shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees or with both.

Undue influence. A person shall be guilty of undue influence if he

(1) directly or indirectly by himself or by any other person on his behalf. —

(a) makes use of or threatens to make use of any force, violence or restraint so

(6) inflicts or threatens to inflict any injury, damage, harm or loss UPON OF against any person; or

(c) uses official influence or Government patronage in order to induce; or compel that person to vote, or refrain from voting, or on account of that person having voted or refrained from voting, or to induce him not to offer himself as a candidate for election or to withdraw his candidature. or

(d) gives a religious sanction against or in respect of any person, or

(c) calls down divine displeasure or the displeasure of a Saint or ‘pir’,

109.

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Is

(2) by abduction, duress or any fraudulent device or contrivance

(a) impedes or prevents the free exercise of the franchise by voter; or

(b) compels, induces or prevails upon a voter to vote or to refrain from voting.

EXPLANATION,— For the purpose under Section 108, 'harm' includes social ostracism or ex-communication or expulsion from any caste or community,

Punishment. * Whoever is found guilty under Section 108 shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees or with both,

Illegal practice. A person is guilty of illegal practice if he-

(1) obtains or procures: or attempts to obtain or procure, the assistance of any officer or official of the Federal Government, Provincial Government or the Local Authority to further: election of a candidate;

or paper for voting at an election
qualified for voting or is disqualified-

paper for voting at one polling
station for more than once in the

(4) votes or applies for a ballot paper for voting at more than one polling station for the same election or in more than one ward in the course of the same election;

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(5) removes a ballot paper or a ballot box from a polling station or destroys, damages or tampers with a ballot box used at a polling station:

(6) knowingly induces or procures any person to do any of the aforesaid acts: and

(7) fails to provide statement of election expenses as may be prescribed. ,

Punishment, Whoever is found guilty under Section 110

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both,

Prohibition of canvassing in or near polling station. ___ A person is guilty of an offence punishable with fine which may extend to one thousand rupees, if he on the polling day, within a radius of two hundred meters of the polling station —

(1) canvasses for votes:

(2) solicits vote of any voter:

(3) persuades any voter not to vote at the election or for a particular candidate; or

(4) exhibits, except with the permission of the Returning Officer and at a place reserved for the candidate or his polling agent beyond the radius of one hundred meters of the polling station, any notice, sign, banner or flag designed to encourage the voters to vote, or discourage the voters from voting for any contesting candidate.

i.

Dis-orderly conduct near polling station. A person is guilty on an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both, if he—

(1) uses, in such manner as to be audible within the polling station any gramophone, megaphone, loudspeaker or other apparatus

for reproducing or amplifying sounds:

114.

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(2) persistently shouts in such manner as to be audible within the polling station;

(3) does any act which --

(a) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting: or

(b) interferes with the performance of the duty of a presiding officer, polling officer or any other person performing any duty at a polling station:

(4) convenes, holds or attends any public meeting and promotes or joins in any procession within the area of a ward within forty-eight hours before the commencement of the polling: or

(5) abets the doing of any of the aforesaid acts.

'Tampering with papers. A person is guilty of an offence punishable with imprisonment for a term which may extend to six months or with fine which may extend to four thousand rupees or with both, if he—

(a) fraudulently defaces or destroys any nomination paper or ballot paper;

(b) fraudulently takes out of the polling station any ballot paper, puts into any ballot box any ballot paper other than the ballot paper he is authorised under the rules to put in:

(c) without due authority;

i. supplied any ballot paper to any person;

ii destroys, takes, opens, or otherwise interferes with any ballot box or packet or ballot papers in use for the purpose of election; or

iii. breaks any seal affixed to a ballot box or an envelope or a packet in accordance with the provisions of the rules;

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id) forges any ballot paper:

(v) causes any delay or interruption in the beginning, during the conduct or at the time of completion of the procedure required to be immediately carried out on the close of the poll: or

(f) fraudulently or without due authority attempts to do any of the aforesaid acts,

A Returning Officer, Presiding Officer or any other official on duty in connection with the Election, who is guilty of an offence under Section 114. shall be punishable with imprisonment for a term which may extend to two Years, or with fine which may extend to live thousand rupees, or with both.

Interference with the secrecy of votes: A person is guilty

of an offence punishable with imprisonment which may extend

to six months, or with fine which may extend to one thousand rupees, or with both, if he

(1) interferes or attempts to interfere with a voter when he records his vote:

(2) in any manner obtains or attempts to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted: or

(3) communicates at any time any information obtained in & polling station as to the candidate for whom a voter in that station is about to vote or has voted.

