



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 30TH OCTOBER, 2014.

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

NOTIFICATION

Peshawar, dated the 30th October 2014.

No. PDA/LGE&RDD/5-11/Elec.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 the Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Local Councils (Conduct of Elections) Rules, 2014, the following amendments shall be made, namely:

AMENDMENTS

1. In rule 2, in sub-rule (1),
 - (i) after clause (iv), a new clause (iv-a) shall be inserted, namely:“(iv-a) “biometrics” means the measurement and analysis of unique physical characteristics such as fingerprints for verifying and authenticating the personal identity of a voter;” and
 - (ii) in clause (xi), for the figure “84”, the figure “77” shall be substituted.”.
2. In rule 9, in sub-rule (2), for the word “Commissioner”, the word “Commission” shall be substituted.
3. In rule 12,
 - (i) in sub-rule (1), for the words “the District Returning Officer” the words “to the Returning Officer” shall be substituted;
 - (ii) sub-rule (2) shall be deleted; and
 - (iii) the existing sub-rules (3) and (4) shall be re-numbered as sub-rules (2) and (3) of rule 12.

4. In rule 14, for sub-rule (10), the following shall be substituted, namely:

"(10) The nomination form, accompanying declarations, including declaration of assets, and statements shall be open to inspection by public, copies thereof, may be made available by the Returning Officer on payment of rupees ten per page in the shape of court fee stamp in the manner as may be prescribed."

In rule 15, in sub-rule (1), for the figure "38700", the figure "3870" shall be substituted.

In rule 16, in sub-rule (6), for the words "District Returning Officer" wherever occurring, the words "Appellate Authority" under sub-rule (5) shall be substituted.

In rule 18, in sub-rule (4), after the word "candidates", the words "in Form-IX" shall be inserted.

In rule 21, in sub-rule (1),

(i) in the third and fifth line after the words "to be elected for", the words "a category of seats" shall be inserted; and

(ii) after the words "concerned Local Council", the brackets and words on "(Form IX-A)" shall be inserted."

For rule 22, the following shall be substituted, namely:

"22. Contested election and allocation of symbols.—(1) Each contesting candidate to a general seat in Tehsil Council, Town Council or, as the case may be, District Council, before seeking the allotment of symbol, shall file a declaration before the Returning Officer about his party affiliation, if any, along with a certificate from the political party showing that he is party candidate from that ward.

(2) If there are more contesting candidates than the number of seats in respect of any category of seats in a Village Council or Neighbourhood Council, or in any ward of Tehsil Council, Town Council or, as the case may be, District Council, the respective Returning Officer, shall—

(a) allocate, subject to any direction of the Commission, one of the symbols contained in Schedule-I to each contesting candidate, and in so doing shall, so far as possible have regard for any preference indicated by the candidate.

Provided that in case it comes into the notice of a Returning Officer that the number of contesting candidates has exceeded the number of prescribed symbols in a particular category of seats in a Village Council, Neighbourhood Council, or in any ward of Tehsil Council, Town Council or, as the case may be, District Council, the election symbols already available in the rules for that category may be allowed in double shape of that symbol i.e. two bottles, two hats, etc., by the Returning Officer."

- (b) publish the names of contesting candidates arranged in the Urdu alphabetical order specifying against each the symbol allotted to him; and
- (c) give public notice of the poll;

Provided that the symbols allotted to the political parties under the Allocation of Symbols Order, 2002, shall not be allotted to candidates contesting election to Village Councils or the Neighbourhood Councils, as the case may be, or to independent candidates contesting election to Tehsil Council, Town Council or District Council.

- (3) The Returning Officer shall arrange to exhibit prominently at each polling station the name and symbol of each contesting candidate.
- 10. In rule 26, after the word "decided", the words "by the Commission" shall be added.
- 11. In rule 30, in sub-rule (5), in clause (b), after the words "signature thereon", the words "in Form X-A" shall be added.
- 12. In rule 31, the words and commas "Provincial Election Commissioner, District Returning Officer or Returning Officer" may be deleted.
- 13. In rule 33, in sub-rule (1),
 - (i) after the words "satisfying himself", the words and comma "by using biometrics machine specified and provided by the Commission;" shall be inserted; and
 - (ii) the full stop appearing at the end of proviso shall be replaced by a colon and thereafter, the following new proviso shall be added, namely:

Provided further that where biometrics machines are not provided at the polling station, the Presiding Officer shall satisfy himself regarding identity of the voter by employing normal procedure of identification.
- 14. In rule 39, in sub-rule (6), in clause (b), the words "or the District Returning Officer" shall be deleted.
- 15. For rule 42, the following shall be substituted, namely:

“42. Election to reserved seats.—(1) Elections to the reserved seats for women, peasants and workers, non-Muslims and youth in the tehsil, town and district councils, shall be held on the basis of proportional representation system of political parties' lists of candidates in accordance with the provisions of these rules and the Act.

(2) For the purpose of election to seats reserved for women, peasants and workers, non-Muslims and youth in the tehsil, town and district councils, the political parties contesting election for such seats shall, within the period fixed by the Commission for submission of nomination papers, file separate lists of their candidates in order of priority for seats reserved for women, peasants and workers, non-Muslims and youth with the Returning Officer, who shall forthwith publish the lists for information of the public at large.

(3) The political parties' lists referred to in sub-rule (2) may contain as many names of additional candidates as a political party may deem necessary for contesting seats reserved for women, peasants and workers, non-Muslims and youth to provide for any disqualification of candidates during scrutiny of nomination papers or for filling of any vacant seat during the term of the respective local council.

