



KHYBER PAKHTUNKHWA

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PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 24th August, 2015.

No. PA/Khyber Pakhtunkhwa/Bills/2015/3423.—The Khyber Pakhtunkhwa Local Government (Third Amendment) Bill, 2015 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 17th August, 2015 and assented to by the Governor of the Khyber Pakhtunkhwa on 21st August, 2015 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA LOCAL GOVERNMENT
(THIRD AMENDMENT) ACT, 2015

(KHYBER PAKHTUNKHWA ACT NO. XXIX OF 2015)

*(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,
(Extraordinary), dated the 24th August, 2015).*

AN
ACT

*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 as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Local Government (Third Amendment) Act, 2015.

(2) It shall come into force at once.

2. **Insertion of new section 78A to 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, after section 78, the following new section shall be inserted, namely:

"78A. Disqualification on grounds of defection.---- (1) If a member of a party composed of a single political party in a Council-

- (a) resigns from membership of his political party or joins another party in a Council; or
- (b) votes or abstains from voting in a Council contrary to any direction issued by the political party to which he is a member, in the Council, in relation to-
 - (i) election of the Nazim or Naib Nazim in a Council; or
 - (ii) a vote of confidence or a vote of no-confidence ; or
 - (iii) approval of annual budget,-

he may be declared in writing by the Party Head to have defected from the political party, and the Party Head may forward a copy of the declaration to the Presiding Officer of the concerned Council and the Chief Election Commissioner and shall similarly forward a copy thereof to the member concerned:

Provided that before making the declaration, the Party Head shall provide such member with an opportunity to show cause as to why such declaration may not be made against him.

Explanation: For the purpose of this section,-

- (i) "Council" means the Town Council, Tehsil Council or the District Council, as the case may be;
- (ii) "Party Head" means any person, by whatever name called or declared as such by the Party and includes the nominee of the Party Head ; and
- (iii) "Presiding Officer" means the Naib Nazim of the concerned Council.

(2) A member of a Council shall be deemed to be a member of a political party if he, having been elected as a candidate or nominee of a political party which constitutes the party in the concerned Council or has become a member of such political party as per provision of clause (a) of sub-section (7) of section 74 of this Act.

(3) Upon receipt of the declaration under sub-section (1), the concerned Presiding Officer, shall within two days refer, and in case he fails to do so it shall be deemed that he has referred, the declaration to the Chief Election Commissioner, who shall lay the declaration before the Election Commission for its decision thereon confirming the declaration or otherwise within thirty days of its receipt by the Chief Election Commissioner.

(4) Where the Election Commission confirms the declaration, the member referred to in sub-section (1) shall cease to be a member of the concerned Council and his seat shall become vacant.

(5) Any party aggrieved by the decision of the Election Commission may, within thirty days, prefer an appeal to the High Court which shall decide the matter within sixty days from the date of the filing of the appeal.

(6) Nothing contained in this section shall apply to the Nazim or Naib Nazim of the Council."

3. Insertion of new section 115A to the Khyber Pakhtunkhwa Act No. XXVIII of 2013.----- In the said Act, after section 123, the following new section shall be inserted namely:

"115A. Outsourcing of functions.--- Government may, by notification, exclude any of the functions assigned to the City District Government, District Government, Tehsil Municipal Administration or Town Municipal Administration, as the case may be, and outsource these functions to any authority, firm or company on such terms and conditions as it may determine in accordance with the existing laws or rules in force in the Province."

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

**(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa**