

# THE SINDH GOVERNMENT GAZETTE

Published by Authority

KARACHI TUESDAY JUNE 22 2004

PART I

GOVERNMENT OF SINDH  
LOCAL GOVERNMENT DEPARTMENT

NOTIFICATION  
Karachi the 18<sup>th</sup> June, 2004

No. PS/ACS-LGKA&SDD/2004: In exercise of the powers conferred upon him under Section 191 of the Sindh Local Government Ordinance 2001, the Government of Sindh is pleased to make the following Sindh Local Government (Election Authority) Rules, 2004.

1. (1) These rules may be called the Sindh Local Government (Election Authority) Rules, 2004. Short title and commencement.

(2) They shall come into force at once.

2. (1) In these rules unless there is anything repugnant in the subject or context – Definitions.

(a) "Authority" means the Election Authority nominated under rule 3;

(b) "Chairman" means the Chairman of the Authority;

(c) "Election Rules" means the Sindh Local Government Election Rules, 2000;

(d) "Member" means the member of the Authority;

(e) "Ordinance" means the Sindh Local Government Ordinance, 2001.

(f) "Section" means section of the Ordinance.

(2) The words or expressions used herein but not defined in these rules shall have the same meanings as are assigned to them in the Ordinance.

3. (1) For the purpose of the Ordinance, the Government shall nominate an Authority consisting of Chairman and such number of members as Government may determine. Nomination of Election Authority.
- (2) The Authority shall have a Secretariat manned by the officers and staff regulated by the Authority in accordance with the Sindh Civil Servants Act and rules made thereunder.
4. (1) The Chairman and members shall be appointed by the Government. Appointment of Chairman and members.
- (2) The term of office of the Chairman and Members shall be four years; provided that the Chairman or member may be reappointed for another term not exceeding three years.
5. The terms and conditions of service of the Chairman and Members shall be such as may be determined by Government. Terms and conditions of service of Chairman and members.
6. The Authority shall exercise the powers and perform the functions assigned to it under the Ordinance and these rules. Powers and functions of Authority.
7. The Election Authority may issue such instructions and exercise such powers including the power to review an order passed by it or any officer under its authority and make such consequential orders as may, in its opinion, be necessary for ensuring that the voting on recall motion is conducted justly and fairly and in accordance with the provisions of the Ordinance and these rules and shall subject to the Ordinance and these rules regulate its own procedure. Election Authority to ensure fair conduct of recall motion.
8. It shall be the duty of all executive authorities in the Province and all local authorities under the administrative control of the Government to assist the Election Authority in the performance of its functions under the Ordinance. Assistance to Election Authority.
9. (1) Where a motion for recall of Zila Nazim under sub-section (1) of section 24 or as the case may be Naib Zila Nazim under sub section (1) of section 47 is approved, the result of recall motion alongwith the copies of the record of the proceedings shall immediately be sent to the Authority by the Naib Zila Nazim in the case of Nazim and the senior most presiding officer nominated under sub-section (1) of section 47 in the case of Naib Zila Nazim for taking action under sub-sections (4) and (5) of the said section. Motion for internal recall of Zila Nazim and Naib Nazim.
10. Where a motion for external recall of Taluka Nazim under sub-section (1) of section 62 is received, the Naib Zila Nazim shall summon a session of the Zila Council not earlier than three days but not later than seven days if the Zila Council is not in session. Motion for external recall of Talluka Nazim.

(2) Where the Zila Council is already in session, the motion shall be taken up for deliberations on the next days from its receipt by the Naib Zila Nazim.

(3) Where the motion referred to in sub-rule (1) is approved under sub-section (2) of section 62, the result of recall motion alongwith the copies of the record of the proceedings shall immediately be sent to the Authority by the Naib Zila Nazim for taking action.

(4) If the motion is approved under sub-section (3) of section 62, the Authority shall convey the result of the motion to the District Government to notify the same under sub-section (4) of the said section.

