

THE BALOCHISTAN LOCAL COUNCILS
(VOTE OF NO-CONFIDENCE AGAINST CHAIRMAN
AND VICE CHAIRMAN)

RULES, 2013

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RULES

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FORM

'THE BALOCHISTAN LOCAL COUNCILS
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RULES, 2013

NOTIFICATION

[18 January, 2013]

No. 5-1/2010(BLCEC)/89-103. In exercise of the powers conferred by Section 141 read with Section 31 of the Balochistan Local Government Act, 2010? (Act No. V of 2010), the Government of Balochistan is pleased to make the following Rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Balochistan Local Councils (Vote of No-confidence against Chairman and Vice Chairman) Rules, 2013.

(2) They shall come into force at once.

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

(a) "Act" means the Balochistan Local Government Act, 2010? (Act No. V of 2010);

(b) "Presiding Officer" means the person presiding the meeting under rule 4; and

(c) "Secretary" means an officer incharge of the administration of the Local Council, as defined in Section 2(1) (ix) of the Act.

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

3. Requisition for convening a meeting for moving a vote of No-confidence.— (1)

Not less than one half of the total number of the members of a Local Council may, by a written requisition signed by them, require to call a special meeting of the Local Council to consider a motion of no-confidence against the Chairman or Vice Chairman or both the Chairman and Vice Chairman of the Local Council.

(2) The notice under sub rule (1) shall be served on.—

(a) the Vice Chairman in case the vote of no confidence is against the Chairman of the Local Council;

(b) the Chairman if the vote of no confidence is against the Vice Chairman; and

(c) the Secretary of the Local Council if the motion of no confidence is against both the Chairman and the Vice Chairman at the same time.

1 These rules have been issued by the Local Government, Rural Development and Agrovilles Department, Government of Balochistan vide its Notification No. 5-1/2010(BLCEC)/89-103, dated 18 January, 2013; and published in the Balochistan Gazette (Extraordinary) No. 15, dated 18" January, 2013.

This Act was passed by the Balochistan Assembly on 10" May, 2010: assented to by the Governor of Balochistan on 11" May, 2010: published in the Balochistan Gazette (Extraordinary) No. 48, dated 13" May, 2010.

(3) On receipt of the requisition, the Chairman, Vice Chairman or the Secretary, as the case may be, shall within seven days of the receipt of such requisition, issue notice for holding the required special meeting so that it is held not later than fifteen days from the date of the receipt of the requisition by him, serving copies on all members of the Local Council, including the Chairman or Vice Chairman or both as the case may be.

(4) If, for any reason, the Chairman, Vice Chairman or the Secretary as the case may be, is not available, or if he is reluctant to call the meeting or if the special meeting under sub-rule (3) is not called within seven days or is not held within fifteen days of the service of such requisition, the members referred to in sub-rule (1) may call upon;

(a) the Commissioner of the Division concerned in the case of Metropolitan Corporation and Municipal Corporation;

(b) the Deputy Commissioner of the District concerned in the case of a District Council and Municipal Committee; and

(c) the Assistant Commissioner concerned in the case of a Union Council and if there is no Assistant Commissioner, the Additional Deputy Commissioner having jurisdiction in the area.

(5) The Commissioner, Deputy Commissioner, Assistant Commissioner or Additional Deputy Commissioner, as the case may be, shall within fifteen days of the date of such call giving seven clear days notice, hold a special meeting of the Local Council for the above purpose.

4. Presiding Officer— (1) If the motion of no confidence is against the Chairman the meeting shall be presided over by the Vice Chairman of the local council concerned, and if the motion is against the Vice Chairman it shall be presided over by the Chairman, and if the motion is against both the Chairman and Vice Chairman the meeting shall be presided over by any Presiding Officer elected by the council in its first meeting in pursuance of sub section 7 of Section 64 of the Act, or any other member chosen by the council.

5. Motion for No-confidence.— (1) At the meeting called under rule 3, any member who had signed the requisition referred to in sub-rule (1) of rule 3, may move a motion of No-confidence against the Chairman or Vice Chairman as the case may be.

(2) If the motion is seconded by any other member, it shall be open to consideration by the members and any member may speak for or against the motion.

(3) No member shall speak on the motion more than once. The Presiding Officer may limit the period for which a member may speak on such a motion.