(4) Where a seat reserved for women, peasants and workers, non-Muslims and youth in a district, tehsil or town council falls vacant for death, resignation or disqualification of a member, it shall be filled in by the next person in order of precedence from the political party's list of the candidates submitted to the Returning Officer under sub-rule (2).

(5) Every candidate contesting election on a seat reserved for women, peasants and workers, non-Muslims and youth shall, alongwith nomination papers and other relevant documents, submit to the Returning Officer appointed by the Commission in this behalf-

- (a) a copy of the party list of the candidate's political party for such seats;
- (b) declarations and statements as required by the Act or these rules in support of the nomination; and
- (c) the fee required under these rules for filing nomination papers.

(6) The Commission shall, by notification in the official Gazette declare the total number of reserved seats won by each political party in the tehsil, town and district councils respectively.

(7) The per centum share of each political party shall be worked out with reference to total number of general seats in the tehsil councils, town councils or as the case may be the respective district councils.

(8) In calculating the number of seats, the highest fraction shall be taken as one seat till the allocation for total reserved seats in the concerned Council is completed.

(9) The seats reserved for women, peasants and workers, non-Muslims and youth shall be divided among the political parties on the basis of their per centum share as worked out in sub-rule (7) and in

(10) The list submitted by a political party shall not be subject to change or alteration either in the order of priority or through addition or subtraction of new names after expiry of the date of submission of nomination papers.

(11) The Returning Officer shall calculate the total number of seats won by each political party separately in the tehsil, town and district councils in the manner specified in sub-rule 9 and shall then ascertain the proportion of each political party of the seats reserved for women, peasants and workers, non-Muslims and youth.

(12) On the basis of the calculations done under sub-rule (11), the Returning Officer shall ascertain the number of seats to which each political party is entitled.

(13) The Returning Officer shall then declare elected to the respective tehsil councils, town councils or, as the case may be, district councils such number of candidates belonging to each political party, in order of priority in which their names appear in the lists provided by a political party as is equal to the number of seats to which that party is entitled under sub-rule (12).⁷

16. In Forms-III(A), III(B), III(C), III(D), III(E), III(F), III(G) and Form-IV, under the Heading "DECLARATION AND OATH BY THE PERSONS NOMINATED" after serial No. 4, the following shall be inserted, namely

4(a). My Educational Qualification is _____

4(b). My present occupation is _____

4(c). My National Tax No. (if any) is _____

17. For Form VI, the following shall be substituted, namely:

"FORM VI
[See rule 15]
NOMINATION FEE RECEIPT

COUNTERFOIL	RECEIPT
Sr. No. _____	Sr. No. _____
Name of Council _____	Received a sum of Rs. _____
Name of District _____	(Rupees) _____ in cash from
Category of Seat _____	Mr _____ a candidate for
Amount Received _____	election of _____ in
Date: _____	(Category of seat) (Name of Council and District) and entered in the Deposit Register at Sr No _____
Signature of the Returning Officer	Date: _____
	Signature and seal of the Returning Officer
General Seats in:	Village/ Neighbourhood Council _____
Seats Reserved for:	
Women Non-Muslims Peasants & Workers Youth	in Village Council/ Neighbourhood Council _____
General Seats in:	Tehsil/Town/District Council _____
Seats Reserved for:	
Women Non-Muslims Peasants & Workers Youth	in Tehsil/ Town/ District Council _____

18. In Form IX, after the words and blank "Village Council/Neighbourhood Council/Ward No. _____, the words and blank "Category of seat _____" shall be inserted.

19. After Form IX, the following new Form IX-A shall be inserted, namely:

"FORM IX-A
(See rule 21 (1))

RETURN OF UNCONTESTED ELECTION

Election to the _____ Name of Ward _____
(Name of Council)

Category of Seat - Name of District -

In pursuance of sub-rule (1) of rule 21.I _____
Returning Officer declare that *after scrutiny of nomination papers or withdrawal
following candidate(s)have returned un-contested from council/ward against the
category of seat mentioned above

Signature of Returning Officer

20 in Form X, after the words and blank "Serial No of elector in electoral rolls _____", wherever occurring, the words and blank "NIC No. _____" shall be inserted.

21. After Form X, the following new Form shall be inserted, namely.

"FORM X-A
(See rule 30 (5)(b))

Name of Council _____

Number and Name of Polling station _____

Polling date _____

Verified that translucent ballot box(s) has been shown empty and has been sealed in my presence before the commencement of poll:-

S.No.	Name of Contesting Candidate/Election Agent/Polling Agent	Signatures
1
2
3
4
5
6
7
8

22. In Forms XI, XII and XIII, after and words and blank "Polling Station _____", the words and blank "Category of Seat _____" shall be inserted.

23. For Form XXVIII, the following shall be substituted, namely:

"FORM-XXVIII
[See rule 41]

RESULT OF THE COUNT

Election to the _____
seat _____

Village/Neighbourhood Council _____
Tehsil/Town Council _____

District Council _____

Ward _____

Category of

From _____ District _____
(Name of Council)

S.No.	Names of the Contesting Candidates	Number of Valid Votes Polled
1.		
2.		
3.		
4.		
etc.		

Total number of valid votes polled _____

Total number of rejected votes _____

Total number of tendered votes _____

I declare that following candidates have duly been elected.

S.No.	Name	Name of Father/Husband	Address
1.			
2.			
3.			

Date _____

Place _____

RETURNING OFFICER"

24. In Form XXX,-

- (i) after the words and blank "Name of Council _____, the words and blank "Name of District _____" shall be inserted; and
- (ii) the following words, expressions and blank, appearing at the end shall be deleted, namely:

Seats Reserved for:

Women	}	Tehsil/Town/District Council	_____
Non-Muslims			
Peasants & Workers			
Youth			

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