11. The provisions of rule 10 shall mutatis mutandis apply to external recall of the Town Nazim. **Motion for external recall for Town Nazim.**

12. Where a motion for recall of the Taluka Nazim under sub-section (1) of section 63 is approved, the result of recall motion alongwith the copies of the record of the proceedings shall immediately be sent to the Authority for taking action under sub-sections (4) and (5) of the said section. **Motion for internal recall of Taluka Nazims.**

13. The provisions of rule 10 shall mutatis mutandis apply to internal recall of the Town Nazim. **Motion for internal recall of Taluka Naib Nazim.**

14. Where a motion for recall of Naib Taluka Nazim under sub-section (1) of section 72 is approved, the result of recall motion alongwith the copies of the record of the proceedings shall immediately be sent to the Authority for taking action under sub-sections (4) and (5) of the said section. **Motion for recall of Taluka Naib Nazim.**

15. The provisions of rule-14 shall mutatis mutandis apply to the Naib Town Nazim. **Motion for internal recall of Naib Town Nazim.**

16. Where a motion for external recall of Union Nazim under sub-section (1) of section 84 is received, the Naib Zila Nazim shall summon a session of the Zila Council not earlier than three days but not later than seven days if the Zila Council is not in session. **Motion for external recall of Union Nazim.**

(2) Where the Zila Council is already in session, the motion shall be taken up for deliberations in the next day from its receipt by the Zila Nazim.

(3) Where the motion is approved under sub-section (2) of section 84, the result of the motion alongwith the copies of the record of the proceedings shall immediately be sent to the Authority by the Naib Union Nazim for taking action under the said sub-section.

17. (1) Where a motion for recall of Union Nazim under sub-section (1) of section 85 is approved, result of recall motion alongwith the copies of the record of the proceedings shall immediately be sent to the Authority for taking further action under sub-sections (4) and (5) of the said section.

Motion for internal recall of Union Nazim.

(2) If the motion is approved under sub-section (4) of section 85, the Authority shall convey the result of the motion to the District Government to notify it under sub-section (6) of the said section.

18. Where a motion for recall of Union Naib Nazim is approved under sub-section (4) of section 92, the result of recall motion shall immediately be sent to the Authority to forward it to the District Government to notify it under sub-section (6) of the said section.

Motion for recall of Naib Union Nazim.

19. (1) When the motion for recall of Nazim or Naib Nazim of a council has been approved under sub-section (4) sections 24, 47, 63, 72 and 84, sub-section (2) of sections 62 and 84, the Election Authority may restrain the Nazim or Naib Nazim from performing his functions till the declaration of result of the votes to be cast by the members of the respective councils to ensure free and fair exercise of right of vote by the members.

Power of Election Authority to pass restraining order.

(2) Where the Election Authority restrains a Nazim or Naib Nazim from performing his functions under sub-rule (1), the Government may nominate any officer to perform his functions during he said period.

20. (1) On receipt of intimation of approval of recall motion against Nazim or Naib Nazim in a council the election Authority shall make necessary arrangements and issue instructions for causing a vote to be cast in accordance with the provisions of the Ordinance through a secret ballot in such manner and on such date, time and place as may be specified by it.

Commencement of the proceedings of recall motion.

(2) For causing a vote to be cast under sub-rule (1), the Chairman may nominate a Presiding Officer and as many polling personnel as may be necessary.

(3) The Election Authority may at any time before the specified date, change the date, time and place of voting and issue a revised programme under sub-rule (1).

21. The provisions relating to admission to polling station, maintenance of order at the polling station, voting procedure, tendered ballot paper, challenge of elector's split ballot paper and voting after close of poll as mentioned in the Election Rules, shall be applicable to the proceedings of recall motions with such modifications as may be specified by the election Authority.

Applicability of the Sindh Local Government Election Rules, 2000.

Explanation: For the purpose of this rule, the word “elector” appearing in the Election Rules shall mean the “voter” taking part in the recall motions and the words “in favour of contesting candidate” shall mean “in favour of the recall motion”.

22. (1) Subject to these rules the instructions of the Election Authority, the Presiding Officer shall follow the procedure laid down for conduct of poll in the Election Rules as far as it may be applicable to the proceedings under these rules. Procedure to be adopted by the Presiding officer.

23. (1) If at any time, the poll at any polling station is interrupted/ obstructed by riot or open violence, or by reason of any natural calamity or circumstances beyond the control of the Presiding Officer, he may by recording the reason thereof, stop it and inform the election Authority accordingly. Stoppage of poll.

