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SINDH ORDINANCE NO.VIII OF 2012

THE SINDH PEOPLES LOCAL GOVERNMENT ORDINANCE, 2012.

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SINDH ORDINANCE NO.VIII OF 2012

THE SINDH PEOPLES LOCAL GOVERNMENT ORDINANCE, 2012.

[13th September, 2012]

An Ordinance to provide for and regulate the affairs of the local councils in the Province of Sindh;

Preamble.

WHEREAS it is expedient to devolve political power and decentralize administrative and financial authority to accountable local governments for good governance, effective delivery of services and transparent decision-making through institutionalized participation of the people at gross roots level;

AND WHEREAS THE Provincial Assembly of Sindh is not in session and the Governor is satisfied that circumstances exist which render it necessary to, take immediate action;

NOW, THEREFORE, in exercise of the powers conferred under clause (2) of Article 128 of the Constitution of the Islamic Republic of Pakistan, 1973, the Governor is pleased to make and promulgate the following Ordinance:-

CHAPTER-I
PRELIMINARY

Short title, extent and commencement.

1. (1) This Ordinance may be called the Sindh Peoples Local Government Ordinance, 2012.

(2) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context -

(i) "body corporate" means a body having perpetual succession and a common seal, with power to acquire and hold movable and immovable property, and transfer any property held by it, and enter into any contract and may sue and be sued in its name;

(ii) "budget" means an official statement of income and expenditure for a financial year;

(iii) "building" includes any shop, house, hut, out-house, shed, stable or enclosure built of any material and used for any purpose, and also includes wall, well, veranda, platform, plinth, ramp and steps;

(iv) "building line" means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed;

(v) "bye-laws" means the bye-laws made under this Ordinance;

(vi) "Chairman and Vice Chairman" denotes a Chairman or as the case may be, Vice Chairman of District Council, Taluka Council, Town Council, Union Council and Union Committee;

(vii) "Chief Officer" denotes Chief Officer Metropolitan Corporation, Chief Officer District Council, Chief Officer Taluka and Town Council;

(viii) "Council" means a Metropolitan Council, District Council, Taluka Council, Town Council, Union Council, Union Committee;

(ix) "decentralize or decentralized" means conferment by Government under this Ordinance of its administrative and financial authority for the operation, functioning and management of specified offices of the Provincial Government to the local councils;

(x) "Deh" means a revenue estate declared under the Sindh Land Revenue Act, 1967;

(xi) "dependent" means wholly or partially dependent parents, spouse, guardians, children, step and adopted children;

(xii) "disaster" includes famine, flood, cyclone, fire, earthquake, drought, and damage caused by force majeure;

(xiii) "district'" means a district notified under the Sindh Land Revenue Act, 1967;

(xiv) "drain" includes a sewer, a house drain or a drain of any other description, used for carrying sullage or rain water;

(xv) "Government" means the Government of Sindh;

(xvi) "land" includes vacant land or on which any structure has been raised or is being raised or is covered with water or is under cultivation or is fallow or is barren and, in relation to a town improvement scheme, includes land as defined in clause (a) of section 3 of the Land Acquisition Act, 1894 (Act No.IV of 1894);

(xvii) "local area" means an area specified in Chapter II;

(xviii) "mal-administration' means and includes –

(a) an act of omission or commission, a decision, process or recommendation, which –

(i) is contrary to the law, rules or regulations or is a departure from established practice or procedure, or

(ii) is arbitrary, biased, discriminatory, oppressive, perverse, unjust or unreasonable, or

(iii) is based on irrelevant grounds, or

(iv) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as administrative excess, bribery, favoritism, jobbery and nepotism;

(b) delay, inaction, incompetence, inefficiency, ineptitude or neglect, in the administration or discharge of duties and responsibilities; or

(c) repeated notices, prolonged hearings or unnecessary attendance while deciding cases; or

(d) avoidance of disciplinary action against an officer or official whose action is held by a competent authority to be biased, capricious, patently illegal or vindictive;

(xix) "market" means a place notified as market under this Ordinance or any other law for the time being in force;

(xx) "member" means an elected member of a council;

(xxi) "misconduct" means transgression of prescribed Code of Conduct or dereliction from duty or deliberate unlawful behaviour or violation of law or rules or lawful directions or orders of Government and includes –

(a) gross negligence in performance of duties with manifest wrongful intent or evil design;

(b) an act that results in wrongful gain to any person by wrongful application of law; or

(c) making or managing appointment, promotion or transfer of an officer or official in violation of law or rules or for extraneous consideration;

(xxii) "Mayor and Deputy Mayor" denotes Mayor or as the case may be Deputy Mayor of a Metropolitan Corporation;

(xxiii) "municipal offences" means the offences specified in the Fourth Schedule or any other law for the time being in force;

(xxiv) "municipal services" include, but not limited to intra-city or intra or inter-town or Taluka network of water supply, sanitation, conservancy, removal and disposal of sullage, refuse, garbage, sewer or storm water, solid or liquid waste, drainage, public toilets, express-ways, bridges, flyovers, public roads, streets, footpaths, traffic signals, pavements and lighting thereof, public parks, gardens, arboriculture, landscaping, billboards, hoardings, fire fighting, land use control, zoning, master planning, classification, declassification or reclassification of commercial or residential areas, markets, housing, urban or rural infrastructure, environment and construction, maintenance or development thereof and enforcement of any law or rule relating thereto;

(xxv) "Neighbourhood" means a Mohallah, a group of streets, lanes or roads, designated by Taluka Municipal Administration or Town Municipal Administration to be the Neighbourhood;

(xxvi) "peasant" means a person who is a landless farm worker or, one who during the period of five years preceding the year in which election is held, has been the owner of not more than five acres of land and depends directly on it for subsistence living;

(xxvii) "prescribed" means prescribed by rules made under this Ordinance;

(xxviii) "Provincial Director General Audit" means an officer of the Auditor General of Pakistan nominated for the purpose;

(xxix) "Provincial Allocable Amount" means monies declared as such for distribution among Local Councils in accordance with the provisions of this Ordinance;

(xxx) "Provincial Consolidated Fund" means the same as described in Article 118 of the Constitution of the Islamic Republic of Pakistan;

(xxxi) 'Provincial Retained Amount' means the balance of the Provincial Consolidated Fund after subtraction of the Provincial Allocable Amount from it;

(xxxii) "public place" means any building, premises or place to which the public have access;

(xxxiii) "rent" means whatever is lawfully payable in money or kind by a tenant or lessee on account of the occupation of any building or land or use of any machinery, equipment or vehicle;

(xxxiv) "street line" means a line dividing the land and forming part of a street from adjoining land;

(xxxv) "tax" includes any cess, fee, rate, toll or other impost leviable under this Ordinance;

(xxxvi) "Taluka" means a Taluka notified under the Sindh Land Revenue Act, 1967;

(xxxvii) "Taluka Municipal Administration' includes the Taluka Council Chairman or as the case may be Taluka Vice Chairman and the officials and employees of the Taluka Council;

(xxxviii) "town" means an area notified by Government under section 9 to be a municipal town council in a Metropolitan Corporation and District Council;

(xxxix) "Town Municipal Administration" includes the Town Council Chairman or as the case may be Town Vice Chairman and the officials and employees of the Town Council;

(xl) "Union" means a local area notified under section 6 to be a union under this Ordinance;

(xli) "Union Administration" includes the Chairman, Vice Chairman, Secretaries and other employees of Union Council;

(xlii) "Village" means an integrated and contiguous human habitation commonly identified by a name and includes a chak, goth, basti or any other comparable habitation;

(xliii) "water reservoir" includes a spring, well, tube well, pond, tank, water course, culvert, and any channel used for supplying water other than canal, river, lake or stream;

(xliv) "work" includes a survey, whether incidental to any other work or not; and

(xlv) "worker" means a person directly engaged in work, or is dependent on personal labour, for subsistence living and includes a worker as defined in the Industrial Relations Act, 2008;

Ordinance to over-rides other laws.

3. The provisions of this Ordinance shall have effect notwithstanding anything contained in any other laws relating to Local Governments, for the time being in force.

Councils to work under the overall superintendence of Provincial Government.

4. (1) The Councils established under this Ordinance shall function within the Provincial framework and adhere to the Federal and Provincial laws.

(2) In performance of their functions, the Councils shall not impede or prejudice the exercise of the executive authority of Government.

CHAPTER II
LOCAL AREAS AND LOCAL COUNCILS

Composition of local areas.

5. For the purpose of this Ordinance, the following shall be the local areas, namely:-

(i) Union;
(ii) Taluka;
(iii) Town;
(iv) District;
(v) Metropolitan.

Delimitation of Unions.

6. A Union shall be an area comprising one or more dehs or, in the case of an area where revision of settlement under the law has not been taken, one or more census villages or, in the case of an area with urban characteristics, a whole number of population census blocks as delimited for the purpose of last preceding census or a combination of whole number of census blocks and a whole number of dehs, notified as such by Government:

Provided that, as far as may be –

(a) the area of a Union shall be a territorial unity;

(b) the boundaries of a Union shall not cross the limits of a Taluka, or a town in a Metropolitan area;

(c) the area of a union in a Taluka shall comprise a whole number of tapedari circles, or a tapedari circle may contain a number of whole Unions;

(d) the area of a Union in a Metropolitan area, or a Union with urban characteristics shall comprise a whole number of census blocks as delimited for the purpose of the preceding population census or a whole number of dehs or a combination of a whole number of census blocks and dehs; and

(e) the population of Unions within a district shall, more or less, be uniform:

Provided further that in a specific case, Government may, for the reasons to be recorded, waive the aforesaid conditions.

Delimitation of Talukas and Districts.

7. Government shall, by notification in the official Gazette, declare Talukas and Districts notified under the Sindh Land Revenue Act, 1967, to be Taluka or, as the case may be, Districts under this Ordinance.

Creation of Metropolitan Corporations.-

8. Government shall, by notification in the official gazette, declare and constitute single district Metropolitan Corporations at Divisional Headquarters comprising the areas of the districts of Karachi, Hyderabad, Larkana, Sukkur and Mirpurkhas:

Explanation: It is clarified that for the purposes of this Ordinance, the District of Karachi shall comprise all the five districts of Karachi existing immediately before the commencement of this Ordinance.

Provided that, other than the above, Government may, in its discretion, declare, constitute and notify a Metropolitan Corporation in any other single district.

Setting up of a town.

9. (1) Government may, by notification in the official Gazette, declare a whole number of contiguous Unions to be a town in the Metropolitan area under this Ordinance.

(2) On notification referred to in sub-section (1), Government may, by notification in the official Gazette, declare every town referred to in that sub-section to be a Taluka or sub-division for the purpose of this Ordinance.

Local areas under previous law to continue.

10. Unless varied under this Ordinance, any local area declared or notified by Government shall continue to retain such status and shall be deemed to have been notified as such under this Ordinance.

Alteration of local areas.

11. (1) Any two or more adjoining Unions within a Taluka or Municipal Town, adjoining Talukas or as the case may be Municipal Towns, within a district may, after having invited public objections through a resolution, passed by two-third majority of the total membership of each of the relevant Union Councils, or as the case may be, Taluka or Town Councils, make a proposal to Government for a change in their respective boundaries subject to the conditions that no revenue estate shall be divided and the size of population in the Unions shall, as far as possible, be close to the average population of Unions within a district.

(2) Government may, subject to previous publication, notify the change in the boundaries of the Unions, Talukas or Municipal Towns.

Councils for local areas.

12. For each local area, there shall be a council comprising –

(a) Metropolitan Council;

(b) District Council;

(c) Taluka or Town Council;

(d) Union Committee or Union Council.

CHAPTER III
METROPOLITAN CORPORATIONS

Power of Metropolitan Corporation to hold property etc.

13. The Metropolitan Corporation shall be competent to acquire, hold or transfer any property, movable and immovable, to enter into contract and to sue or be sued in its name, through the Chief Officer of the concerned council.

Decentralized offices and grouping of offices.

14. (1) On commencement of this Ordinance, the administrative and financial authority for the management of the offices mentioned in Part-A of the First Schedule shall stand decentralized to the councils to the extent as indicated in the said Part of First Schedule:

Provided that where there is no office of Government in a district specified in Part-A of the First Schedule and Government sets up an office on a subsequent date, such office may be decentralized to the councils.

(2) Where in a district, there is no office specified in Part-B of the First Schedule, Government may set up such offices and post officers and staff in such offices.

(3) The offices decentralized and offices setup by Government shall be grouped in various groups and offices specified in Part-C of the First Schedule:

Provided that Government may, for the reason of non-existence of any office or offices specified in the First Schedule in a Council, in consultation with the concerned council, vary or amalgamate the grouping of offices for efficiency and effectiveness by notification in the official Gazette:

Provided further that the number of groups of offices shall not exceed the number of groups specified in Part-C of the First Schedule:

Provided also that Government may create more group of offices to meet the decentralization affected through the First Schedule.

(4) The Mayor and the Chairman of the District Council may nominate any officer for the purpose of liaison between the offices of councils, Provincial Government, Federal Government and other civic agencies in case of emergencies, natural calamities and extraordinary situations.

(5) The Councils will be at liberty to commence any activity and office through its own finances which is not decentralized including but not limited to the items mentioned in Part-E to the First Schedule.

(6) The respective councils will be at liberty to perform all inherent civic or municipal functions and services.

Entrustment of certain decentralized offices to Taluka Administration.

15. Subject to section 14 and section 51, on commencement of this Ordinance, the administrative and financial management of the offices of Local Government and Rural Development Department, Public Health Engineering Department and Housing and Physical Planning Department which were providing services at the regional, zonal, circle, divisional, district and Taluka levels may be entrusted to respective Taluka Administration or Town Administration, as the case may be, alongwith the employees working in such offices:

Provided that Government may direct for retention of certain components of Housing and Physical Planning Department with the Metropolitan Corporations, District Councils and other councils, alongwith the officers and members of staff working therein.

Authority and responsibility of Metropolitan Corporations and District Councils.

16. (1) The authority of Metropolitan Corporations and District Councils shall comprise the operation, management and control of offices of the departments which are decentralized to it or may be set up under this Ordinance: provided that the Metropolitan Corporations and District Councils shall exercise such authority within the district in accordance with the general policy of Government.

(2) Every order shall be expressed to be made in the name of the Metropolitan Corporation and District Council or as the case may be other councils and shall be executed by an officer or authority duly authorized.

(3) The Metropolitan Corporation and District Council, or as the case may be other councils, shall be responsible to the people and Government for improvement of governance and delivery of services within the ambit of the authority decentralized to it under this Ordinance.

Mayor and Chairman of District Council.

17. (1) The Mayor, or as the case may be, the Chairman of the District Council shall be the head of the Metropolitan Corporation and District Council respectively and shall perform such functions and exercise such powers as have been assigned to them under this Ordinance. They shall be assisted by the Chief Officer.

(2) The Mayor, or as the case may be, the Chairman of the District Council shall ensure that the business of the council is carried out in accordance with the provisions of this Ordinance and other laws for the time being in force.

Functions and powers of the Mayor and Chairman of the District Council.