Failure to maintain secrecy: A Returning Officer, Presiding Officer or Polling Officer, or any candidate or polling agent attending a polling station or any person attending the counting of votes, is guilty of an offence punishable with imprisonment which may extend to six months, or with fine which may extend to four thousand rupees, or with both. if he--

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(1) fails to maintain or aid in maintaining the secrecy of voting:

(i) communicates, except for any purpose, authorised by any law, to any person before the poll is closed any information as to the name or number on the electoral roll of any voter who has or has not applied for a ballot paper, or has voted at a polling station; and

(3) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given and particular ballot paper,

Officials not to act for or against candidates: A Returning Officer, Presiding Officer, Polling Officer or any other officer or clerk performing a duty in connection with an election, or any member of a levy or a police force, is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to four thousand rupees, or with both, if he, in the conduct or management of an election or maintenance of order at polling station:

(1) persuades any person to give his vote;

(2) dissuades any person from giving his vote,

(5) influences in any manner the voting of any person: or

(4+) does any other act calculated to further or hinder the election of a candidate,

Breaches of official duty in connection with election: A Returning Officer, Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, or any other person employed by any such officer in connection with his official duties imposed by or under the Ordinance, is guilty of an offence punishable with fine which may extend to two thousand rupees, if he, without reasonable cause, does or omits to do any act in breach of any such official duty,

Assistance by Government Servants: A person in the service of Federal Government, Provincial Government or Local Authorities is guilty of an offence punishable with imprisonment for a

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term which may extend to two years or with fine which may extend to five thousand rupees, or with both, at the discretion of the court in any case. Fines may be imposed on any person who obstructs or hinders the election of a candidate,

Certain powers of a Police Officer or a Levies personnel: A police officer or a levies personnel may and if so directed by Presiding Officer, shall arrest without warrant any person

(4) who commits personation under section 106 of an offence under section 113, section 114 or section 114: and

(b) who, being removed from the polling station by the Presiding Officer on account of misconduct or a failure to obey the lawful orders of the Presiding Officer commits any offence at that polling station.

A police officer or a levies personnel may-

(a) remove notice, sign, banner or flag used in contravention of section 112;

(h) seize instrument or apparatus used in contravention of section 113: and

(c) use force as may reasonably be necessary to prevent the contravention of section 113,

Certain Offences cognizable: Offences under sections

104, 106 and 108 shall be cognizable offences.

Prosecution of Offences by Public Officers: No court shall take cognizance of an offence under section 105, section 117, section 118, section 119 and section 120, except upon a complaint in writing made by order of, or under authority from Election Authority.

Enquiries by Election Authority in certain cases, The Election

Authority may, if it has reason to believe that any offence

specified in sections 102, 104, 106, & 108 has been committed,

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eatise such enquiries to be maste of prosecution fo be ietittwe
as it may think fit,

Limitation for prosecution for core or legal practice Ne
Prosecution for an offence under veotonslo2, 104. 106, and 108
or section 119 shall be commences CAE MH

(i) within six months of the commtnssn of the offence:

(bh) if the cleetion ut which the offence was consmitted is
subject to an election petition and an Election Tribunal
has made an order in respect of such offence. within three
months of the date of such order,

Prosecution for offence relating to election expenses> No court
stall Take cognizance of an offence under subsection (6) of
Section 102 or sub-section (7) of Seetion 110, except on a
complaint made in writing by the Returning Officer,

Jurisdiction of Courts Barred. No Court shail question the
lceality of any action taken in Bood faith by or under the auth-
onty of the Election Authority, a Returning Officer, Presiding
Officer or an Assistant Presiding Officer or any decision given
by any of them or by any other officer or authority appointed
under the Ordinance and the rules,

Protection of action taken in good faith. No suit. prosecution
or other legal proceeding shall lie against the Election Authority
or any officer or other person in respect of anything wh. _h
is in good uth done or intended to be done under or in pur-
suanee of the Ordinance or any nile or order made or any dir
ection given there-under.

(B) Election Tribunal,—

Flection: Trbunal :— The Government shall appoint Election
Tribunals having jurisdiction over such area as may be notified.
The Provedure of Election Petitions: Every election petition
shui be tered as nearly as may be in accordance with the prove-

dure applicable under the Code of Civil Procedure! 908 (Act V of 1908) to the trial of suits; provided that ~~

(4) unless it is satisfied that there is # special reason for taking down the evidence of any witness in writing, the Election Tribunal may make # memorandum of the substance of the evidence of each witness as his examination proceeds; and

(>) the Tribunal may refuse to examine a witness if it considers that his evidence is not material or that he is called on frivolous ground or for the purpose of delaying the proceedings.

The Evidence,

(1) The provisions of the Evidence Act, 1872 (t of 1872)

shall apply to the trial of an election petition

(2) Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition only on the ground that it is not duly stamped or tends to incriminate a candidate or that it may expose or tend to expose a candidate to any penalty or forfeiture;

Provided that:

(a) no witness, or other persons shall be required to state for whom he has voted at an election:

(b) @ witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the Election Tribunal: and

(c) an answer given by a witness to a question put by or before the Election Tribunal shall not, except in the case of any criminal proceeding for perjury in respect of his evidence, be admissible in evidence against him in any civil or criminal proceedings. A certificate of indemnity granted to any witness may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under the Pakistan Penal Code or under the rules arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by the Ordinance or any other law for the time being in force.

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133. Certain Powers of Tribunal:

The Election Tribunal shall have the same powers as are vested

by the Code of Civil Procedure 1908, in a Court trying a civil

suit and in particular powers in respect of—

(a) discovery and inspection;

(b) enforcing the attendance of witnesses and requiring the deposit of their expenses;

(c) compelling the production of documents;

(d) granting adjournments;

(e) receiving evidence taken on affidavit;

(f) examining witnesses on oath: and

(g) issuing commissions for the examination of witnesses, and it may summon and examine suo moto any person whose evidence appears to it to be material:

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* ~Amendment in 37. In the said Ordinance in sub-section (2) of Section 129 after

Section 139 of _ the bracket and figure “(1)” a “colon dash” shall be added.

Ordinance II

of 1980. e.4

Deletion of 5 In the said Ordinance, the Third Schedule shall be deleted.

Third Schedule

of Ordinance II

of 1980,

Deletion of

Seventh Schedule

of Ordinance II

of 1980,

In the said Ordinance, the Seventh Schedule shall be deleted.

Amendment in. /40. In the said Ordinance for Section 141 the following shall be

Section [41 of substituted namely :—

Ordinance H

of 1980. 141(1) There shall be Divisional Coordination Committees in every civil division, which shall consist of-

(a) elected Mayor of Municipal Corporation, Chairman of District Councils, Chairman of Municipal Committees and heads of all nation building departments of the Provincial and Federal Governments and Deputy Commissioners Political Agents in the Division

(bh) one representative each of the special interest groups, v1.
peasants, workers and women to be elected in the cresembled iannet,
by the elected members belonging to the respective eroups, mm Various
Local Councils within a Division.

(2) The members of the Provinceial and National Assemblies
elected From the civil division may take part as oFservers in the meetings
of the Divisional Coordination Committee but they shail not be its
members.

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(3) The Chairman of the Bivisional Coordination Committee
shall be the Divisional Commissioner and the Deputy Director, Loyal
Government and Rural Development shall be its ex-officio Secretary;
provided that if the Chairman is unable to preside over any meeting of
Divisional Coordination Committee, the imembers present may clect
\\ front amongst themselves, any member to preside over that meeting”.

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i Amendment in I, In the said Ordinance lor causes Gi) to €) of sub-section (1)
Section l42 of Bf Svetion 142 the following shall be whsttuted naracly

+ Ordinance ,

! of 1980.

{u) Coordination of the activities incueinge the Development Plan
of all Local Councils and ail nation buliding depertrients in the Division;

(b) settlement of disputes amongst Loc Councils in the Division:

{c) levy of surcharge under Section fa, and

! (ad) Approval of the taxes proposed to be bvied by District Councils.
Municipal Corporation or Municipal Commiitices.

| Amendment JA In the said Ordinance in Section i4n, for the words “Subicet
Section 146 Of to the provisions of section [64 of the Ordinan 2” the words “Save
Ordmance l as otherwise provided” shall be substituted,
of 1980.

Amendment in K In the said Ordinance 'for subsection (2) and (3) of Section

Section 152 of 32 the following shall be substituted -

Ordinance H

of 1980, PS 42).\ Mayor or a Chairman or a Local Council may delegate

some of its powers under this Ordinance or rules or byedicts, in the case

of Mayor or Chairman to any member or any of his offices and, in the case of a Local Council to its Mayor or Chairman or member or any of its officers",

Substitution of 4.4, to the said Ordinance. list of taxes and fees shown in Part I and

Part-II and Part III of the Second Schedule the following shall be substituted, of Second namely. -

Schedule of

Ordinance I

of 1980, Part — 1) taxes of Union Councils,

(i) Tax on the import of goods and vehicles for consumption, use or sale.

(j) Tax on the sale of goods.

(3) Taxes for the construction or maintenance of any work of public utility,

eh) Hearth Tax.

(3) Fee on slaughter of animals.

(6) Fee for registration of births of children

7) Fee for registration of marriages. i)

(8) Fee for erection of public utility of public works. j

1% Fee for licence, sale and permits,

(10) Fee for special services,

(th) Rate for the remuneration of village police,

Part IV Taxes of District Councils

) Tax on the transfer of immovable property

(2) Tax on the value added tax. vide one's rate the Kintitw,

(A) Fee for licences. sale and purchase of

(4) Fee at Fairs. agricultural shows and fairs) rate of

(5) Market fee for the markets and fairs of the District Council,

© Rates on service of water supply and sewerage

by the District Councils,

(7) Toll on roads and bridges maintained by the District Councils,

(h) Surcharge on any of the taxes, or any other tax.

Amendment of 45, In the said Ordinance in the Fifth Schedule.—

Fifth Schedule

of Ordinance I w 4 in item 10, of the Compulsory Functions, after the word of 1980, "adequate" the word "and" shall be omitted.

Xe in item 4 (a) of the OPTIONAL FUNCTIONS the words "first" shall be inserted before the word "aid".

4 Item 19 of the D-ANIMAL HUSBANDRY, shall be omitted,

X ne the heading C-FUNCTIONS OF DISTRICT COUNCIL after the words "A District. Council may" the word "and" shall be inserted,

Dated, QUETTA Lt. General Rahim uddin Khan
the 3rd July, 1983, Governor Baluchistan

QAISAR AHMAD HAMIDI
SECRETARY
GOVERNMENT OF BALUCHISTAN
LAW DEPARTMENT

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