(2) Where a poll has been stopped under sub-rule (1) or if any ballot box used at polling station is unlawfully taken out of the custody of the Presiding Officer or accidentally intentionally destroyed or lost, damaged or tampered with to such an extent that the result of poll at the polling station cannot be ascertained, the Election Authority shall fix another date when a fresh poll shall be held and in such case all voters shall be allowed to vote at the fixed poll and no vote cast at the poll stopped under sub-rule (1) shall be counted.

24. (1) Immediately after the close of the poll, the Presiding Officer shall in the presence of Nazim or Naib Nazim or his polling agent, as may be present, proceed with the count of the votes. Proceedings at the close of poll.

(2) The Presiding Officer shall give Nazim or Naib Nazim or their polling agents, as may be present, reasonable facility to observe the counting and give them such information with respect thereof as may be consistent with the orderly conduct of the discharge of his duties in connection therewith.

(3) No person other than the Presiding Officer or any other person on duty in connection with the poll, Nazim, Naib Nazim and their polling agents shall be present at the time of counting.

(4) The Presiding Officer shall –

(a) open the used ballot boxes and count the entire lot of ballot papers taken therefrom;

(b) separate such ballot papers which –

(i) do not bear official mark and signature of the Presiding Officer; or

- (ii) bear any writing or any mark other than the official mark signature of the Presiding Officer and the mark made with the rubber stamp supplied for the purpose; or
  - (iii) bear a piece of paper or any other subject of any kind; or
  - (iv) do not bear the mark with a rubber stamp provided for the purpose by the Presiding Officer; or
  - (v) bear the rubber stamp mark but it is not clear whether it has been cast for or against the recall motion.
- (c) count separately the ballot papers cast for or against the recall motion which are ambiguously marked;
  - (d) count and put in separate packet at the ballot papers cast for or against the recall motion and those excluded from the count;
  - (e) place in each packet a certificate stating the number, both in words and figures, of ballot papers put therein, and sign and seal each packet;
  - (f) enclose all such packets as are referred to above in a principal packet with a certificate specifying the number of packets and seal it.

(5) The Presiding Officer shall, immediately after the count, prepare a statement of count and declare the result in such form as may be directed by the Election Authority.

25. (1) The Presiding Officer shall immediately forward the entire election record to the Election Authority.

Documents to be sent to the Election Authority.

(2) The record shall be retained by the Election Authority for a period of one year, unless extended by the Election Authority from the date of its receipts and thereafter be destroyed.

26. (1) Where more than one polling stations have been provided for causing a note to be cast on recall motion against a Nazim or Naib Nazim of a council, the Election Authority shall consolidate the result of motion from the record furnished by the Presiding Officer concerned.

Consolidation of result.

(2) The Election Authority shall give the Nazim or Naib Nazim, as the case may be, and the election agents, a notice in writing of the date, time and place for the consolidation and declaration of the results.

(3) Before consolidating the result of the count, the Election Authority shall examine the ballot papers and if it finds that any such ballot paper should not have been included or excluded, as the case may be, count it as a ballot paper cast for or against the recall motion.

(4) The Election Authority may declare the proceedings of vote under this chapter to be void if it finds that gross violations of the rules and instructions have taken place materially affecting the result of recall motion.

27. (1) The Election Authority shall, after consolidation of result finally, declare and authenticate the same and send a copy thereof to the Government:

Authentication of result.

Provided that if in the opinion of the Election Authority, the count of tendered, challenged or spoiled ballot papers or the ballot papers as are likely to materially affect the result of the recall motion, it may determine the legality or otherwise of such ballot papers and include the same in the count.

(2) The authentication made by the Election Authority shall be final and notified in the official Gazette.

28. (1) The Election Authority shall specify the design of the ballot boxes and form of ballot papers.

Supply of ballot boxes and other materials.

(2) The Election Authority shall provide the Presiding Officer with such number of ballot papers, ballot boxes and such other material, as may be required for conduct of poll.

29. Where these rules make any provision for anything to be done, but no provision or no sufficient provision has been made in respect of the authority by whom or the manner and form in which, it shall be done, then it shall be done by such authority and in such manner and such form as the Election Authority may deem fit.

Conduct of business by the Election Authority.

30. The record except the ballot papers shall be open to public inspection at such time and place and on such conditions as may be specified by the election Authority.

Public inspection of documents.

MUHAMMAD SALEEM KHAN  
ADDITIONAL CHIEF SECRETARY  
GOVERNMENT OF SINDH