18. (1) The functions and powers of Mayor and Chairman of the District Council shall be to -

(a) provide vision for the development, leadership and direction for efficient functioning of the Metropolitan Corporation and District Council;

(b) develop with the assistance of the Metropolitan Council and District Council, strategies and timeframe for accomplishment of the relevant goals approved by the relevant Council;

(c) ensure implementation of the functions decentralized to the councils;

(d) oversee formulation and execution of the annual development plan, delivery of services and functioning of the councils;

(e) present proposal to the Council for approval of budget for fiscal transfers;

(f) maintain administrative and financial discipline;

(g) present tax proposals to the Council;

(h) present report on the performance in person to the Council at least twice a year;

(i) preside over the meetings of the Mushawarat Committee;

(j) take charge, organize and prepare for relief activities in disasters or natural calamities;

(k) authorize officers to sign documents on their behalf;

(l) initiate inspections of Taluka Municipal Administration, Town Municipal Administration and Union Administration in the jurisdiction of the Metropolitan Council and District Councils;

(m) establish and supervise the working of the Internal Audit Office;

(n) issue executive orders to the Metropolitan Council, District Council and subordinate Officers for discharge of the functions;

(o) represent the councils on public and ceremonial occasions; and

(p) perform any other function as may be assigned to them by the Corporation, Council and Government.

(2) The Mayor and Chairman of the District Council shall not employ any advisor, special assistant or a political secretary other than support staff allocated to his office from amongst the available officials within the council.

Right to take part in Councils meetings.

19. The Mayor and Chairman of the District Council shall have the right to speak and otherwise take part in the proceedings of their respective Councils, but shall not be entitled to vote.

Personal responsibility.

20. The Mayor and Chairman of the District Council shall be personally responsible for any loss, financial or otherwise, flowing from the decisions made by him personally or under his directions in violation of any provisions of this Ordinance or any other law for the time being in force and for any expenditure incurred without lawful authority.

Resignation.

21. The Mayor and Chairman of the District Council may resign from office by tendering resignation in writing addressed to the Chief Minister.

Vacancy in the Office.

22. (1) In case the office of the Mayor, or as the case may be, the Chairman of the District Council, falls vacant for reason of his death, resignation, removal or, where in the opinion of the Council, he has become incapable to perform his functions on account of mental or physical incapacity, the Deputy Mayor, or as the case may be, the Vice Chairman of the District Council shall act as the Mayor, or as the case may be the Chairman of the District Council till the Mayor or as the case may be Chairman of the District Council is elected:

Provided that where the Deputy Mayor, or as the case may be, Vice Chairman of the District Council is absent or his office has fallen vacant for any reason, the senior-most presiding officer in the panel elected under sub-section (6) of section 40 shall act as the Mayor of the respective Corporation or as the case may be the Chairman of District Council and the next senior-most presiding officer in the panel shall act as Deputy Mayor of the respective Corporation, and Vice Chairman of District Council:

Provided further that such person shall not be a candidate in the election:

Provided also that in view of vacancy as above, the election of officiating Mayor or Deputy Mayor, Chairman or Vice Chairman of the District Council shall take place as per **section 46**.

(2) Where a Mayor and Chairman of the District Council is unable to perform his functions for reason of his temporary absence, he may authorize the Deputy Mayor, or as the case may be, Vice Chairman of the District Council to act on his behalf till he resumes his duties.

Recall of a Mayor and Chairman of the District Council.

23. (1) If in the opinion of a member of the Council, there is a reason to believe that the Mayor, or as the case may be, Chairman of the District Council is acting against the public policy or the interest of the people or is negligent or is responsible for loss of opportunity for improvement in governance and service delivery to the people within the ambit of his responsibilities, he may, seconded by another member of the Council, give notice to move a motion in the Council through Deputy Mayor, or as the case may be, Vice Chairman, for recall of the Mayor or as the case may be, the Chairman of the District Council.

(2) On receipt of notice referred to in sub-section (1), the Deputy Mayor, or as the case may be, the Vice Chairman shall summon a session of the Council not earlier than three days but not later than seven days, if the Council is not already in session.

(3) Where the Council is already in session, the motion referred to in sub-section (1) shall be taken up for deliberations on the next day from its receipt by the Deputy Mayor or as the case may be the Vice Chairman.

(4) Where the motion referred to in sub-section (1) is approved by two-third majority of the votes of the total membership of the Council, through a secret ballot to be conducted by the Returning Officer nominated by the Election Commission of Pakistan, the Mayor and Chairman of the District Council shall cease to hold office forthwith and the notification shall be issued in this behalf by the Election Commission accordingly.

(5) Where the motion fails in the Council, the proposer and seconder of such motion shall lose their seats both as members of the Council and Union Chairman, if any one of them is also a Union Chairman.

(6) The Mayor and Chairman of the District Council shall have the right to appear before the Council and address it in his defence before approval or rejection of motion referred to in sub-section (4).

(7) No motion for recall of Mayor and Chairman of the District Council shall be moved during the first six months of assumption of office nor shall such motion be repeated before the expiry of twelve months from the rejection of previous motion.

Setting aside the order of Mayor and Chairman of the District Council by the Chief Minister.

24. (1) Where, in the opinion of the Chief Minister, an order or decision of the Mayor and Chairman of the District Council is not in conformity with law or is against the interest of the people, he may, for the reasons to be recorded and conveyed to him, suspend such order or, as the case may be, decision and refer the matter to the Provincial Local Government Commission for an enquiry to be completed not later than ninety days:

Provided that the Mayor and Chairman of the District Council shall be given an opportunity of being heard by the Provincial Local Government Commission before making recommendation to the Chief Minister.

(2) On receipt of report of enquiry conducted by the Provincial Local Government Commission, the Chief Minister may take such action as deemed expedient in the light of such report, including quashment of the order or decision of the Mayor and Chairman of the District Council:

Provided that, if no action is taken within ninety days of suspension of the order or decision of the Mayor and Chairman of the District Council, such order or, as the case may be, decision shall stand restored.

(3) The quashment of an order or decision referred to in sub-section (2) shall be notified by Government in the official Gazette.

Structure of Metropolitan Corporation, and District Council.

25. The Metropolitan Corporation and the District Council shall comprise the offices, including sub-offices of the Departments of Government decentralized and other offices that may be set up.

Heads of offices and groups.

26. (1) The Group of Offices shall be headed by the Chief Officer of the respective Corporation or as the case may be District Council.

(2) Below the Chief Officers of the Group of Offices, there shall be Directors of the concerned group of offices.

(3) Government shall setup sub-offices of the offices decentralized to councils in every Taluka or Town in a Metropolitan or District Council depending upon the needs of such Taluka or, as the case may be, Town for such sub-office:

Provided that where any sub-office exists or is set up in a Taluka or Town, the Taluka Officer or Town Officer shall head such sub-office.

Chief Officer.

27. (1) In every Metropolitan or District Council or as the case may be, District Council, Government shall appoint a Chief Officer who shall, as far as possible, be in Basic Scale 20.

(2) The Chief Officer shall be coordinating head of the metropolitan or district administration and shall –

(a) ensure that the business of the Group of Offices is carried out in accordance with the laws for the time being in force;

(b) co-ordinate the activities of the groups of offices for coherent planning, synergistic development, effective and efficient functioning of the council;

(c) exercise general supervision over programmes, projects, services, and activities of the council;

(d) coordinate flow of information required by the council for performance of its functions under this Ordinance;

(e) act as Principal Accounting Officer of Metropolitan Corporation, or as the case may be, the District Council;

(f) call for information and reports from councils as may be required by Government;

(g) assist the Mayor or as the case may be Chairman District Council, in accomplishment of administrative and financial discipline and efficiency in the discharge of the functions assigned to him;

(h) prepare a report on the implementation of development plans of the council for presentation to the Council in its annual budget session;

(i) initiate the performance evaluation reports of the officers subordinate to him and shall be countersigning officer of such officers;

(j) for efficient rendition of services to land owners, property owners and tax payers, liaise with the Revenue Commissioner, Board of Revenue and Sindh Revenue Board.

(3) Where in the opinion of a Chief Officer an order passed by the Mayor or the Chairman of the District Council, is against the law, rules or Government policy, he may resubmit the same for review of his orders. In case of difference of opinion between the Chief Officer and Mayor or Chairman of the District Council, the matter may be submitted to the Local Government Commission and decision of the Commission shall be final and binding.

Functions and powers of the Officers of Metropolitan Corporations and Councils.

28. The Officers of the concerned decentralized departments shall -

(a) ensure that the business of the group of offices under their administrative control is carried out in accordance with law and the rules and the human and material resources placed at their disposal are optimally utilized to improve governance;

(b) co-ordinate and supervise the activities of the offices and ensure efficient service delivery by the functionaries under their administrative control;

(c) supply information to the Monitoring Committees of Metropolitan or the District Councils and Union Councils;

(d) take appropriate corrective actions based on the information received from Monitoring Committees;

(e) enforce relevant Federal, Provincial laws and rules, including tax laws;

(f) prepare development plans and propose budgetary allocations for their execution;

(g) implement approved plans and policies;

(h) authorize disbursement of performance bonuses to the employees;

(i) prepare proposals for expenditures necessary for the proper conduct of programs, projects, services, and other activities;

(j) propose relevant bye-laws on service delivery to the Chief Officer; and

(k) act as Departmental Accounting Officer for his respective group of offices and be responsible to the Accounts Committee of the Metropolitan or District Council.

Administration of working of Councils.

29. (1) In the matters of policy and important decisions, the Chief Officer shall obtain approval of Mayor or as the case may be the Chairman of the Council before communicating such matters and decisions to Government.

(2) Government shall appoint or post such officers and officials to the groups of offices specified in the First Schedule as may be prescribed.

(3) The tenure of posting of an officer or official of Government to a council shall, ordinarily, be three years.

(4) Where the performance of any Officer is not satisfactory, the Mayor or as the case may be Chairman of the District Council may request Government for his transfer in writing, with a copy to the Chief Officer, stating reasons thereof and the Government may accede to the request of the Mayor or as the case may be the Chairman of the respective Council.

(5) The Mayors, Deputy Mayors, Chairmen and Vice Chairmen of the District Councils shall be empowered to take disciplinary action against the sub-ordinate functionaries of their respective establishment and shall be responsible to Government for effective implementation of efficiency and disciplinary rules.

Rules of Business for disposal of work.

30. For smooth and efficient disposal of official work, Government may make rules of business for local councils.

Assignment of work to Taluka or Town or Union Administration.

31. A local council may assign any of its functions to a Taluka Administration, Town Administration or Union Administration, on such terms and conditions as may be mutually agreed:

Provided that the primary responsibility for discharge of such functions shall continue to vest with the concerned local council:

Provided further that no function or responsibility shall be transferred without allocation of corresponding resources and funds.

Disposal of Government's work.

32. The District council may, subject to provision of funds by Government, but without recourse to additional or enhanced taxation, charge, fees or any other source of public funds and without incurring any debt undertake any of the functions of Government as may be mutually agreed.

Performance evaluation.

33. The annual performance reports of the officers posted in the council shall be initiated by -

(a) the Mayor or as the case may be Chairman in respect of Metropolitan Council and District Council respectively:

Provided that the countersigning officer for officers in BS-19 and above shall be the Chief Minister;

(b) the officers, as may be prescribed, in respect of officers and officials in BS-1 to BS-18.

Offices of the Metropolitan Corporations.

34. Subject to any variation, Government may, in addition to the offices specified in section 14, set up other offices and groups of offices specified in Part-D of the First Schedule in a Metropolitan.

Integrated management of services in Metropolitan Corporations.

35. On creation of a Metropolitan Corporation under section 8, the organizations and authorities providing municipal services and facilities and the offices decentralized or set up in a Taluka or as the case may be, Towns or Districts notified to be Metropolitan Corporation shall come under the administrative and financial control of the Metropolitan Corporation.

CHAPTER IV
METROPOLITAN OR DISTRICT COUNCIL

Composition of Metropolitan or District Council.

36. (1) A Metropolitan or District Council shall consist of all Union Chairmen and following members elected on the reserved seats namely:-

(i) such number of women so as to represent thirty-three percent of the total number of the Union Councils in the district;

(ii) such number of peasants and workers so as to represent five percent of the total number of the Union Councils, subject to a minimum of one seat; and

(iii) such number of persons from minority communities so as to represent five percent of the total number of the Union Councils.

(2) If, in calculating a percentage for the purposes of sub-section (1), the number of reserved seats does not come out to be a whole number and such number is-

(a) less than one-half, the number shall be rounded down to the next lower number; or

(b) one-half or more, the number shall be rounded up to the next higher number.

Secretariat of the Metropolitan or District Council.

37. The Metropolitan or District Council shall have its Secretariat under the Mayor or Chairman and shall have a separate budget allocation.

Functions and powers of District Council.

38. The functions and powers of a District Council shall be to -

(a) approve bye-laws;

(b) levy taxes, fees, cess or charges;

(c) approve long term and short term development plans, annual and supplementary budgetary proposals of the District Council and, where required, intra-district fiscal transfers;

(d) approve annual budget of District Council;

(e) elect committees of the District Council for monitoring the performance;

(f) ensure that the Monitoring Committees of the District Council perform their functions in a non-intrusive manner without interfering in the day to day working of the relevant offices of the District Council and do not assume a command and control role;

(g) review the quarterly reports of Monitoring Committees on the performance of the District Council;

(h) elect an Ethics Committee (Code of Conduct Committee) which shall be responsible for enforcing the code of ethics for regulating the conduct of the members of the District Council;

(i) elect an Insaf Committee which shall facilitate access of the people to the Member Inspection Team of the High Court for redressing their grievances;

(j) elect a Sports and Culture Committee which shall promote sports and cultural events in the district and youth participation in healthy pursuits;

(k) elect a District Accounts Committee;

(l) approve posts for the office staff of Chairman and staff of District Council subject to the restriction imposed under sub-section (5) of section 111;

(m) constitute farm produce market committee under the relevant law;

(n) to approve the proposals of District Council for changes in the number of posts of officials and employees of the decentralized offices of district administration and Taluka Administration and Town Municipal Administration as part of budget statement, subject to approval of Government;

(o) take efforts for enhancement of the care of disabled persons, paupers, aged, sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug dependants, abused children, needy and disadvantaged persons;

(p) authorize Chairman and Vice Chairman of the District Councils and members to receive honorarium, traveling and daily allowances from respective local funds; provided that the honorarium and rates of travelling and daily allowances shall be fixed with the approval of Government:

Provided further that Government shall accord approval within sixty days of receipt of proposals from a District Council failing which it shall be deemed to have been approved.

(q) review the audit reports of the District Accounts Committee;

(r) review the performance reports of the District Council presented by the Chairman;

(s) review the measures for flood relief, and storm water drainage; and

(t) undertake measures for good governance and improvement in the delivery of services.

Functions and Powers of Council in a Metropolitan Corporation.

39. (1) The Council in a Metropolitan Corporation shall perform the same functions and exercise the same powers as assigned to District Council under section 38 mutatis mutandis, and shall also perform the functions and exercise the powers as follows:-

(a) prepare master plans, approve zoning, classification and reclassification of land, environment control, urban design, urban renewal and ecological balances, belonging to it; provided that the master plan shall be approved by the Council under the guidelines of Government;

(b) review implementation of rules and bye-laws governing land use, housing, markets, zoning, environment, roads, traffic, tax, infrastructure and public utilities;

(c) approve proposals for public transport and mass transit system, construction of expressways, flyovers, bridges, roads, under-passes and inter-town streets;

(d) approve development schemes for beautification of areas along rivers, beaches and sea sides; and

(e) review development of integrated systems of water reservoirs, water sources, treatment plants, drainage, liquid and solid waste disposal, sanitation and other municipal services.

Conduct of the business of Metropolitan or District Council.

40. (1) The District Council shall regulate its business in accordance with the bye-laws made by it.

(2) The Metropolitan or District Council shall meet at least once in every month and shall be in a session for at least fifty accumulated days in a year.

(3) Save as otherwise provided, decisions of the Metropolitan or District Council shall be taken by resolutions passed by a simple majority of the members present and voting and a copy of each resolution shall be transmitted to the Local Government Commission:

Provided that the member presiding the meeting shall not vote except in the case of equality of votes.

(4) In the first meeting of the Council to be convened and presided over by the Returning Officer nominated by the Election Commission, the members of the Metropolitan Corporation or District Council shall elect from amongst themselves a Deputy Mayor or Vice Chairman of the District Council securing majority votes of total membership of the Council through a secret ballot.

(5) The Deputy Mayor or Vice Chairman of the District Council elected under this Ordinance shall be the Convener of the Metropolitan or District Council and shall preside its meetings and shall perform such other functions as are assigned to him by the Mayor or Chairman of the District Council.

(6) After the election of Deputy Mayor or Vice Chairman, the Metropolitan or District Council shall, in order of precedence elect a panel of not less than three members as presiding officers securing highest number of votes who shall, in the absence of, or in case of the suspension of, the Deputy Mayor or Vice Chairman, or where a no confidence motion has been moved against him, convene and preside over the meetings of the Metropolitan or District Council.

(7) The quorum of the meetings of the Metropolitan or District Council shall be fifty-one percent of its total membership.

(8) The meetings of the Metropolitan or District Council shall be open to public, unless the Metropolitan or District Council, by a resolution, decides to hold any meeting in camera.

(9) The minutes of the meetings of the Metropolitan or District Council shall be recorded and maintained by the Secretariat of the Metropolitan or District Council.

Address of Mayor or Chairman of District Council.

41. (1) At the commencement of first session of the Metropolitan or District Council after its election and on commencement of first session of every year, the Mayor or Chairman shall address the Metropolitan or District Council and shall inform the Council of his plans and programmes for the said year and, as the case may be, the performance of the Metropolitan or District Council during the preceding year.

(2) Notwithstanding anything contained in sub-section (1), the Mayor or Chairman of District Council may address the District Council, whenever he may deem necessary, to associate the Metropolitan or District Council in the functioning of the Metropolitan or District Council.

Joint Committee of Councils.

42. The Metropolitan or District Council may, with the consent of Town or Taluka Councils or Union Councils set up joint committees of the Councils for deliberation of matters in which such Councils may be jointly interested and may delegate to such joint committees any power which may be exercised by them, including the power to make bye-laws for their functioning.

Setting aside the resolution of Metropolitan or District Council by the Chief Minister.

43. (1) Where, in the opinion of the Chief Minister, a resolution of the Metropolitan or District Council is not in conformity with law or is against the interest of the people, he may, for the reasons to be recorded and conveyed to the Council, suspend such resolution and refer the matter to the Provincial Local Government Commission for an enquiry to be completed within ninety days.

(2) On receipt of report of the enquiry conducted by the Provincial Local Government Commission, the Chief Minister may take such action as deemed expedient in the light of such report, including quashment of the resolution of the Metropolitan or District Council:

Provided that, if no action is taken within ninety days of suspension of the resolution of the Metropolitan or District Council, such resolution shall stand restored.

(3) The quashment of the resolution referred to in sub-section (2) shall be notified by Government in the official Gazette.

Resignation of Deputy Mayor or Vice Chairman of Metropolitan or District Council.

44. The Deputy Mayor or Vice Chairman of the District Council may resign from office by tendering resignation in writing addressed to the Mayor or Chairman of District Council.

No confidence motion against the Deputy Mayor or Vice Chairman.

45. (1) If in the opinion of a member of a Metropolitan or District Council, there is a reason to believe that the Deputy Mayor or Vice Chairman is acting against the public policy or the interest of the people, or for any other reason, he has lost confidence of the Council he may, seconded by another member of the Council, give a notice to move a motion in the Metropolitan or District Council through its senior-most presiding officer for removal of Deputy Mayor or Vice Chairman.

(2) On receipt of notice referred to in sub-section (1), the senior-most presiding officer in the panel referred to in sub-section (6) of section 40 shall summon a session of Metropolitan or District Council not earlier than three days or not later than seven days, if the Metropolitan or District Council is not already in session.

(3) Where the Metropolitan or District Council is already in session, the motion referred to in sub-section (1) shall be taken up for deliberations on the next day from its receipt in the Metropolitan or District Council Secretariat.

(4) Where the motion referred to in sub-section (1) is approved by majority of votes of the total membership of the Council, through a secret ballot, Deputy Mayor or Vice Chairman of the District Council shall cease to hold office forthwith and notification shall be issued in this behalf by Election Commission of Pakistan.

(5) Where the Deputy Mayor or Vice Chairman of the District Council is removed under sub-section (4), the Council shall elect a new Deputy Mayor or Vice Chairman of the District Council within a period not later than ten days in the manner specified in sub-section (4) of section 40.

(6) Where the motion fails in the Metropolitan or District Council, the proposer and seconder of such motion shall lose their seats both as members of the Metropolitan or District Council and Union Chairman, if any one of them is also a Union Chairman.

(7) The Deputy Mayor or Vice Chairman of District Council shall have the right to address the Metropolitan or District Council in his defence.

(8) No motion for recall of Deputy Mayor or Vice Chairman of District Council shall be moved during the first six months of assumption of office of the Deputy Mayor or Vice Chairman of District Council nor such motion be repeated before the expiry of one year from the rejection of previous motion.

Power of the Metropolitan or District Council to elect officiating Mayor, Deputy Mayor, Chairman or Vice Chairman of District Council.

46. (1) In case the office of Mayor, Deputy Mayor, Chairman or Vice Chairman of District Council falls vacant by reason of his death, resignation or removal, the Metropolitan or District Council shall elect one of its members to be the officiating Mayor, Deputy Mayor, Chairman or Vice Chairman till a new Chairman is elected under the provisions of section 168:

Provided that, where the Deputy Mayor or Vice Chairman fails to convene the meeting for election of officiating Mayor or Chairman of the District Council from amongst the members of the Council within ten days, the Deputy Mayor or Vice Chairman shall be liable to misconduct, and the senior-most presiding officer shall convene the meeting of the Council for such purpose:

Provided further that the officiating Mayor or Chairman of District Council shall not be a candidate for the office of Mayor or Chairman of District Council in the election.

CHAPTER V
TALUKA AND TOWN ADMINISTRATION

Composition of Taluka Municipal Administration.

47. In every Taluka there shall be a Taluka Municipal Administration which shall be a body corporate and consist of a Taluka Chairman, Vice Chairman, Chief Officer, Taluka Officers and other officials of the Local Government Service and officials of the offices entrusted to the Taluka Administration.

Town Municipal Administration.

48. In every town in a Metropolitan, there shall be a Town Municipal Administration which shall be a body corporate and consist of the Town Chairman, Vice Chairman, Chief Officer, Town Officers and other officials of the Local Government Service and officials of the offices entrusted to the Town Administration.

Provisions relating to Talukas apply to towns.

49. The provisions relating to Taluka Municipal Administration shall subject to sections 34 and 35 mutatis mutandis, apply to Town Administration and, in their application to the town in a Metropolitan, shall have effect as if references therein to the Taluka Municipal Administration, Taluka Chairman, Taluka Council, Village Council and Village were references, respectively, to the Town Municipal Administration, Town Chairman, Town Council, Neighbourhood Council and Neighbourhood under this Ordinance.

Entrustment of certain decentralized offices to the Taluka Municipal Administration.

50. On the commencement of this Ordinance, the functions, administration and financial management of the offices of Local Government Department, Public Health Engineering Department, Housing and Physical Planning Department and District Council, at the Regional, Zonal, Circle, Divisional, District, Taluka and lower levels shall stand entrusted to the Taluka Municipal Administration, to the extent and in the manner as prescribed.

Structure of the Taluka Municipal Administration.

51. (1) The Taluka Municipal Chairman shall head the Taluka Municipal Administration.

(2) The Taluka Municipal Officer shall act as coordinating and administrative officer in-charge of the following Taluka Officers, namely:-

(i) Taluka Officer (Regulations) who shall be responsible for licensing, management of municipal lands, estates, properties, facilities and enterprises and enforcement of relevant municipal laws, rules and bye-laws;

(ii) Taluka Officer (Infrastructure and Services) who shall be responsible for water, sewerage, drainage, sanitation, roads, other than Provincial and district roads, streets and street lighting; fire fighting, park services;

(iii) Taluka Officer (Planning) who shall be responsible for spatial planning and land use control; building control; and coordination of development plans and projects with Union Administration, Village Councils and other local councils.

(iv) Taluka Officer (Finance) who shall be responsible for budget, revenue and accounts.

(3) The staff of the Taluka Officers referred to in sub-section (2) shall be appointed from amongst the officials of the decentralized offices entrusted to Taluka Municipal Administration, Local Government Service and servants of councils established under the Sindh Local Government Ordinance, 1979 (XII of 1979), by Government keeping in view the requirements of every Taluka Municipal Administration.

(4) Notwithstanding the dissolution of Town Committees, Municipal Committees and Municipal Districts under this Ordinance, and until any contrary order is made by the Government or the service structure of the members of Local Government Service or the servants of councils is altered, the administrative set-up of such Committees and Districts shall remain intact and continue providing municipal services and the officers and staff working therein shall come under the executive control of the Taluka Chairman through the Taluka Municipal Officer.

(5) The officers and staff working in the dissolved District Councils and Union Councils shall be posted in the offices of such Councils as may be determined by Government.

Functions and powers of the Taluka Municipal Council.

52. (1) The functions and powers of the Taluka Municipal Administration shall be to -

(a) prepare spatial plans for the Taluka in collaboration with Union Councils, including plans for land use belonging to it, zoning thereof and functions for which the Taluka Municipal Administration is responsible;

(b) seek approval of the Taluka Council to the spatial plans prepared by it after due process of dissemination and public enquiry, incorporating modifications on the basis of such inquiry;

(c) execute and manage development plans;

(d) exercise control over land-use, land-subdivision, land development belonging to it and zoning thereof used for any purpose, including for agriculture, industry, commerce, markets, shopping and other employment centres; residential, recreation, parks, entertainment, passenger and freight transport and transit stations;

(e) enforce all municipal laws, rules and bye-laws governing its functioning:

Provided that the Taluka Municipal Administration may, with the approval of Taluka Council, exempt any Union from application of any specific provision of the bye-laws made by the Taluka Council under this Ordinance:

Provided further that Government may, on the recommendations of Taluka Administration through District Council, exempt any Union or a part thereof from the application of rules relating to land use, building control, tax on property or in any other matter dealing with municipal services:

Provided also that such exemption shall not extend to any organized housing schemes, zoning of industrial and commercial areas, and matters concerning environmental protection;

(f) prevent encroachments;

(g) regulate affixing of sign-boards and advertisements;

(h) provide, manage, operate, maintain and improve the municipal infrastructure and services, including -

(i) water supply and control and development of water sources, other than systems maintained by the Union and Village Councils;

(ii) sewerage, sewage and sewage treatment and disposal;

(iii) storm water drainage;

(iv) sanitation and solid waste collection and sanitary disposal of solid, liquid, industrial and hospital wastes;

(v) roads and streets, other than roads falling under the jurisdiction of, and maintained by Government, and streets maintained by the Union Administration or Village Council;

(vi) traffic planning, engineering and management including traffic signaling systems, signs on roads, street markings, parking places, transport stations, stops, stands and terminals;

(vii) street lighting;

(viii) fire fighting;

(ix) parks, playgrounds, open spaces and arboriculture; and

(x) slaughter houses;

(i) compile information provided by Union and Village Councils of prioritised projects in the Talukas;

(j) prepare budget, long term and annual municipal development programmes in collaboration with the Union Councils, under the directions of Taluka Chairman;

(k) maintain, with the assistance of the District Council, Union and Village Councils, a comprehensive data base and information system for Taluka Municipal Administration and provide public access to it on nominal charges;

(l) levy taxes, cesses, user fees, rates, rents, tolls, charges, surcharges, levies, fines and penalties under Part-III of the Second Schedule for approval of the Taluka Council and notify the same after such approval;

(m) collect approved taxes, cess, user fees, rates, rents, tolls, charges, fines and penalties;

(n) organize local sports, cultural, recreational events, fairs and shows;

(o) organize cattle fairs and cattle markets;

(p) co-ordinate and support municipal functions amongst Unions and Villages;

(q) regulate markets and services and issue licenses, permits, grant permissions and impose penalties for violation thereof as and where applicable;

(r) manage properties, assets and funds vested in the Taluka Municipal Administration;

(s) develop and manage schemes, including site development in collaboration with District Council and Union Administration;

(t) authorize an officer or officers to issue notice to a person committing any municipal offence and initiate legal proceedings for continuance of commission of such offence or for failure to comply with the directions contained in such notice;

(u) prosecute, sue and follow up criminal, civil and recovery proceedings against violators of municipal laws in the courts of competent jurisdiction; and

(v) prepare financial statements and present them for internal and external audit in the manner as may be prescribed.

(2) The Taluka Municipal Administration may –

(a) assign or contract out, on such terms and conditions as are approved by the Taluka Council and after inviting public objections, any of its functions to any public-private, public or private organization:

Provided that responsibility for discharge of such functions shall continue to vest with the Taluka Municipal Administration.

(b) on such terms and conditions as are mutually agreed, transfer its functions or responsibilities with regard to providing municipal services to the Union Administration or Village Council:

Provided that no function or responsibility shall be transferred without allocation of corresponding resources and funds:

Provided further that the responsibility to regulate and monitor such functions and services shall remain with the Taluka Municipal Administration;

(c) by an agreement and on such terms and conditions as may be mutually agreed, perform any function of the District Council;

(d) with funds raised through voluntary contributions or external grant, but without recourse to additional enhanced taxation, user charges or fees or recourse to any other sources of public funds and without incurring debt of any nature, undertake any development project;

(e) with the approval of Government and concerned regulatory authorities of the Federal Government and Provincial Government, setup, acquire, manage and operate any commercial activity on a self-financing basis with no liability to the public exchequer; and

(f) set-up a corporate body to perform any of its functions, singly or jointly with other public or private bodies:

Provided that responsibility for discharge of such functions shall continue to vest with the Taluka Municipal Administration.

Functions and Powers of the Town Municipal Administration.

