

Delimitation of Wards of Municipal Corporation Order, 1995

Published vide Punjab Govt. Gazette, (Extra.), dated August 7, 1995.

✓ NOTIFICATION

The 3rd August, 1995

No. GSR45/PA 42/76/S.8/95. - In supersession of Government of Punjab Department of Local Government Notification No. GSR 28/PA42/76/S.34/95, dated the 5th June, 1995, and in exercise of the powers conferred by section 8 of the Punjab Municipal Corporation Act, 1976 (Punjab Act No. 42 of 1976), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following order, to determine the delimitation of wards in Municipal Corporations, namely :-

1. Short title and commencement. - (i) This order may be called the Delimitation of Wards of Municipal Corporation Order, 1995.

(ii) It shall come into force at once.

2. Definitions. - In this order unless the context otherwise requires, -

- (a) "Act" means the Punjab Municipal Corporation Act, 1976;
- (b) "Associate member" means a person associated under sub-clause (2) of clause 3;
- (c) "Board" means the Delimitation Board constituted under rule 3;
- (d) "Constituency" means a ward, for the representation of which a councillor to be or has been elected;
- (e) "Member" means a member of the Board;
- (f) "Population" mean the population as ascertained locally through the staff deputed by the Director by going from door to door in the city; and
- (g) "Section" means a section of the Act.

3. Constitution of Board. [Section 8] - (1) For the purpose of carrying out the provisions of this order the Government shall constitute a Board for each Municipal Corporation consisting of the following members; namely :-

- (i) the [Deputy Commissioner of the District]¹ in which the Municipal Corporation is situated or any other officer nominated by him in this behalf;
- (ii) the Director of any other officer nominated by him in this behalf;
- (iii) the Mayor or in his absence the Senior Deputy Mayor and in the absence

1. Substituted for "Commissioner of the Division" by Pujab Notification No. G.S.R. 53/P.A. 42/76/S. 8/Amd. (4)/2004. dated 21.10.2004.

2 Delimitation of Wards of Municipal Corporation Order, 1995,

of both, the Deputy Mayor of the Corporation concerned, as the case may be.

(iv) the Commissioner of the Municipal Corporation concerned.

[(v) member of the Punjab Legislative Assembly representing the concerned Municipal Corporation wholly or partly;

(vi) the Deputy Director (Regional), Local Government;]¹

[(vii) the Joint Commissioner or the Assistant Commissioner of the Municipal Corporation concerned.]²

(viii) one member nominated by the Government by notification.]³

(2) The Board shall associate with itself for the purpose of assisting in the performance of its functions not more than five councillors of the Corporation having due regard to the representation of various political parties and groups in the composition of the Corporation:

Provided that nothing contained hereinbefore shall apply to a Corporation which has been dissolved.

4. Functions of the Board. [Section 8] - It shall be the duty of the Board, -

(i) to divide the city into such number of wards as may be necessary, having regard to the number of elected councillors determined by the Government for the Corporation under sub-section (3) of section 5 of the Act and the number of seats reserved for the members of the Scheduled Castes, Backward Classes and Women under section 6 of the Act; and

(ii) to readjust the wards as and when the limits of the City are altered or there is increase in the population of the City or there is abnormal variation in population or voting figures at some of the wards of the City, which require such readjustment.

5. Procedure to be followed by the Board and powers of the Board. [Section 8] - (1) The [Director, Local Government, Punjab]⁴ shall be the Chairman of the Board. In his absence, such member as Chairman as the members present in the meeting of the Board, may elect from amongst themselves.

(2) The meeting of the Board shall be convened by the Director, after giving atleast ten days notice of the date, time and place of the meeting of all the members of the Board.

(3) The quorum necessary for the transaction of business at the meeting of the Board shall be four.

(4) All questions which come before any meeting of the Board shall be decided by a majority of the votes of the members present and voting. The Chairman of the meeting shall have a second or casting vote in case of an equality of votes.