(4) The Chairman or the Vice Chairman, as the case may be, shall,—

(a) if present at the meeting, have the right to offer personal explanation, if any;

(b) if he, for any reason, does not attend, or is unable to attend the meeting, he

may send a written explanation which shall be read out at the meeting before the vote is taken on the motion.

(5) The meeting and the proceedings thereof shall not be deemed to be invalid on the ground that the Chairman or Vice Chairman is not personally present at the meeting or has not sent a

written explanation if he, despite due notice, fails to attend the meeting or send the explanation.

6. Procedure of voting.— (1) When, in the opinion of the Presiding Officer, the motion of no-confidence has been sufficiently discussed, he shall call upon the members of the Local Council present at the meeting to cast their votes for or against the motion.

(2) The Presiding Officer or the Secretary of the Local Council concerned shall provide a ballot box which shall, before the votes are cast, be shown empty to the members present at the meeting and thereafter securely sealed and locked, and placed in a separate enclosure.

(3) The Presiding Officer shall give instructions, not inconsistent with these rules, about the manner of voting and marking of the ballot paper in the Form annexed to these rules.

(4) The Presiding Officer shall issue to every member of the Local Council present at the meeting a ballot paper in the Form annexed to these rules, after stamping the official mark thereon and obtaining the signature or the thumb impression of such member on the counterfoil of the ballot paper, in token of his having received the ballot paper.

(5) Every member shall, after taking the ballot paper, proceed to the enclosure where the ballot box is kept, mark a cross in the appropriate column of the ballot paper indicating whether he supports or opposes the motion for No-confidence, and thereafter drop the ballot in the ballot box.

(6) If a member cannot read or write, he may request the Presiding Officer to assist him in the marking of the ballot paper.

(7) If the member has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper, he may apply to the Presiding Officer for the replacement of the spoilt ballot paper, and the Presiding Officer, if satisfied of such inadvertence, may issue another ballot paper.

(8) The spoilt paper shall be cancelled under the signatures of the Presiding Officer and shall be put in a separate envelope, to be duly sealed later.

7. Declaration of result.— qd) When all the members of the Local Council, present at the meeting, who wish to cast their vote, have so cast their vote, the Presiding Officer shall open the ballot box in presence of the members who are present at that time, and count the number of votes for and against the motion for no-confidence.

(2) A ballot paper which does not bear the official mark shall be rejected.

(3) If the Presiding Officer is unable to determine with respect to any ballot paper whether it supports the motion for no-confidence or opposes, its, he shall reject such vote.

(4) If the number of valid votes supporting the motion for no-confidence is not less than two third of the total number of members constituting the Local Council concerned, the Presiding Officer shall declare that the motion has been passed. If the motion is not supported by the requisite majority of votes, it shall be declared to have failed.

(5) A declaration made by the Presiding Officer under sub-rule (4) shall be final.

(6) A copy of the declaration shall be sent to the Secretary to the Government of Balochistan Local Government Department, Commissioner and Deputy Commissioner concerned for information and to the Provincial Election Commissioner Balochistan/Election Commission for publication in the official Gazette in pursuance of Section 36 of the Act.

8. Vacation of office— (1) A Chairman or a Vice Chairman against whom a vote of no-confidence is declared to have been passed under sub-rule (4) of rule 7, the seat shall become vacant

forthwith and the Election Commission shall issue a notification in pursuance of Section 36 of the Act.

(2) Where a motion referred in sub-rule (1) fails, the proposer and seconder shall forthwith cease to be the members of the council and the Election Commission shall issue notification accordingly.

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(3) No motion for vote of no-confidence against Chairman or Vice Chairman shall be repeated before the expiry of six months.

BY ORDER OF
GOVERNOR BALOCHISTAN

SECRETARY
LOCAL GOVERNMENT DEPARTMENT

(See Form on next page)

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Ballot paper
(for vote of no confidence)

Sr. No.

Name of Local Council

FORM

[See rule 6 (4)]

Ballot paper
(for vote of no confidence)

NAME OF THE LOCAL COUNCIL

Signature/Left thumb
Impression of the Member
receiving the Ballot Paper

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MOTION OF NO-CONFIDENCE IS SUPPORTED

MOTION OF NO-CONFIDENCE IS OPPOSED.

Initial and Stamp of
the Presiding Officer

(Place for marking
Cross (X))

(Place for marking
Cross (X))