53. The functions and powers of the Town Municipal Administration shall be to –

(a) prepare spatial plans for the Town in collaboration with Metropolitan Corporation and Union Councils including plans for land use belonging to it and zoning thereof and functions for which the Town Municipal Administration is responsible;

(b) enforce, in addition to its own, all municipal laws for and on behalf of Metropolitan Corporation, if required by such Metropolitan Corporation at the cost and expense of the latter;

(c) execute and manage development plans for the functions which are performed by the Town Municipal Administration;

(d) exercise control over land use, land sub-division, land development belonging to it and zoning thereof used for any purpose, including for agriculture, industry, commerce markets, shopping and other employment centres, residential, recreation, parks, entertainment, passenger and transport freight and transit stations;

(e) prevent and remove encroachments;

(f) procure and compile information provided by Union, Village Councils and neighbourhood councils of prioritized projects in the towns;

(g) prepare budget and long term and annual town municipal development programmes in collaboration with the Union Councils, under the directions of Town Chairman;

(h) maintain, with the assistance of the Metropolitan Corporation, Union, Village and Neighbourhood Councils, a comprehensive data base and information system for Town Municipal Administration and provide public access to it on nominal charges;

(i) propose taxes, cesses, user fees, rates, rents, tolls, charges, levies fines and penalties under Part-IV of the Second Schedule for approval of the Town Council and notify the same after such approval;

(j) collect taxes, cesses, user fees, rates, rents, tolls, charges, fines and penalties;

(k) organize local sports, cultural and recreational events, fairs and shows;

(l) organize cattle fairs and cattle markets;

(m) regulate markets and services and issue licenses, permits, grant permissions and impose penalties for violations thereof as and where applicable;

(n) manage properties, assets and funds vested in the Town Municipal Administration;

(o) develop and manage schemes, including site development in collaboration with Metropolitan Corporation and Union Administration;

(p) provide, manage, operate, maintain and improve the municipal infrastructure and services, including:

(i) water supply distribution other than integrated systems maintained by or on behalf of the Metropolitan Corporation;

(ii) sewerage system other than an integrated system maintained by or on behalf of Metropolitan Corporation excluding sewerage treatment and disposal;

(iii) solid waste collection and conveyance to transfer stations designated by the Town but excluding treatment and disposal of waste;

(iv) street lighting;

(v) fire fighting;

(vi) parks, playgrounds, open spaces and arboriculture, other than major facility maintained by the Metropolitan;

(vii) slaughter houses;

(q) authorize an officer or officers to issue notice to a person committing any municipal offence and initiate legal proceedings for continuance of commission of such offence or for failure to comply with the directions contained in such notice;

(r) prosecute, sue and follow criminal, civil and recovery proceedings against violations of municipal laws;

(s) prepare financial statements and present them for internal and external audit in the manner as may be prescribed.

Fiscal transfer to Taluka Municipal Administration.

54. The Taluka Municipal Administration shall receive fiscal transfers from Government in the manner as may be prescribed.

Taluka Chairman.

55. (1) The Taluka Chairman shall head the Taluka Municipal Administration and shall exercise such functions and powers as have been assigned to him under this Ordinance.

(2) The Taluka Chairman shall be assisted by Taluka Municipal Officer.

(3) The Taluka Chairman shall be responsible to ensure that the business of the Taluka Municipal Administration is carried out in accordance with the provisions of this Ordinance and the laws relating to the municipal services for the time being in force.

Functions of Taluka Chairman.

56. The functions of Taluka Chairman shall be –

(i) to provide vision and direction for efficient functioning of the municipal administration;

(ii) to formulate strategies for development of municipal infrastructure and improvement of delivery of the municipal services of the Taluka;

(iii) to oversee formulation and implementation of long term and annual municipal development programmes;

(iv) to oversee the delivery of services by the Taluka Municipal Administration and implementation of the laws governing the municipal services;

(v) to present the budget proposal to the Taluka Council for approval;

(vi) to present a report in person on the performance to the Taluka Council at least once in six months;

(vii) to supervise the utilization of the funds allocated to the Taluka Municipal Administration and to ensure their proper accounting;

(viii) to establish and supervise the working of the Internal Audit Office; and

(ix) to represent Taluka Municipal Administration on public and ceremonial occasions.

Taluka Municipal Officer.

57. (1) Government shall appoint the Taluka Municipal Officer who shall be the Principal Accounting Officer of the Taluka Municipal Administration and shall be the focal person –

(a) for redressing public complaints relating to Taluka Municipal Administration;

(b) for liaising with the District Council and the Local Government Commission, through the District Council, for resolution of disputes relating to Taluka Municipal Administration.

(2) The Taluka Municipal Officer shall-

(a) ensure that the business of the Taluka Municipal Administration is carried out in accordance with this Ordinance and any other law relating to municipal services for the time being in force;

(b) co-ordinate the municipal activities of the Taluka Municipal Administration and Union Administrations within the Taluka for coherent planning and development of municipal infrastructure and for effective and efficient functioning of the Taluka Municipal Administration;

(c) exercise general supervision over programmes, projects, services, and activities of the Taluka Municipal Administration; and

(d) provide information required by the Taluka Council for the performance of its functions:

Provided that while dealing with Government, District Council and Local Government Commission, the Taluka Municipal Officer shall not bypass the Taluka Chairman.

Town or Taluka Officer.

58. The functions and powers of the Town or Taluka Officer of the Town or Taluka Municipal Administration shall be to –

(a) ensure that the business of the office under his administrative control is carried out in accordance with law and the rules and the human and material resources placed at his disposal are optimally utilized to improve governance;

(b) co-ordinate and supervise the activities of the offices and ensure efficient service delivery by the functionaries under his administrative control;

(c) supply information to the Monitoring Committees of the Town or Taluka Council, Union Council and Union Committee;

(d) take appropriate corrective actions based on the information received from Monitoring Committees;

(e) enforce relevant Federal, Provincial and Municipal laws and rules;

(f) prepare development plans and propose budgetary allocations for their execution;

(g) implement approved plans and policies;

(h) authorize disbursement of performance bonuses to the employees;

(i) prepare proposals for expenditures necessary for the proper conduct of programmes, projects, services and other activities;

(j) propose relevant bye laws on service delivery to the Council; and

(k) acts as Departmental Accounting Officer for his respective office and be responsible to the Accounts Committee of the Town or as the case may be, Taluka Council.

Performance evaluation of officers of Taluka.

59. The annual performance report of the officers posted in the Taluka Municipal Administration shall be initiated by –

(a) the Taluka Chairman in respect of Taluka Municipal Officer and the Secretary, Local Government Department shall be the countersigning officer:

Provided that the Chief Officer shall record in a separate part of the Performance Evaluation Report his evaluation about the Taluka Municipal Officer's ability to collect and compile information; and

(b) the Taluka Municipal Officer in respect of Taluka Officers:

Provided that the Taluka Chairman shall be the countersigning officer.

Personal responsibility of Taluka Chairman.

60. The Taluka Chairman shall be personally responsible for any loss, financial or otherwise, flowing from the decisions made by him personally or under his directions in violation of any provisions of this Ordinance or any other law for the time being in force and for any expenditure incurred without lawful authority.

Resignation of Taluka Chairman.

61. The Taluka Chairman may resign from office by tendering resignation in writing addressed to the Chief Minister.

Vacancy of the Office of Taluka Chairman.

62. (1) In case the office of Taluka Chairman falls vacant for reason of his death, resignation or removal or, where in the opinion of the Taluka Council, he has become incapable to perform his functions on account of mental or physical incapacity, the Taluka Vice Chairman shall act as Taluka Chairman till an officiating Chairman is appointed under section 168 or a new Taluka Chairman is elected under that section:

Provided that where the Vice Chairman of Taluka is absent or his office is vacant for any reason, the senior-most presiding officer in the panel elected under section 71 shall act as Taluka Chairman and the next senior-most presiding officer in the panel shall act as Vice Chairman till the election of officiating Taluka Chairman under section 70 or Vice Chairman resumes his functions or, as the case may be, a new Vice Chairman of Taluka is elected by the Taluka Council under section 168:

Provided further that the officiating Taluka Chairman shall not be a candidate in the election for Taluka Chairman.

(2) Where a Taluka Chairman is unable to perform his functions for reason of his temporary absence, he may authorize Vice Chairman, in writing, to act on his behalf till he resumes his duties.

Recall of a Taluka Chairman.

63. (1) If in the opinion of a member of the Taluka Chairman, there is a reason to believe that the Taluka Chairman is acting against the public policy or the interest of the people or is negligent or is responsible for loss of opportunity to improve governance and the delivery of services, he may, seconded by another member of the Council, give a notice to move a motion in the Taluka Council through Vice Chairman of Taluka for recall of Taluka Chairman.

Provided that the officiating Taluka Chairman shall not be a candidate in the election for Taluka Chairman.

(2) On receipt of notice referred to in sub-section (1), the Vice Chairman of Taluka shall summon a session of the Taluka Council not earlier than three days but not later than seven days, if the Taluka Council is not already in session.

(3) Where the Taluka Council is already in session, the motion referred to in sub-section (1) shall be taken up for deliberations on the next day from its receipt by the Vice Chairman of Taluka.

(4) Where the motion referred to in sub-section (1) is approved by two-third majority of the votes of the total membership of the Council, through a secret ballot to be conducted by the Returning Officer nominated by the Election Commission, the Taluka Chairman shall cease to hold office forthwith and the notification shall be issued in this behalf by the Election Commission accordingly.

(5) Where the motion fails in the Taluka Council, the proposer and seconder of such motion shall lose their seats both as members of the Taluka Council and Vice Union Chairman, if any one of them is also a Vice Union Chairman.

(6) The Taluka Chairman shall have the right to appear before the Taluka Council and address it in his defence.

(7) No motion for recall of Taluka Chairman shall be moved during the first six months of assumption of office of Taluka Chairman nor shall such motion be repeated before the expiry of one year from the rejection of previous motion.

Setting aside an order of Town or Taluka Chairman.

64. (1) On a motion initiated by the Mayor or Chairman of the District Council, the Metropolitan or District Council may, by a resolution stating the grounds thereof, passed by a simple majority of its total membership, set aside an order or decision taken by Town or Taluka Chairman, if it considers the same to be against the interest of the people or public policy.

(2) The result of the approval of the resolution of the Metropolitan or District Council referred to in sub-section (1) shall be notified by the Metropolitan or District Council.

Setting aside the order of Town or Taluka Chairman by the Chief Minister.

65. (1) Notwithstanding anything contained in section 64, where, in the opinion of the Chief Minister, an order or decision of the Town or Taluka Chairman is not in conformity with law or is against the interest of the people, he may, for the reasons to be recorded and conveyed to the Chairman, suspend such order or, as the case may be, decision and refer the matter to the Provincial Local Government Commission for an enquiry to be completed within ninety days:

Provided that the Town or Taluka Chairman shall be given an opportunity of being heard by the Provincial Local Government Commission before making recommendations to the Chief Minister.

(2) On receipt of report of enquiry conducted by the Provincial Local Government Commission, the Chief Minister may take such action as deemed expedient in the light of such report, including quashment of the order or decision of the Taluka Chairman:

Provided that, if no action is taken within ninety days of the suspension of the order or decision of the Taluka Chairman, such order or, as the case may be, decision shall stand restored.

(3) The quashment of an order or decision referred to in sub-section (2) shall be notified by Government in the official Gazette.

CHAPTER VI
TALUKA AND TOWN COUNCILS

Composition of Taluka and Town Councils.

66. (1) There shall be a Taluka Council in a Taluka and a Town Council in a town in a Metropolitan and shall consist of Vice Chairmen of all Union Councils in the Taluka or town, as the case may be, and the following members elected on reserved seats, namely:-

(a) such number of women as to represent thirty-three percent of the total number of the Unions in the Taluka or, as the case may be, the town;

(b) such number of peasants and workers as to represent five percent of the total number of the Unions in the Taluka or, as the case may be, the town; and

(c) such number of persons from minority communities as to represent five percent of the total number of the Unions in the Taluka or, as the case may be, the town.

(2) If, in calculating a percentage for the purposes of sub-section (1), the number of reserved seats does not come out to be a whole number and such number is-

(a) less than a half, the number shall be rounded down to the next lower number; or

(b) a half or more, the number shall be rounded up to the next higher number.

(3) The Vice Chairman of Taluka or Vice Chairman of Town shall be the Convener of the Taluka Council or, the Town Council, as the case may be.

(4) The Taluka Council and Town Council shall have their offices under the Vice Chairman of Taluka or Vice Chairman of Town, as the case may be, and shall have separate budget allocations with its Secretary as Drawing and Disbursing Officer and Vice Chairman of Taluka as Principal Accounting Officer.

Provisions of Taluka Council apply to Town Council.

67. The provisions relating to Taluka Council shall mutatis mutandis apply to Town Council and any reference in these provisions to Taluka Chairman, Vice Taluka Chairman or Taluka Municipal Administration shall, respectively, be read as reference to Town Chairman, Vice Town Chairman and Town Municipal Administration.

Functions and powers of the Taluka Council.

68. The functions and powers of the Taluka Council shall be –

(i) to levy taxes, cess, rates, rents, fees, user-charges, tolls, levies, fines and penalties proposed by Taluka Municipal Administration specified in Part-III of the Second Schedule;

(ii) to approve bye-laws for delivery of municipal services;

(iii) to approve annual budget and appropriations for the Taluka Municipal Administration;

(iv) to approve long and short term development plans;

(v) to approve posts of personal staff for the office of Taluka Chairman and the terms and conditions of their service; provided that no post of advisor, special assistant, press or political secretary to the Taluka Chairman shall be sanctioned or approved;

(vi) to approve land use belonging to it, zoning and master plan of the Taluka development and maintenance programmes or projects proposed by the Taluka Municipal Administration;

(vii) to elect Monitoring Committees of the Taluka Council to monitor the working of the Taluka Municipal Administration and the provision of municipal services;

(viii) to ensure that the Monitoring Committees perform their functions in a non-intrusive manner without interfering in the day to day working of the relevant offices of the Taluka Municipal Administration and do not assume a command and control role;

(ix) to review the reports of the Monitoring Committees and make appropriate recommendations to the Taluka Chairman;

(x) to elect an Ethics Committee which shall be responsible for enforcing the code of ethics for regulating the conduct of the members of the Taluka Council;

(xi) to elect an Insaaf Committee for interacting with the Insaaf Committee of the District Council;

(xii) to elect Taluka Accounts Committee to review the audit reports of the accounts of Taluka Municipal Administration;

(xiii) to review the performance of Taluka Municipal Administration presented by the Taluka Chairman; and

(xiv) to require, by resolution, the Taluka Municipal Administration to undertake measures for improvement in the delivery of municipal services.

Functions and Powers of the Town Council.

69. The functions and powers of the Town Councils shall be to –

(a) levy taxes, cesses, rates rents, fees, user charges, tolls, levies, fines and penalties proposed by Town Municipal Administration specified in Part-IV of the Second Schedule;

(b) to approve bye-laws for delivery of municipal services;

(c) approve annual budget and appropriation for the Town Municipal Administration;

(d) approve long and short term development plans;

(e) approve posts of personal staff for the office of Town Chairman and the terms and conditions of their services provided that, no post of advisor special assistant, press or political secretary to the Town Chairman shall be sanctioned or approved;

(f) elect monitoring committees of the Town Council to monitor the working of the Town Municipal Administration and the provision of municipal services;

(g) ensure that monitoring committees perform their functions in a non-intrusive manner without interfering in the day to day working of the relevant offices of the Town Municipal Administration and do not assume a command and control role;

(h) review the reports of the monitoring committees and make appropriate recommendations to the Town Chairman;

(i) elect Ethics Committee which shall be responsible for enforcing the code of conduct for regulating the conduct of the members of the Town Council;

(j) elect an Insaaf Committee for interacting with the Insaaf Committee of the Metropolitan and District Councils;

(k) elect Town Accounts Committee to review the audit reports of the accounts of Town Municipal Administration;

(l) review the performance of Town Municipal Administration presented by the Town Chairman;

(m) recommend by resolution to Metropolitan Corporation to undertake measures for improving delivery of municipal services to the Towns;

(n) to approve land use belonging to it, zoning and master plan of the town development and maintenance programmes or projects proposed by the Town Municipal Administration;

to require by resolution, the Town Municipal Administration to undertake measures for improvement in the delivery of municipal services.

Power to appoint Officiating Taluka Chairman.

70. (1) Where the office of Taluka Chairman falls vacant by reason of his death, resignation or removal, the Taluka Council shall, from amongst its members, elect an Officiating Taluka Chairman, till a new Taluka Chairman is elected under the provisions of section 168:

Provided that Vice Chairman of Taluka shall convene the meeting of the Taluka Council for the election of Officiating Taluka Chairman within ten days from the death, resignation or removal of Taluka Chairman, as the case may be:

Provided further that the Officiating Taluka Chairman shall not be a candidate for the office of Taluka Chairman in election for Taluka Chairman.

