# **NOTIFICATION**

*Peshawar, dated the .2021.*

No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.-The following draft amendments in the Rules which the Government of the Khyber Pakhtunkhwa 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, is pleased to make in the Khyber Pakhtunkhwa Local Councils (Conduct of Elections) Rules, 2021, is hereby published for information of persons likely to be affected thereby, and notice is hereby given that the proposed amendments Rules together with any objection and suggestion with respect thereto, which may be received by Secretary to Government, Local Government, Elections and Rural Development Department, within a period of 07 days, from the date of publication of this Notification in the official Gazette, shall be taken into consideration after expiry of the said period.

**AMENDMENTS**

1. In the Khyber Pakhtunkhwa Local Councils (Conduct of Elections) Rules 2021 published at pages 1577 to 1662 of the Extraordinary issue of the Government Gazette dated 7th April 2021, after chapter VII, a new Chapter VII-A shall be added Namely:-

**CHAPTER VII-A**

**ELECTION OF CHAIRMAN VILLAGE OR NEIGHBOURHOOD COUNCIL**

77A. **Procedure for election**:.---(1) If the required number of general members of village council or neighbourhood council have been elected unopposed, the returning Officer shall proceed for the election of chairman of village council or neighbourhood council shall be conducted in the following manner.

**Nomination:**

1. The Returning Officer, as may be appointed by the Election Commission of Pakistan, shall call meeting of such Village or Neighbourhood Council and informed all the returned candidates of the Village or Neighbourhood Council, notified by the Election Commission of Pakistan, clearly intimating the date, place and time of the meeting;
2. Any member may propose or second the name of any member from the General Category who, in his opinion, commands the confidence of the majority of the members of the Village or Neighbourhood Council;
3. Every proposal shall be made by a separate nomination paper in Form XXVI;
4. Every nomination paper shall be delivered by the candidate or his proposer or seconder to the Returning Officer by 1300 hours, on the day fixed for the meeting.

**Scrutiny:**

The Returning Officer shall, in the presence of the candidates or their proposers or seconders who may wish to be present, scrutinize the nomination papers;

**Withdrawal:**

A candidate may withdraw his candidature at any time before the election takes place.

**Membership:**

Total membership of the Council shall be six (6) in case of non-availability of Minority Member or seven (07) in case of availability of Minority Member;

**Election:** By open division:

1. If there remains only one contesting candidate after scrutiny of Nomination Papers, and he secures the support of the majority of the members of the Village or Neighbourhood Council, the Returning Officer shall declare him to be the Chairman of the council.
2. If there are two or more contesting candidates, the candidate who secures the support of the majority of the members shall be the Chairman of the council.
3. If two or more candidates are supported by an equal number of members, the Returning Officer shall draw a lot in respect of such candidates and the candidate on whom the lot falls shall be the Chairman of the council.
4. The lot shall be drawn in the presence of such contesting candidates and there election agents as may be present.
5. The Returning Officer shall keep record of the proceedings in writing, and obtain there on the signatures of such candidates and election agents, as have been witness to the proceedings, and if any such person refuses to sign, such fact shall be recorded.

**Oath of Office:**

The Returning Officer shall administer oath to the Chairman of the Village or Neighbourhood Council.

**Note: All the above activities will be completed on the same day fixed for election.**

 **Secretary to**

**Government of the Khyber Pakhtunkhwa**

 **Local Government Election and Rural**

 **Development Department**