1. Substituted vide Punjab Govt. Notification No. G.S.R. 64/P.A.42/76/S.8/Amd(1)/2000, dated 12.7.2000.

2. Substituted vide Punjab Govt. Notification No. G.S.R. 42/P.A.42/76/S.8/Amd(2)/2001, dated 3.4.2001.

3. Substituted vide Punjab Govt. Notification No. G.S.R. 64/P.A.42/76/S.8/Amd(1)/2000, dated 12.7.2000.

4. Substituted for "Commissioner of the Division" by Pujab Notification No. G.S.R. 53/P.A. 42/76/S.8/Amd. (4)/2004. dated 21.10.2004.

(5) The Board shall have power to act notwithstanding the temporary absence of a member, or an associate member or of the existence of a vacancy in the Board, and no act or proceeding of the Board shall be invalid or called into question on the ground merely of temporary absence of a member or associate member, or the existence of such a vacancy.

(6) An associate member shall not have the right to vote or to sign any decision of the Board.

6. Principles for delimitation of wards of a City. [Section 8] - The following principles shall be observed by the Board in the delimitation of wards of a city, namely :-

- (a) All wards shall as far as practicable, be geographically compact areas, and in delimiting them, due regard shall be had to the physical features like facilities of communication and public convenience;
- (b) Wards in which seats are reserved for the Scheduled Castes, shall be located, as far as practicable, in those areas where the proportion of their population to the total population of the City, is the largest and such seats shall be allotted by rotation to different wards in the City;
- (c) Seats numbers reserved for women (including number of seats reserved for women, if any, belonging to Scheduled Castes) by the Government shall, be kept reserved for women, and such seats shall be allotted by rotation to different wards in the Corporation;
- (d) Two seats reserved for Backward Classes, by the Government, shall be kept reserved for the Backward Classes, and such seats shall be allotted by rotation to different wards in the Corporation; and
- (e) Each Corporation shall be divided into two wards in such manner that the population of each ward as far as practicable, is the same throughout the Corporation, with a variation upto ten per cent above or below the average population figures.

[(f) In every Municipal Corporation, the Board while drafting the Scheme for delimitation of wards, shall allot numbers to all wards having due regard to the principle of contiguity:]¹

[Provided that the principle of rotation shall no be applicable where the delimitation or wards of a Municipal Corporation has been done under the provisions of sub clause (ii) of clause (4) of the order.]²

7. Scheme for delimitation of wards to be sent to Government. [Section 8] - The Board shall, as soon as may be, after it has prepared the Scheme for the delimitation of the ward of the City, send the same to the Government for consideration.

1. Added by Punjab Govt. Notification No. G.S.R. 64/P.A.42/76/S.8/Amd(1)/2000, dated 12.7.2000.

2. Substituted vide Punjab Govt. Notification No. G.S.R. 36/P.A. 42/76/S.8/Amd. (3)/2002, dated 13th September, 2002.

8. Publication of scheme for delimitation of wards. [Section 8] - (1) The Government shall, -

- (a) publish in the official Gazette the scheme for the delimitation of the wards received by it under clause 7 for inviting objections or suggestions from the affected persons of the City;
- (b) specify a date on or after which the scheme along with objections or suggestions, if any, shall be considered by it; and
- (c) consider all objections and suggestions, which may have been received by it before the specified date;

(2) The Government after considering the objections and suggestions under sub-clause (1), shall make its final order and shall get the same published in the Official Gazette.

[Provided that before the start of election process, the State Government, may, for good and sufficient reasons, to be recorded in writing, review the order made in the form of final notification after inviting objections and suggestions in writing from the public through the public notices in two newspapers having circulation in the locality in respect of all or any of the Ward. After considering such objections or suggestions, the State Government may supersede the previous orders in the form of final notification directly or after obtaining the opinion of the Boards.]¹

9. Correction of printing mistakes in the order made by the Government. [Section 8] - The Government may, from time to time, by order in the Official Gazette, correct any mistake in any of the orders made by it, or any error occurring therein due to an inadvertent slip or omission.

1. Added by Punjab Govt. Notification No. G.S.R. 64/P.A.42/76/S.8/Amd(1)/2000, dated 12.7.2000.