(2) Where the Vice Chairman of Taluka Council fails to convene the meeting for election of Officiating Taluka Chairman from amongst the members of the Council within ten days, the Vice Chairman of Taluka Council shall be liable to misconduct, and the senior-most presiding officer shall convene the meeting of the Council for such purpose.

Conduct of the business of

71. (1) The Taluka Council shall regulate its business in accordance with the bye-laws made by it.

Taluka Council.

(2) The Taluka Council shall meet at least once in every month.

(3) Save as otherwise provided, decisions of the Taluka Council shall be taken by resolutions passed by a simple majority of the members present and voting and a copy of each resolution shall be transmitted to the Local Government Commission:

Provided that the member presiding the meeting shall not vote except in the case of equality of votes.

(4) In the first meeting of the Council to be convened and presided over by the Returning Officer nominated by the Election Commission, the members of the Taluka Council shall elect from amongst themselves a Vice Chairman of Taluka securing majority votes of total membership of the Council.

(5) The Vice Chairman of Taluka elected under sub-section (4) shall be the Convener of the Taluka Council and shall preside its meetings and shall perform such other functions as are assigned to him by the Taluka Chairman.

(6) After the election of Vice Chairman of Taluka, the Taluka Council shall, in order of precedence elect a panel of not less than three members as presiding officers securing highest number of votes who shall, in the absence of, or in case of the suspension of, Vice Chairman of Taluka, or where a no confidence motion has been moved against him, convene and preside over the meetings of the Taluka Council.

(7) The quorum of the meetings of the Taluka Council shall be fifty-one percent of its total membership.

(8) The meetings of the Taluka Council shall be open to public, unless the Council, by a resolution, decides to hold any meeting in camera.

(9) The minutes of the meetings of Taluka Council shall be recorded and maintained by an officer authorized by the Taluka Council.

Address of Taluka Chairman.

72. (1) At the commencement of first session of the Taluka Council after its election and on commencement of first session of every year the Taluka Chairman shall address the Taluka Council and shall inform the Council of his plans and programmes for the said year and the performance of the Taluka Administration during the preceding year.

(2) Notwithstanding anything contained in sub-section (1), the Taluka Chairman may address the Taluka Council whenever he deems necessary to associate the Taluka Council in functioning of the Taluka Municipal Administration.

Setting aside the resolution of Taluka Council.

73. (1) On a motion initiated by the District Council, the District Council may, by a resolution stating the grounds thereof, passed by a simple majority of its total membership, set aside a resolution of the Taluka Council, if it considers the same to be against the interest of the people or public policy.

(2) The result of the approval of the resolution of the District Council referred to in sub-section (1) shall be notified by the District Council.

Setting aside the resolution of Taluka Council by the Chief Minister.

74. (1) Where, in the opinion of the Chief Minister, a resolution of Taluka Council is not in conformity with law or is against the interest of the people, he may, for the reasons to be recorded and conveyed to the Taluka Council, suspend such resolution and refer the matter to the Provincial Local Government Commission for an enquiry to be completed not later than ninety days.

(2) On receipt of report of enquiry conducted by the Provincial Local Government Commission, the Chief Minister may take such action as deemed expedient in the light of such report, including quashment of the resolution of the Taluka Council:

Provided that, if no action is taken within ninety days of suspension of the resolution of the Taluka Council, such resolution shall stand restored.

(3) The quashment of the resolution referred to in sub-section (2) shall be notified by Government in the official Gazette.

Resignation of Vice Chairman of Taluka.

75. The Vice Chairman of Taluka may resign from office by tendering resignation in writing addressed to the Taluka Chairman.

No confidence motion against Vice Chairman of Taluka.

76. (1) If in the opinion of a member of Taluka Council, there is a reason to believe that the Vice Chairman of Taluka is acting against the public policy or the interest of the people or for any other reason, he has lost confidence of the Council, he may, seconded by another member of the Council, give a notice to the Taluka Council for moving a motion for removal of Vice Chairman of Taluka.

(2) On receipt of notice referred to in sub-section (1), the senior-most presiding officer in the panel referred to in section 71 shall summon a session of Taluka Council not earlier than three days but not later than seven days, if the Taluka Council is not already in session.

(3) Where the Taluka Council is already in session, the motion referred to in sub-section (1) shall be taken up for deliberations on the next day from its receipt in the Taluka Council.

(4) Where the motion referred to in sub-section (1) is approved by majority votes of the total membership of the Council, through a secret ballot, the Vice Chairman of Taluka shall cease to hold the office forthwith and the notification shall be issued in this behalf by the Election Commission.

(5) Where the Vice Chairman of Taluka is removed under sub-section (4), the Council shall elect a new Vice Chairman of Taluka within a period not later than ten days in the manner specified in section 70.

(6) Where the motion fails in the Taluka Council, the proposer and seconder of such motion shall lose their seats both as members of the Taluka Council and Vice Chairman Union, if any one of them is also a Vice Chairman Union.

(7) The Vice Chairman of Taluka shall have the right to address the Taluka Council in his defence.

(8) No motion for recall of Vice Chairman of Taluka shall be moved during the first six months of assumption of office of Vice Chairman of Taluka nor shall such motion be repeated before the expiry of one year from the rejection of previous motion.

Joint Committees of Councils.

77. The Taluka Council may, with the consent of the District Council or adjoining Taluka Councils or Union Councils, set up Joint Committees of the Councils for any purpose in which such Councils may be jointly interested and may delegate to such joint committees any power which may be exercised by them, including the power to make bye-laws for their functioning.

CHAPTER VII
UNION ADMINISTRATION

Composition of Union Administration.

78. There shall be constituted a Union Administration for every Union which shall be a body corporate and consist of Union Chairman, Union Vice Chairman and not more than three Union Secretaries and, where required, the members of ancillary staff.

Structure of Union Administration.

79. (1) The Union Chairman shall be the head of the Union Administration.

(2) The Union Vice Chairman shall deputise for the Union Chairman during his temporary absence.

(3) The Union Secretaries shall coordinate and facilitate in community development, functioning of the Union Committees and delivery of municipal services under the supervision of Union Chairman:

Provided that functions of the Union may be assigned to one or more Secretaries.

(4) The Union Chairman may declare one of the Secretaries of the Union Administration to act as the Principal Accounting officer of the Union Administration.

Functions of the Union Administration.

80. The functions of Union Administration shall be –

(a) to collect and maintain statistical information for socio-economic surveys;

(b) to consolidate village and neighbourhood development needs and prioritise them into union-wide development proposals with the approval of the Union Council and make recommendations thereof to the District Council or Taluka Municipal Administration, as the case may be;

(c) to identify deficiencies in the delivery of services and make recommendations for improvement thereof to the Taluka Municipal Administration;

(d) to register births, deaths and marriages and issue certificates thereof;

(e) to make proposals to the Union Council for levy of rates and fees specified in the Second Schedule and to collect such rates and fees within the Union;

(f) to establish and maintain libraries;

(g) to organize inter-Village or Neighbourhood sports tournaments, fairs, shows and other cultural and recreational activities;

(h) to disseminate information on matters of public interest;

(i) to improve and maintain public open spaces, public gardens and playgrounds;

(j) to provide and maintain public sources of drinking water, including wells, water pumps, tanks, ponds and other works for the supply of water;

(k) to maintain the lighting of streets, public ways and public places through mutual agreement with the Taluka Municipal Administration;

(l) to arrange facilities for the handicapped, destitutes and poor;

(m) to provide protection against stray animals and animal trespass, and to establish cattle pounds;

(n) to regulate grazing areas;

(o) to assist the relevant authorities in disasters and natural calamities, and assist in relief activities, including de-silting of canals;

(p) to co-operate with the public, private or voluntary organisations, engaged in activities similar to those of the Union;

(q) to execute the projects of the approved Union Annual Development Plan by contracting out to the private sector in the manner as may be prescribed and to obtain support of the Taluka Municipal Administration or District Council for such execution; and

(r) to assist the Village Councils or, as the case may be, Neighbourhood Councils in the Union to execute development projects.

Assignment of functions to Village Council.

81. The Union Administration may, subject to such terms and conditions as may be mutually agreed, assign any of its functions to Village Council:

Provided that responsibility for discharge of such functions shall continue to vest with the Union Administration:

Provided further that no function or responsibility shall be transferred without allocation of corresponding resources and funds.

Entrustment of functions by District Council, etc.

82. (1) The District Council or, as the case may be, the Taluka Municipal Administration may entrust any of its functions to the Union Administration with mutual agreement:

Provided that resources required for carrying out such functions shall be made available to the Union Administration.

(2) The Union Administration may, with the mutual agreement and the funds raised by it through voluntary contributions, undertake development projects or functions of the Taluka Municipal Administration or the District Council:

Provided that no additional user charges or fees shall be collected from the population benefiting from such projects and functions:

Provided further that for carrying out such functions or completion of such projects, the Union Administration shall not have recourse to public funds or incur any debt.

Government to prescribe powers of Union Administration.

83. The administrative, financial and regulatory powers of the Union Administration shall be prescribed by Government.

Functions of Union Chairman.

84. A Union Chairman shall -

(a) provide leadership for Union-wide development and preparation of budget and the annual development plan;

(b) organize the management of inter-villages municipal infrastructure;

(c) assist the Taluka Municipal Administration in spatial planning process;

(d) constitute Musalihat Anjuman;

(e) dispose of the business of Union Administration and shall record the annual Performance Evaluation Report of Union Secretaries and such report shall be countersigned by the Taluka Municipal Officer; and

(f) report to the concerned authorities in respect of –

(i) encroachment on State and local government property and violation of land use and building laws, rules and bye-laws;

(ii) sale and trade of dangerous and offensive articles;

(iii) environmental and health hazards;

(iv) adulteration of articles of food; and

(v) breach of public watercourses, within the area of the union.

Personal responsibility of Union Chairman.

85. The Union Chairman shall be personally responsible for any loss, financial or otherwise, flowing from the decisions made by him personally or under his directions in violation of any provisions of this Ordinance or any other law for the time being in force and for any expenditure incurred without lawful authority.

Setting aside decisions of Union Chairman.

86. (1) On a motion initiated by the Taluka Chairman or Town Chairman, Taluka Council or, as the case may be, Town Council may, by a resolution stating the grounds thereof, passed by a simple majority of its total membership, set aside an order or decision taken by Union Chairman, if it considers the same to be against the interest of the people or public policy.

(2) The result of the resolution referred to in sub-section (1) shall be notified by the Taluka Council or Town Council, as the case may be.

Setting aside the order of Union Chairman by the Chief Minister.

87. (1) Notwithstanding anything contained hereinabove, where, in the opinion of the Chief Minister, an order or decision of the Union Chairman is not in conformity with law or is against the interest of the people, he may, for the reasons to be recorded and conveyed to the Chairman, suspend such order or, as the case may be, decision and refer the matter to the Provincial Local Government Commission for an enquiry to be completed not later than ninety days:

Provided that the Union Chairman shall be given an opportunity of being heard by the Provincial Local Government Commission before making recommendation to the Chief Minister.

(2) On receipt of report of enquiry conducted by the Provincial Local Government Commission, the Chief Minister may take such action as deemed expedient in the light of such report, including quashment of the order or decision of the Union Chairman:

Provided that, if no action is taken within ninety days of the suspension of the order or decision of the Union Chairman, such order or, as the case may be, decision shall stand restored.

(3) The quashment of an order or decision referred to in sub-section (2) shall be notified by the Government in the official Gazette.

Resignation by Union Chairman.

88. The Union Chairman may resign from his office by tendering resignation in writing addressed to Vice Chairman of District Council.

Recall of Union Chairman.

89. (1) If in the opinion of a member of Union Council, there is a reason to believe that the Union Chairman is acting against the public policy.

(2) On receipt of notice referred to in sub-section (1), the Vice Chairman Union shall summon a session of Union Council within three days if the Union Council is not already in session.

(3 Where the Union Council is already in session, the motion referred to in sub-section (1) shall be taken up for deliberations on the next day from its receipt in the Union Council.

(4) Where the motion referred to in sub-section (1) is approved by two-third majority of the votes of the total membership of the Union Council, through a secret ballot to be conducted by the Election Commission, the Union Chairman shall cease to hold office forthwith and the notification shall be issued in this behalf by the Election Commission.

(5) Where the motion fails in the Union Council, the proposer and seconder of such motion shall lose their seats as members of the Union Council.

(6) The Union Chairman shall have the right to address the Union Council in his defence.

(7) No motion for recall of Union Chairman shall be moved during the first six months of assumption of office of Union Chairman nor shall such motion be repeated before the expiry of one year from the rejection of previous motion.

Joint Committees of Councils.

90. The Union Council may, with the consent of the District Council or a Taluka Council or Town Council or adjoining Union Councils may set up joint committees of the Councils for any purpose in which such Councils may be jointly interested and may delegate to such joint committee any power which may be exercised by them, including the power to make bye-laws for their functioning.

CHAPTER VIII
UNION COUNCIL

Composition of the Union Council.

91. There shall a Union Council in each Union comprising thirteen following members elected directly in accordance with section 168 -

(a) six Muslim members, elected to general seats, including two reserved for women;

(b) four members, elected to seats reserved for peasants and workers, including two reserved for women;

(c) one member elected to a seat reserved for minority communities; and

(d) Union Chairman and Vice Chairman Union elected as joint candidates:

Provided that in a Union where the population of minorities is in excess of ten percent of the total population of the Union, reserved seats for minority communities referred to in clause (c) shall be increased by reallocating the seats specified in clauses (a) and (b) in the manner prescribed by Government.

92. The functions of the Union Council shall be to – **Functions of the Union Council.**

(a) approve the annual development plan and budgetary proposals of the Union Administration;

(b) approve rates and fees for services specified in Part-V of the Second Schedule proposed by the Union Administration;

(c) assist the Taluka Council and Town Council in creation of Village and Neighbourhood Councils;

(d) facilitate the formation of co-operatives for improving economic returns and alleviation of poverty;

(e) mobilize the community involvement in maintenance of public ways, public streets, culverts, bridges and public buildings, de-silting of canals and other development pursuits;

(f) promote plantation of trees, landscaping and beautification of public places in the Union;

(g) assist Taluka Municipal Administration in establishment and maintenance of burial and cremation places;

(h) approve the terms and conditions of the employment of Village or Neighbourhood guards and oversee their functioning;

(i) adopt appropriate measures and provide support to the District Council, Taluka Municipal Administration and Town Municipal Administration for achievement of socio-economic development and improvement of services;

(j) elect Monitoring Committees of the Union, each for municipal services, finance, public safety, health, education, literacy, works and services;

(k) elect an Ethics Committee of the Union Council which shall be responsible for enforcing the code of ethics to regulate the conduct of the members of the Council;

(l) elect a Union Accounts Committee which shall be responsible for examination of the audit reports;

(m) elect an Insaaf Committee which shall be responsible for the selection of the panel of Conciliators of Musalihat Anjuman for out of court amicable settlement of disputes;

(n) review the performance of Union Administration and Union Monitoring Committees; and

(o) review the annual statement of accounts and external or special audit reports in respect of the Union Administration.

Conduct of the business of Union Council.

93. (1) The Union Council shall regulate its business in accordance with the by-laws made by it.

(2) The Union Council shall meet at least once in every month.

