

A
BILL

*further to amend the Khyber Pakhtunkhwa
Local Government Act, 2013.*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), for the purposes hereinafter appearing;

It is hereby enacted by the Provincial Assembly of the Khyber Pakhtunkhwa as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Local Government (Third Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 2 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), hereinafter referred to as the said Act, in section 2, in clause (v-i), for the words, figures and comma "measuring not less than one hundred and sixty (160) kanals," the words "in different categories as prescribed in rules" shall be substituted.

3. Amendment of section 79 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, in section 79, after sub-section (1), the following new sub-sections shall respectively be inserted, namely:

“(1A) Notwithstanding anything contained in sub-section (1), if Government decides that the elections shall be held separately for village council and neighbourhood council and for the Chairman, Tehsil Local Government, it may request the Election Commission of Pakistan to hold elections in two phases and the Election Commission of Pakistan shall hold the elections accordingly.

(1B) If the elections of village council and neighbourhood council are held in the first instance, under sub-section (1A), then the Tehsil Council shall be constituted whenever elections are held for Chairman, Tehsil Local Government:

Provided that the tenure of such Chairman, Tehsil Local Government shall be four years irrespective of the fact that the members of the Tehsil Council have already completed their tenure of four years in capacity of members of their respective village council or neighbourhood council.”.

4. Amendment of section 81 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, in section 81, in sub-section (1), in the proviso, the full-stop, appearing at the end, shall be replaced by a colon and thereafter the following new proviso shall be added, namely:

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“Provided further that if, at any time, the office of a Chairman, Tehsil Local Government falls vacant by reason of completion of his tenure, under section 79 of this Act, or by reason of his death, resignation or removal or due to any other reason, the concerned Tehsil Council does not exist to elect an officiating Chairman, Government shall appoint an officer to perform the functions of the Chairman, Tehsil Local Government till the election of new Chairman and establishment of a new local government system in accordance with this sub-section.”.

STATEMENT OF OBJECTS AND REASONS

It is desirable to amend the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No.XXVIII of 2013), for the purposes to prioritize the housing sector by promoting low cost housing schemes and staggered local government elections. Hence, this Bill.

Peshawar,
dated the
.2021.



MINISTER-IN-CHARGE.
Minister for LG & RD
and Law PA & HR
Khyber Pakhtunkhwa