



## KHYBER PAKHTUNKHWA

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

### NOTIFICATION

*Peshawar, dated the 30<sup>th</sup> 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.

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 allocated 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, along with 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)."

15. 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
	(Category of seat)
	(Name of Council and District)
	and entered in the Deposit Register at Sr No. _____
Date: _____	Date: _____
Signature of the Returning Officer	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:

S.No. 1	Name 2	Name of Father/Husband 3	Address 4

Place \_\_\_\_\_ Signature of Returning Officer \_\_\_\_\_  
Date \_\_\_\_\_

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 { Village/Neighbourhood Council \_\_\_\_\_  
Tehsil/Town Council \_\_\_\_\_ } Ward \_\_\_\_\_  
District Council \_\_\_\_\_ } Category of \_\_\_\_\_  
seat \_\_\_\_\_  
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  
Non-Muslims  
Peasants & Workers  
Youth

Tehsil/Town/District Council \_\_\_\_\_

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