(3) All decisions of the Union Council shall be taken by resolutions passed by a simple majority of its total membership:

Provided that the member presiding the meeting shall not vote except in the case of equality of votes.

(4) All meetings of the Union Council shall be presided over by Union Chairman and, in his absence, by the Vice Chairman Union or, in absence of both Union Chairman and Vice Chairman Union or where a motion for recall of Union Chairman or Vice Chairman has been moved, by a member elected by the Union Council from amongst its members present in the meeting.

(5) The quorum of the meetings of the Union Council shall be fifty-one percent of its total membership.

(6) The meetings of the Union Council shall be open to public, unless the Union Council, by a resolution, decides to hold any meeting in camera.

(7) The minutes of the meetings of Union Council shall be recorded and maintained by an official authorized by the Union Council.

Setting aside the resolution of Union Council.

94. (1) On a motion initiated by the Taluka Municipal Administration, the Taluka Council may, by a resolution stating the grounds thereof, passed by a simple majority of its total membership, set aside a resolution of the Union Council, if it considers the same to be against the interest of the people or public policy.

(2) The result of the approval of the resolution of the Taluka Council referred to in sub-section (1) shall be notified by the Taluka Council.

Setting aside the resolution of Union Council by the Chief Executive of the Province.

95. (1) Where, in the opinion of the Chief Minister, a resolution of Union Council is not in conformity with law or is against the interest of the people, he may, for the reasons to be recorded and conveyed to the Union Council, suspend such resolution and refer the matter to the Provincial Local Government Commission for an enquiry to be completed not later than ninety days.

(2) On receipt of report of enquiry conducted by the Provincial Local Government Commission, the Chief Minister may take such action as deemed expedient in the light of such report, including quashment of the resolution of the Union Council:

Provided that, if no action is taken within ninety days of suspension of the resolution of the Union Council, such resolution shall stand restored.

(3) The quashment of the resolution referred to in sub-section (2) shall be notified by the Government in the official Gazette.

Address of Union Chairman.

96. (1) At the commencement of first session of every year the Union Chairman shall address the Union Council and shall inform the Council his plans and programmes for the said year and the performance of the Union Administration during the preceding year.

(2) Notwithstanding anything contained in sub-section (1), the Union Chairman may address the Union Council whenever he deems necessary to associate or consult the Union Council in functioning of the Union Administration.

Resignation by Vice Chairman of Union.

97. The Vice Chairman of Union may resign from his office by tendering resignation in writing addressed to Vice Chairman of Union.

Recall of Vice Chairman of Union.

98. (1) If in the opinion of a member of Union Council, there is a reason to believe that the Vice Chairman of Union is acting against the public policy or the interest of the people or for any other reason, he may, seconded by another member of the Council, move a motion in the Union Council for recall of Vice Chairman of Union.

(2) On receipt of notice referred to in sub-section (1), the Union Chairman shall summon a session of Union Council within three days, if the Union Council is not already in session.

(3) Where the Union Council is already in session, the motion referred to in sub-section (1) shall be taken up for deliberations immediately on its receipt in the Union Council.

(4) If the motion referred to in sub-section (1) is approved by two-third majority of the votes of its total membership, through a secret ballot to be conducted by the Returning Officer nominated by the Chief Election Commissioner, the Vice Chairman of Union shall cease to hold office forthwith on approval of the motion by the Union Council.

(5) Where the motion fails in the Union Council, the proposer and seconder of such motion shall lose their seats as members of the Union Council.

(6) The Chief Election Commissioner shall notify the result of the approval of the motion by the Union Council.

(7) The Vice Chairman of Union shall have the right to address the Union Council in his defence.

(8) No motion for recall of Vice Chairman of Union shall be moved during the first year of assumption of office of Vice Chairman of Union nor shall such motion be repeated before the expiry of one year from the rejection of previous motion.

(9) Where the motion against Vice Chairman of Union is approved under sub-section (4), the Union Chairman shall cause the election of Officiating Vice Chairman of Union within ten days from the date of approval of the motion.

CHAPTER IX
VILLAGE AND NEIGHBOURHOOD COUNCILS

Declaration of Village and Neighbourhood Councils.

99. Upon a proposal of the Taluka Municipal Administration or Town Municipal Administration, as the case may be –

(i) the Taluka Council may determine and declare by notification a Village or a Neighbourhood in urban areas in the Taluka, to have a Village Council or, as the case may be, Neighbourhood Council, and number of members to be elected for such Councils; and

(j) the Town Council may determine and declare by notification a Neighbourhood or a Village in the rural areas in the town, to have a Neighbourhood Council or, as the case may be, Village Council, and number of members to be elected for such Councils;

Composition of Village Council and Neighbourhood Council.

100. (1) The number of members of Village Council and Neighbourhood Council shall be five to eleven members each:

Provided that for each Council one seat shall be reserved for women and one seat for peasants and workers.

(2) The Village Council and Neighbourhood Council shall each be headed by a Chairman who shall be the person securing highest number of votes in the election of Village Council or, as the case may be, Neighbourhood Council.

(3) The Union Chairman shall allocate the work relating to the Village Councils and Neighbourhood Councils in the Union amongst the Secretaries posted in the Union Administration.

(4) Every Village Council and Neighbourhood Council shall be a body corporate.

Election of Village Council and Neighbourhood Council.

101. (1) The Taluka Municipal Administration and Town Municipal Administration may after declaration of Villages and Neighbourhoods conduct the elections of Village Councils and Neighbourhood Councils as may be prescribed.

(2) District Council shall facilitate and provide necessary support to the Taluka Municipal Administration and Town Municipal Administration in the elections of Village and Neighbourhood Councils.

(3) Where a Taluka Council or Town Council does not make declaration referred to in section 100 or where a Taluka Municipal Administration or, as the case may be, Town Municipal Administration fails to conduct elections of Village Councils or Neighbourhood Councils within ninety days referred to in sub-section (1), District Council may make such declaration or, as the case may be, conduct the elections of the Village Councils and Neighbourhood Councils within thirty days from the declaration made by it.

(4) The vacancies of the members of the Village Council or, as the case may be, Neighbourhood Council referred to in section 100 shall be filled in by the persons securing highest number of votes.

(5) The term of office of the Village Council and Neighbourhood Council shall correspond to the term of office of the Union Council concerned provided that the Village Council and Neighbourhood Council shall continue in office until replaced by a new Village Council or, a Neighbourhood Council, as the case may be.

Functions of Village Council and Neighbourhood Council.

102. (1) The functions of the Village and Neighbourhood Councils shall be to –

(a) develop and improve water supply sources;

(b) make arrangements for sanitation, cleanliness and disposal of garbage and carcasses;

(c) develop sites for drinking and bathing of cattle;

(d) take measures to prevent contamination of water;

(e) prevent and abate nuisances in public ways, public streets and public places;

(f) organise watch and ward in the Village and Neighbourhood through unarmed Village or Neighbourhood guards;

(g) organise Village and Neighbourhood sports teams, cultural and recreational activities;

(h) mobilise voluntary resources, including physical labour, property and cash contributions for municipal activities in the Village and Neighbourhood;

(i) facilitate the formation of co-operatives for improving economic returns and reduction of interstitial poverty and consumer protection;

(j) report cases of handicapped, destitute, and of extreme poverty to the Union Administration;

(k) mobilise the community involvement in maintenance of public streets, play grounds, parks, culverts and public buildings, de-silting of canals and watercourses; and

(l) promote plantation of trees, landscaping and beautification of the Village and Neighbourhood.

(2) The Village Council and Neighbourhood Council shall assist Union Administration in –

(a) conducting surveys in the Village and Neighbourhood and collecting socio-economic data;

(b) selecting sites for providing municipal facilities and services to the Village or Neighbourhood;

(c) identifying encroachments;

(d) managing burial places and cremation grounds of the village;

(e) managing and lighting of Village or Neighbourhood roads, streets, and paths; and

(f) collecting land revenue and other taxes.

(3) A Village Council or Neighbourhood Council may, subject to such terms and conditions as may be mutually agreed, entrust any of its functions to the Union Administration:

Provided that responsibility for discharge of such functions shall continue to vest with the Village Council or, as the case may be, Neighbourhood Council:

Provided further that no function or responsibility shall be transferred without allocation of corresponding resources and funds.

Village Council and Neighbourhood Council to develop facilities.

103. The Village Council and Neighbourhood Council may, with funds raised through voluntary contributions or on self-help basis, develop and maintain municipal and community welfare facilities.

CHAPTER X
MUSALIHAT ANJUMAN

Constitution of Musalihat Anjuman.

104. (1) In each Union, a Musalihat Anjuman shall be constituted consisting of a panel of three Musaleheen (Conciliators) one of whom shall be its Convener, to be selected by the Insaf Committee of the Union Council, within thirty days after its election, from amongst the residents of the Union who are publicly known to be persons of integrity, good judgment and command respect:

Provided that the Union Chairman, Deputy Union Chairman or the members of the Union Council may not be appointed as Musaleheen (Conciliators).

(2) Any casual vacancy in the panel of Musaleheen (Conciliators) shall be filled by the Insaf Committee, as soon as practicable after occurrence thereof.

(3) The Musaleheen (Conciliators) shall be selected for the term of the Union Council or until replaced earlier:

Provided that Musaleheen (Conciliators) shall be eligible for re-selection.

(4) Where in the opinion of the Insaf Committee, a Musleh (Conciliator) is accused of consistent partiality and malpractices in performance of his functions, the Insaf Committee may, subject to notice to show cause, remove such Musleh (Conciliator) and select another Musleh (Conciliator) in his place.

Encouragement for amicable settlement of disputes.

105. The Union Chairman, members of the Insaf Committee and Musaleheen (Conciliators) shall use their good offices to achieve the amicable settlement of disputes amongst the people in the Union through mediation, conciliation and arbitration, whether or not any proceedings have been instituted in a court of law in respect of such disputes:

Provided that such settlement shall be carried out in such cases where all parties to the dispute agree thereto and no fee shall be charged for such settlement:

Provided further that in bringing parties to a dispute to an amicable settlement , Musalihat Anjuman shall have regard to the provisions of section 345 of the Code of Criminal Procedure (Act V of 1898), Hudood laws and all other laws for the time being in force where under certain offences are not compoundable:

Provided also that every settlement brought by Musalihat Anjuman in a case pending before a court shall be subject to the approval of such Court.

Explanation.– For the purpose of this section, the expression 'dispute' relates to disputes amongst the individuals, whether of civil or criminal nature.

Courts may refer cases to Musalihat Anjuman.

106. (1) Any court of competent jurisdiction may, in a case where it deems appropriate, refer a matter to the Musalihat Anjuman through the Union Chairman for settlement.

(2) The court making a reference to Musalihat Anjuman for settlement of a dispute under sub-section (1) may lay down the procedure for summoning the parties to the dispute, the terms of reference, the period during which settlement is to be made, the manner in which report of the settlement is to be submitted and such other matters as it may deem appropriate for resolution of the dispute.

(3) Where on a reference made by the court under sub-section (1), the dispute is settled between the parties, the court may make such settlement as rule of the court.

(4) The Musalihat Anjuman shall inform the court if the dispute is not settled within the time fixed by the court or, may ask for extension in time for settlement of dispute.

Appointment of Musleh.

107. (Conciliator) for individual cases.- Where in a dispute the parties request for appointment of a person other than the Musaleheen (Conciliators) in the panel referred to in section 104 in a particular case as a Musleh (Conciliator), the Union Chairman may, in consultation with the Insaf Committee, appoint such person as Musleh (Conciliator) for that case.

Procedure of settlement of disputes.

108. (1) The Convener of the Musalihat Anjuman selected under section 104 shall –

(a) convene meetings of the Musalihat Anjuman as necessary and at such place or places in the Union as he considers appropriate; and

(b) conduct the proceedings in an informal manner as he considers with the object to bring an amicable settlement between the parties.

(2) No legal practitioners shall be permitted to take part in the proceedings on behalf of any party.

(3) The report of the Musaleheen (Conciliators) shall be recorded in writing and copies thereof shall be provided to the parties attested by the Secretary of the Union.

CHAPTER XI
LOCAL COUNCIL FINANCE

Establishment of Funds and Public Accounts.

109. (1) There shall be established a District Fund, a Taluka Local Fund, a Town Local Fund and a Union Local Fund as the case may be for each respective Council.

(2) All revenues received by a Council shall form part of the respective Council Fund including -

(a) monies transferred by another Council under this Ordinance;

(b) grants made to or monies received by a Council from Government or other sources;

(c) the proceeds of taxes or charges levied by a Council under this Ordinance;

(d) rent and profits payable or accruing to a Council from immovable property vested in or controlled or managed by it;

(e) proceeds or any other profits howsoever known or called from bank accounts, investments or commercial enterprises of a Council;

(f) gifts, grants or contributions to a Council by individuals or institutions;

(g) income accruing from markets or fairs regulated by a Council;

(h) fines paid with respect to offences under this Ordinance or by laws or under any other law for the time being in force in which provision is made for the fines to be credited to the Funds established under this Ordinance;

(i) proceeds from other sources of income which are placed at the disposal of a Council under directions of Government; and

(j) all monies transferred to a Council by Government.

(3) All other monies including –

(a) receipts accruing from trusts administered or managed by a Council;

(b) refundable deposits received by a Council; and

(c) deferred liabilities;

shall be credited to the Public Account of the respective Local Council.

Custody of Funds.

110. Monies credited to a fund or a Public Account shall be kept in the State Bank, Government Treasury, a post office or a bank in such manner as shall be specified by the Government from time to time and shall be operated through the Accounts official specified under section 116 of the concerned Council.

Application of Funds.

111. (1) The monies credited to a Fund shall be expended by Council in accordance with the annual budget and Supplementary Budget approved by its Council.

(2) A Council may transfer approved budgeted amounts to any Council, Village Council or Neighbourhood Council, with in its local area, for expenditure for carrying out a project service or activity transferred to, or managed by the recipient Council, Village Council, Neighbourhood Council.

(3) The application of a fund of Council shall as provided by a Council be subject to budgetary constraints by ratio to be prescribed for development works and expenditure on establishment:

Provided that the schedule of establishment shall be maintained by the Councils and communicated to Government as may be prescribed.

(4) Expenditure from a Fund of a Council on new posts or filling of existing vacant posts or total establishment expenditures as the case may be in a financial year shall not increase more than ten percent in total from the actual establishment expenditures of the previous year:

Provided that this sub-section shall not apply to a general salary increase on the existing schedule of establishment prescribed by Government:

(5) The development budget shall be prioritized in accordance with the bottom up planning system as laid down in section 122.

Provided that -

(a) not less than twenty five percent of the development budget shall be set apart for utilization in accordance with the provisions of section 122; and

(b) the amount referred to in clause (a) which remains unspent shall be credited under the same head in the following years budget in addition to the fresh allocation under the said clause for that year.

(6) Where a new Council is to take over during a financial year as a result of fresh elections, the outgoing Council shall not spend funds or make commitments for any expenditure, under any Demand for Grant or Appropriation, in excess of eight percent per mensum of the budgeted funds for the remainder of its term in office in that financial year.

(7) In every budget a provision shall be made for payment of performance incentive bonuses as prescribed.

Charged Expenditure.

112. The following expenditure shall be treated as charged expenditure:

(a) in relation to District Fund:

(b) the budget of the District Council;

(c) any sum to satisfy any judgment, decree or award against a Council by any Court or Tribunal;

(d) all sums to be paid in connection with the administration of the functions of the District Mohtasib; and

(e) interest payments.

(f) in relation to Taluka or Town or Union Local Fund:

(g) the budget of the Taluka or Town Council or as the case may be the Union Council;

(h) any sum to satisfy any judgment, decree or award against a Local Council by any Court or Tribunal; and

(i) interest payments:

Provided that any other expenditure may be prescribed as charged expenditure.

Budget Preparation.

113. (1) The annual budget for each Council shall contain estimates of –

(a) grants-in-aid from Government;

(b) amounts available in the respective Fund;

(c) receipts for the next year; and

(d) expenditure to be incurred for the next year.

(2) To enable the budget preparation by Council, Government shall, sufficiently before the beginning of each financial year, notify the provisional shares, which may be credited to the Fund of a Council from the Provincial Allocable amount.

(3) Each District Council, Taluka, or Town Municipal Administration and Union Administration shall reappropriate budgetary provisions in accordance with the reappropriation powers delegated to them by Government:

Provided that at the end of a financial year a full statement of all reappropriations made shall be submitted to the Council.

(4) No demand for a grant shall be made except on the recommendations of the Chairman.

(5) Conditional grants from the provincial retained amount will be shown separately in the Budget and will be governed by conditions agreed therein.

(6) Before the commencement of a financial year each Local Council shall, for its Fund, prepare in the prescribed manner, a budget for that year, in conformity with the provisions of **section 113**.

(7) The budget document shall be prepared in accordance with the Chart of Classification of Accounts notified by the Auditor-General from time to time.

Approval of Budget.

114. (1) Following the presentation of the Provincial budget but, before the commencement of the next financial year, each Mayor shall, present the Budget for approval by the respective Council before the beginning of such financial year:

Provided that the charged expenditure may be discussed but shall not be voted upon by the Councils.

(2) When a Council assumes office for the first time, it may within ten weeks, present to the respective Council a budget for the remaining part of the financial year for approval.

(3) The budget of a Council shall be approved by simple majority of the total membership of the respective Council:

Provided that Government may review approved budget of a council and, if found contrary to the budget rules, may require the concerned Council to rectify it.

(4) A budget shall not be approved if –

(a) the sums required to meet estimated expenditures exceed the estimated receipts; and

(b) the constraints specified in section 128 have not been complied with.

(5) No other business shall be taken up by a Council during the budget session.

(6) In case a budget is not approved by a Council before the commencement of the financial year to which it relates, the concerned Council shall spend money under various heads in accordance with the budgetary provisions of the preceding financial year for a period not exceeding thirty days on prorata basis:

Provided that a Council shall not spend funds or make commitments for any expenditure, under any Demand for Grant or Appropriation, in excess of eight percent of the amount budgeted in the preceding year within the thirty days period.

(7) In case the budget is not passed within the extended period as specified in sub-section (7) the budget shall be prepared, approved and authenticated by the Government for the full year.

(8) After approval by the Council, the respective Mayor shall authenticate by his signature a Schedule specifying the –

(a) the sums required to meet estimated expenditures exceed the estimated receipts; and

(b) the constraints specified in section 122 have not been complied with.

(9) The Mayor shall authenticate by his signature a schedule specifying the -

(a) grants made or deemed to have been made by the District, Taluka, Town or Union Council;

(b) the several sums required to meet the expenditure charged upon the District, Taluka, Town or Union Fund;

(c) grants made or deemed to have been made by the District, Taluka, Town or Union Council; and

(d) the several sums required to meet the expenditure charged upon the District Fund, Taluka, Town or Union Local Fund.

(10) The Schedule so authenticated shall be laid before Council, but shall not be open to discussion or vote thereon.

(11) The Schedule so authenticated shall be communicated to the respective Accounts officers as specified in section 116 of this Ordinance and Government.

(12) At any time before the expiry of the financial year to which a budget relates, a revised budget for the year shall be prepared by a Council and approved by its Council. The revised budget shall be communicated to the Government as soon as it is approved by the Council.

(13) The release of funds to various costs centres of devolved offices shall be undertaken by Government as per their approved budget keeping in view ways and means position and receipts from the Federal Government.

Honoraria and Allowances.

115. Each Council shall make budgetary provisions for honoraria and allowances of the Mayor, Deputy Mayor, Chairman, Vice Chairman and members of the Council concerned.

Accounts.

116. (1) The accounts of the receipts and expenditure of council shall be kept in such form and in accordance with such principles and methods as the Auditor-General of Pakistan may, with the approval of the President prescribe:

Provided that the accounts of Receipts and Expenditure of Taluka(Town) Municipal Administration and Union Administration shall be kept in such form and in accordance with such principles and methods as the Government may prescribe for such period as may be determined by the Auditor-General of Pakistan.

(2) The following arrangement for maintaining of Accounts shall be followed -

(a) the District Accounts Officer (or a Treasury Officer where a DAO does not exist) shall maintain the accounts of each District Government;

(b) the Taluka or Town Accounts Officer and Union Accountant shall maintain the accounts of the Taluka or Town Municipal Administration or the Union Administration as the case may be; and

(c) the District Accounts Officer, Taluka or Town Accounts Officer and the Union Accountant shall perform pre-audit of all payments from the funds of the District, Taluka or Town and Union, as the case may be, before approving the disbursements of monies.

(3) The accounts of the Taluka Municipal Administration, Town Municipal Administration and Union Administration shall be maintained in the manner as may be prescribed.

(4) The District Accounts Officer shall consolidate the district accounts with the compiled accounts of the Taluka, Town Account Office and Union Accounts Office.

(5) A statement of monthly and annual Accounts and such other necessary statements shall be placed at a conspicuous place by the Council concerned for public inspection.

(6) The respective Accounts Committees of the Councils shall hold public hearings in which -

(a) objections to statement of accounts referred to in sub-section (5) above may be heard and, if required, appropriate action may be taken;

(b) internal and external Audit Reports will be discussed for appropriate action;

Audit.

117. (1) The Auditor General of Pakistan shall, on the basis of such audit as he may consider appropriate or necessary, certify the accounts, compiled and prepared by the respective Accounts Official of the Council for each appropriate or necessary to certify the accounts, compiled and prepared by the respective Accounts Officer of the councils for each financial year, showing under the respective heads the annual receipts and disbursement for the purposes of each district and shall submit the certified accounts with such notes, comments or recommendations, as he may consider necessary to the respective Mayor or as the case may be Chairman. The Mayor or as the case may be Chairman shall cause the same to be submitted to the respective Council. The Council shall refer it for examination to its Accounts Committee.

(2) The Auditor General shall have authority to audit and report on the accounts of stores and stock in the office of the Council.

(3) The Auditor General in the case of Council and Director Local Fund Audit in the case of Taluka, Town and Union Administration, as the case may be, shall have authority to audit and report on the accounts of stores and stock kept in any office of a Council.

(4) The Auditor General in the case of Council and Director Local Fund Audit in the case of Taluka, Town and Union Administration, as the case may be, shall –

(a) audit all expenditure from the Council fund to ascertain whether the monies shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged and whether the expenditure conforms to the authority which governs it;

(b) audit all transactions of a Council relating to Public Accounts;

(c) audit all trading, manufacturing, profit and loss accounts of a council; and

(d) to audit all receipts which are payable into a Council Fund and to satisfy himself that all such receipts which are payable in to a Council Fund have been properly and correctly deposited and rules and procedures relating to such receipts have been fully observed.

(5) The Auditor General in the case of Council and Director Local Fund Audit in the case of Taluka, Town and Union Administration, as the case may be, shall have the authority –

(a) to inspect any office of accounts, under the control of a Council including treasuries, and such offices responsible for the keeping of initial or subsidiary accounts;

(b) to require that any accounts, books, papers and other documents which deal with, or form, the basis of or otherwise relevant to the transactions to which his duties in respect of audit extend, shall be sent to such place as he may direct for his inspection;

(c) to enquire or make such observations as he may consider necessary, and to call for such information as he may require for the purpose of the audit; and

(d) the officials shall afford all such facilities and provide record for audit inspection and comply with requests for information in as complete a form as possible with all reasonable expedition.

(6) Upon request of a Mayor, or as the case may be the Chairman of the Council or Government, the Auditor General in the case of Metropolitan Corporation and District Council and Director Local Fund Audit in the case of Taluka, Town and Union Administration, as the case may be, shall cause a special audit of that council's accounts to be undertaken and shall forward his report to the Mayor who shall cause the same to be submitted to respective Council for necessary action.

(7) The Auditor General in the case of District Council and Director Local Fund Audit in the case of Taluka, Town and Union Administration as the case may be, shall have access to all the books and documents pertaining to the accounts and may also examine any public servant or premises of the Council concerned.

(8) The Auditor General in the case of District Council and Director Local Fund Audit in the case of Taluka, Town and Union Administration as the case may be, shall perform functions and exercise power in relation to audit of the accounts of the companies, authorities, bodies or Districts owned or managed by a Council concerned.

Internal Audit.

118. (1) Government shall appoint an Internal Auditor as may be prescribed.

(2) Internal audit shall be an independent, objective assurance and consulting activity designed to add value and improve a Council's operations and shall help the Council accomplish the objectives by bringing a systematic and discipline approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

(3) The Internal Auditor shall serve as a principal support person to respective Mayor or Taluka or Town Municipal Administration by providing information to him and members of the respective Council on its performance.

Taxes to be levied.

119. (1) A Council may levy taxes, cesses, fees, rates, rents, tolls, charge, surcharge and levies specified in the Second Schedule:

Provided that Government shall vet the tax proposal prior to the approval by the concerned Council:

Provided further that the proposal shall be vetted within thirty days from the date of receipt of the proposal failing which it would deemed to have been vetted by Government.

(2) No tax shall be levied without previous publication of the tax proposal and after inviting and hearing public objections.

(3) A Council may, subject to provisos of sub-section (1), increase, reduce, suspend, abolish or exempt any tax.

Rating Area and Property Tax.

120. (1) On commencement of this Ordinance every Taluka and Town shall be rating areas within the meaning of the Sindh Urban Immovable Property Tax Act (W.P. Act V of 1958).

(2) The Taluka Council or Town Council as the case may be, shall subject to the provision of **section 119**, determine the rate of Property Tax in an area within the Taluka or Town:

Provided that in the areas within a Taluka or Town where rate has not been determined, the rate shall remain as Zero.

(3) Unless varied under sub-section (2) above, the existing rates in the area within a Taluka and Town shall remain in force.

Collection of Taxes.

121. (1) All taxes levied under this Ordinance shall be collected as prescribed.

(2) Failure to pay any tax and other money claimable under this Ordinance shall be an offence and the arrears shall be recovered as arrears of land revenue.

Bottom up Planning and Ownership Incentive System.

122. Before the beginning of the financial year the respective Local Council shall lay down and announce the classification of development schemes, in the manner as may be prescribed.

Councils not to Incur Debt.

123. (1) No Council shall incur any debt.

(2) No monies of the Council shall be invested in securities other than those floated or approved by the Federal Government or Provincial Government.

CHAPTER XII
PROVINCIAL FINANCE COMMISSION AND FISCAL TRANSFERS

Establishment of Provincial Finance Commission.

124. On coming into force of this Chapter, the Chief Minister forthwith shall constitute a Provincial Finance Commission for Sindh hereinafter referred to as the Finance Commission.

Membership.

125. The Finance Commission shall be headed by the Minister for Finance and shall comprise of such other members as may be prescribed.

Functions, Duties and Powers of the Finance Commission.

126. (1) The functions, duties and powers of the Finance Commission shall be to make recommendations to the Chief Minister for –

(a) a formula for distribution of resources including –

(i) distribution between the Government and the Councils out of the proceeds of the Provincial Consolidated Fund into a Provincial Retained Amount and a Provincial Allocable Amount respectively;

Provided that in no case shall the Provincial Allocable Amount be so determined that it is less than the funds transferred to councils in the financial year 2001-2002 and the establishment charges budgeted for the functions of the Council in the same year, excluding transfers in lieu of Octroi and District Taxes;

Provided further that all the monies received by the Government in lieu of Octroi and District Taxes shall be added to the Provincial Allocable Amount separately;

(ii) distribution of the Provincial Allocable Amount amongst the District Council, Taluka and Town Municipal Administration and the Union Administration as shares;

(b) the making of grants in aid by Government to the Councils from the Provincial retained Amount; and

(c) any other matter relating to finance for and of the Council referred to the Finance Commission by the Chief Minister, or Government, or by a Council.

(2) The recommendations shall be based on the principles of fiscal need, fiscal capacity, fiscal effort and performance.

(3) Before finalization of the recommendations under sub-section (1), the Finance Commission shall hold consultations with the relevant Departments of Government, Councils and, in the discretion of the Finance Commission, with any other body or persons and this process may carry on during the currency of an Order made by the Chief Minister under **sub-section (6)** of this section.

(4) The Finance Commission shall forward the provisional recommendations prepared under sub-section (1) to the Cabinet, which shall provide its views within two weeks failing which the Finance Commission shall make its recommendations to the Governor through the Chief Minister.

(5) The Finance commission may review the recommendations on receiving the views of the Cabinet if any, and on finalization of its recommendations shall forward them to the Governor through the Chief Minister.

(6) As soon as may be after receiving the recommendations of the Finance Commission, the Governor on the advice of the Chief Minister shall by Order specify in accordance with the recommendations of the Finance commission under clause (a) of sub-section (1), the Provincial Retained Amount and the Provincial allocable Amount, and in turn the shares inter se of the Local Councils and that share shall be paid directly to the Local Council concerned promptly in accordance with the laid down procedure.

(7) The Governor on the advice of the Chief Minister may, by Order, also make grants in aid of the revenues of the Local Council in need of assistance and such grants shall be an additional charged expenditure upon the Provincial Consolidated Fund after deduction of Provincial Allocable Amount.

Certain Institutional Process of the Finance Commission.

127. (1) In every financial year, at least three months before the finalization of the Provincial Budget the Finance Commission shall require the Finance Department to submit a statement of estimated revenues and expenditures of Government for the following financial year and shall also require a statement of the Provincial Allocable Amount and its distribution prepared in the light of the Order under section 126(6).

(2) The Finance Department shall provide the Finance Commission with a statement of the Provincial Allocable Amount and its distribution, prepared in accordance with the Order under section 126(6), on approval of the Provincial Budget.

(3) The Finance Commission may cause any information required for making assessments and decisions on fiscal transfers to be placed before it from any organization or office of the Government, or Council.

(4) The Finance Commission shall take all decisions by a majority of members present and voting.

(5) The Finance Commission shall present to Government and Councils an annual report on fiscal transfers and Local Council resources.

(6) Government shall cause a copy of the report to be laid before the Provincial Assembly and the Councils shall cause a copy of the report to be laid before the respective Councils.

Provincial Allocable Amount and composite balance.

128. (1) The Provincial Allocable Amount reflected in the annual Budget proposals of the Province shall be in accordance with the Order specified in section 126(6).

(2) All Councils funds in a Province, except the Union Funds, shall form part of the Composite Balance of the Province only for the purpose of calculating the overdraft requirements of the Province.

Formula and its application and revision.

129. (1) The Provincial Allocable Amount and shares Formula of the Council shall be determined and its in accordance with the Order and shall be paid on the basis of actual monthly receipts of Government.

(2) The Order shall remain in force for a period of three years.

(3) At least six months before the expiry of the aforesaid period, the finance Commission shall recommend the formula for the next period, in accordance with sub-section (1) of section 126, on the basis of evaluation of impact of fiscal transfers on the Councils and other relevant matters.

(4) Any evaluation similar to the objectives of sub-section (3) above carried out by an also be taken into consideration by the Finance Commission.

(5) In case the recommendation is not finalized before the expiry of the Order under section 126, the Order in force shall continue to serve as the determinant of the Provincial Allocable Amount and the shares of the Councils, as the case may be, till such time that a new Order is made.

Obtaining of data.

130. (1) The date required for the formulation and application of the formula shall be obtained by the Finance Commission from the Federal, Provincial or Councils, and or from any authority, District, body, or organization established by or under law or which is owned or controlled by any Government or in which any of the Governments has a controlling share or interest or any other source.

(2) The Finance Commission may, where it deems appropriate, institute data collection or recommend such data collection to any agency and may also recommend to the Government to bear the cost of such data collection.

Ensuring flow of funds to Councils.

131. Government and the Councils shall provide reports to the Finance commission in accordance with timeframes and methodology for the flow of funds prescribe by the Finance Commission.

Certification requirements for fiscal transfers.

132. (1) The Finance Commission in consultation with the Government shall determine the requirements for certification of fiscal transfers.

(2) Certifications under sub-section (1) shall, inter alia, include the following –

(a) Provincial Allocable Amount and its calculation;

(b) transfer of funds in accordance with determined shares to the Metropolitan Corporations, District Councils, Taluka Municipal Administrations, Town Municipal Administrations and the Union Administrations in the Province;

(c) transfer of funds in accordance with the decisions of the Finance Commission on references made to it from time to time; and

(d) revenues and expenditures of Government and Councils.

(3) In cases where the institutional processes of the Government or the Councils generate data required for administration of fiscal transfers, the Finance Commission may recommend further requirements for certification.

(4) The certification required by the Finance Commission shall be furnished to the Finance Commission by the Government, Councils, any relevant agency connected with the Government or the Federal Government.

Reference by Provincial Government or Council to the Finance Commission.

133. The Government or a Council may seek redress of grievances relating to any matter connected with fiscal transfers by the Government concerning itself or another Council by making a reference to the Finance Commission along with the grounds of such grievance whereupon the Finance Commission may take a decision for the purpose of redress of grievance provided that the decision so made shall not change the Order in force under **subsection (6) of section 126** of the shares of the Council.

Rules of Business.

134. Notwithstanding anything to the contrary contained in section 207 of this Ordinance, Government shall make Rules of Business of the Finance Commission on the latter's recommendation.

Procedural powers of the Finance.

135. Nothing contained in this Chapter shall be construed to impose limits on the powers of the Finance Commission under any law for the time being force as regards calling for any information relating to the fiscal transfer formula and transfer of funds and shall have the same powers as are vested in a civil court under the code of Civil Procedure 1908 (Act No. V of 1908).

CHAPTER XIII
LOCAL GOVERNMENT PROPERTY

Ownership of immovable property.

136. (1) Subject to any reservations made, or any conditions imposed by the Government, the property specified hereunder shall vest in the respective council if it is –

(a) vested in a council through succession as provided in section 205;

(b) transferred to the council by Government or any other authority, organization or an individual; and

(c) constructed or acquired by a council with its title.

(2) The properties of Government in possession of the councils established under Sindh Local Government Ordinance, 1979 (XII of 1979) shall pass on to their successors as provided in **section 198** till varied by Government.

(3) The successor councils shall, subject to policy of Government or contractual obligations, make bye-laws for the use, development and management of properties of the council.

(4) Government shall not, except with the prior consent of the council concerned, reallocate or in any other manner divest title of properties vested in the council under this Ordinance.

Transfer of Property by Government.

137. Subject to such conditions as may be prescribed, Government may, on its own accord or on a request by a Council, transfer the management of 'nazul land', 'auqaf land' or any other Government or public property to it for administration as a trustee.

Stock taking by the Mayor.

138. (1) Every Mayor, Chairman of District Council, Taluka, Town and Union Council shall, on assumption of his office and thereafter, once in every year on a date fixed by him, take the physical stock of movable and immovable properties of the concerned council and submit a report to the concerned Council.

(2) The report referred to in sub-section (1) shall contain –

(a) particulars of the properties held during the preceding year;

(b) total value of the property, annual return therefrom and change in its value, if any;

(c) particulars of unserviceable articles;

(d) particulars of losses, if any; and

(e) proposals for utilization, development and improvement during the following year.

Use and disposal of Properties of Councils.

139. (1) Properties of Councils shall be used only for public purposes.

(2) Immovable properties of councils shall, subject to **section 140**, not be sold or permanently alienated:

Provided that such properties may be given on lease through competitive bidding by public auction.

(3) The movable property of a council which is required to be disposed of, shall be sold through competitive bidding by public auction.

(4) All articles declared unserviceable shall be disposed of through competitive bidding by public auction.

Acquisition of immovable property.

140. Whenever any council considers it necessary or expedient it may acquire or purchase any immovable property for public purposes:

Provided that in case of purchase of property, the agreement of purchase shall be in writing:

Provided further that until the development authorities are merged with any other department or authority of a council, the development authorities decentralized to Metropolitan Council, District Council, Taluka Municipal Administration and Town Municipal Administration may acquire land for development purposes and may sell or dispose of thereafter in accordance with the existing laws and the rules made thereunder.

Loss of Property of Council.

141. In case of any loss of property of the Council, the responsibility for such loss shall be fixed by the concerned council and the amount of the loss shall be recovered from the defaulting person and a report to this effect shall forthwith be submitted to the concerned council in the meeting next following.

CHAPTER XIV
GOVERNMENT–COUNCILS RELATIONS

Relations of Government with the Council.

142. (1) The Council shall carry out its decentralized functions in accordance with the provisions of this Ordinance and the rules made thereunder.

(2) The Council shall collect such Provincial tax or taxes within its local area as Government may direct and the Council shall after the collection of such tax or taxes deposit the same in the relevant Government account.

(3) Government may provide guidelines and render advice to the Council through the concerned Mayor, or the Chairman of District Council for achieving the ends of Government policy and for promoting economic, social and environmental security of the Province.

Directions by Chief Minister.

143. (1) The Chief Minister may by himself or through any officer specifically authorized by him, issue directives in public interest to a Mayor, or as the case may be, the Chairmen of the Councils for implementation.

(2) Where the situation demands immediate action and the Mayor or as the case may be Chairman of Council fails to comply with the directions given to him under sub-section (1), the Chief Minister may require the Chief Secretary to direct the Inspector General of Police and the Chief Officer concerned to take such actions as the situation may necessitate:

Provided that where a grave threat to law and order exists and requires immediate action and the Mayor or as the case may be Chairman willfully abstains from the district, Government may authorize, in writing, the Deputy Mayor or as the case may be Vice Chairman, where the Vice Chairman of Council is also not available, the senior most Presiding Officer of the District Council, to act as officiating Mayor or as the case may be Chairman of the Council:

Provided further that such authorization shall cease forthwith upon the return of Mayor or as the case may be Chairman to his office.

(3) The Provincial Local Government Commission shall submit its report of the enquiry along with its recommendations to the Chief Minister for appropriate action in light of such recommendations as he may deem appropriate.

(4) In case no decision is taken within ninety days from the date of suspension of the Mayor or as the case may be Chairman of the District Council, he shall stand re-instated to his office.

(5) During the period of suspension of the Mayor or as the case may be Chairman, the Deputy Mayor or as the case may be Vice Chairman of Councils shall act as Mayor or as the case may be Chairman.

Entrustment of certain functions to Council.

144. (1) Government may require the Council to perform any specific task which requires funds beyond its budgetary provisions, Government shall provide necessary resources.

(2) The Council may, with the consent of the Government, entrust any of its function to Government.

(3) Government may, with the agreement of the Council, decentralize any of its office other than the offices decentralized to the Council under section 15 or entrust any of its functions to the Council.

(4) Government shall provide technical and administrative support and fiscal resources as may be determined by Government.

Provincial Local Government Commission.

145. (1) Government shall appoint a Provincial Local Government Commission which shall consist of persons of integrity and good track record of public service –

(a) the Minister for Local Government who shall be the Chairman;

(b) two members from the civil society, one each nominated by the leader of the House and leader of the Opposition of the Provincial Assembly;

(c) two eminently qualified and experienced technocrat members selected by Government; and

(d) Secretary, Local Government and Rural Development Department, shall be ex-officio member and secretary of the Commission:

Provided that in case of equality of vote, the Chairman shall have a casting vote.

(2) The Provincial Local Government Commission may, for the performance of its functions, co-opt any official of the Government for any specific assignment.

(3) The tenure of the members of the Provincial Local Government Commission, other than Secretary, Local Government Department, shall be four years.

(4) The Local Government Department shall provide secretarial support to the Local Government Commission and the Department shall render assistance in the functioning of the Commission by establishing a separate Secretariat of the Commission with sections for each level of council.

(5) No act or proceedings of the Provincial Local Government Commission shall be invalid by reason of existence of any vacancy in, or defect in, the constitution of the Commission.

(6) Government shall provide a separate budget for the Provincial Local Government Commission in the annual budget.

(7) Government shall notify the organogram and schedule of establishment of the Provincial Local Government Commission.

(8) The Secretary of the Provincial Local Government Commission shall be the Principal Accounting Officer and the Commission shall have its own Drawing and Disbursing Officer.

(9) The Provincial Departments shall aid and assist the Provincial Local Government Commission in performance of its functions.

Functions of the Provincial Local Government Commission.

146. (1) The functions of the Provincial Local Government Commission shall be as, otherwise, provided in this Ordinance and, in particular, it shall –

(a) conduct annual and special inspections of the local councils and submit reports to the Chief Minister;

(b) conduct, on its own initiative or, whenever, so directed by the Chief Minister, an inquiry by itself or through Council into any matter concerning a council;

(c) cause, on its own initiative or, whenever, so directed by the Chief Minister, a special audit by itself or direct a Council to arrange a special audit, of any council;

(d) resolve disputes between any Department of Government and Council or between two Councils;

Provided that if the Local Government Commission fails to settle the dispute, the aggrieved party may move the Chief Minister for resolution thereof;

(e) enquire into the matters referred to it by the Chief Officer under the provisions of sub-section (3) of section 27 and by Government under sub-section (4) of section 29 and give its decision thereon or, as the case may be, make report to the competent authority;

(f) submit to the Chief Minister an annual report on the over-all performance of the councils;

(g) take cognizance of violations of laws and rules by a council in performance of its functions;

(h) organize consultative planning meetings of National and Provincial legislators, Mayors, Deputy Mayors, Chairmen and Vice Chairmen of District, Taluka or Union Councils of a district on a periodic basis to provide their participation in development activities of the district with regard to –

(i) the consultative process of the Annual Development Plan of the councils;

(ii) formulating procedure for utilization of the Legislators development grant;

(iii) assessing implementation of decision of these meetings; and

(iv) carrying out review of development schemes; and

(v) facilitate the performance of Provincial departmental functions of the decentralized offices relating to policy analysis, oversight, checks and balances, capacity building and coordination through the Commission.

(2) The directions and orders of the Provincial Local Government Commission arising out of its inspections and inquiries under clauses (a), (b) and (c) of sub-section (1) shall be binding on the concerned council failing which the Commission shall report the matter with specific recommendations to the Chief Minister for decision and appropriate action.

(3) Where the Provincial Local Government Commission is of opinion that suspension of a Mayor is necessary for the fair conduct of the enquiry under clause (b) of sub-section (1) or preventing the Mayor or Chairman of District Council from continuing with any unlawful activity during the pendency of enquiry, it may recommend to the Chief Minister for making appropriate order for suspension of such Mayor or Chairman of District Council for a maximum period of ninety days.

(4) Where, on an inquiry under clause (b) of sub-section (1), a Mayor, Deputy Mayor, Chairman, Vice Chairman or a member of a Council is found guilty of misconduct by the Provincial Local Government Commission, it shall recommend appropriate action, to the Chief Minister.

(5) The Provincial Local Government Commission shall have the same powers as are vested in a civil court under the Code of Civil Procedures, 1908 (Act V of 1908), in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents;

(c) receiving evidence on affidavits; and

(d) issuing commission for the examination of witnesses.

147. The Provincial Local Government Commission shall be responsible to the Chief Minister. **Responsibility of the Provincial Local Government Commission.**

148. Administrative realignment of Provincial departments shall be made in compatibility with the features of devolution ensuring the principles of good governance. **Restructuring of Provincial Departments.**

CHAPTER XV
INTERNAL CONTROLS

149. (1) The Mayor or Chairman of the District Council may designate inspecting officers to objectively examine the performance of District Municipal Administration, Town Municipal Administration and Union Administration in relation to service delivery as may be prescribed. **Inspection and supervision.**

(2) The inspection reports shall be prepared on the specified format and forwarded to the Mayor or the Chairman of the District Council within the time fixed by him.

(3) The Mayor or Chairman of District Council shall take appropriate action on the report and inform the respective Council about the action taken thereon within thirty days.

150. (1) The Mayor or Chairman of District Council may require any Taluka Chairman, Town Chairman or Union Chairman in the district to conduct an enquiry into any matter concerning respective council and submit the report along with the proceedings of the enquiry to the Mayor or Chairman of District Council. **Enquiries.**

(2) Where the Mayor or Chairman of District Council is not satisfied with the conduct of enquiry carried out under sub-section (1), he may arrange for an independent enquiry by an officer of the Council.

(3) On the basis of the findings of the enquiry, the Mayor or the Chairman of District Council shall take appropriate action on the report within thirty days and place it before the respective Council for information.

151. (1) Every citizen shall have the right to information about any office of the Councils. **Transparency.**

(2) Every office shall provide requisite information, if not restricted under any law for the time being in force, on the prescribed forms and on payment of such fee as may be prescribed.

(3) Information about the staffing and the performance of the office of a council during the preceding month shall, as far as possible, be displayed at a prominent place within the premises of the office for access by the citizens.

Monitoring by committees.

152. (1) The Monitoring Committees elected by the Council shall be responsible for monitoring the functioning of the offices.

(2) The Monitoring Committees of Taluka Council and Town Council shall be responsible for monitoring the functioning of the offices of the Taluka Municipal Administration or Town Municipal Administration and preparing quarterly evaluation reports on the prescribed format.

(3) The Monitoring Committees of Union Council shall be responsible for monitoring the functioning of all offices of the District Government, Taluka Municipal Administration, Town Municipal Administration and Union Administration for delivery of services within its area and preparing quarterly evaluation reports on the prescribed format.

(4) The reports referred to in sub-sections (1) to (3) shall, in particular, contain evaluation of the performance of each office in relation to –

(a) achievement of its targets;
(b) responsiveness to citizens' difficulties;
(c) efficiency in the delivery of services; and
(d) transparent functioning.

(5) The Monitoring Committees shall submit their quarterly reports to the respective Councils which may through a resolution require the respective Mayor to take necessary action.

(6) The Monitoring Committees shall function without intruding and interfering in the day to day working of the offices of the local councils and shall not cause any harassment to the functionaries thereof, nor shall assume command and control of such offices.

(7) Notwithstanding any punishment provided in any law for the time being in force, any member of the Monitoring Committee violating the provisions of sub-section (5) and sub-section (6) shall be removed from the Monitoring Committee by the respective Council.

(8) Any functionary being aggrieved of any misbehaviour, undue interference, harassment or misconduct by a member or members of a Monitoring Committee may report to the Ethics Committee of the concerned Council and may invoke disqualification proceedings against such member or members.

(9) The concerned Monitoring Committee may recommend to the competent authority the payment of bonuses or performance pay to the functionaries of the local councils in recognition of their efficient performance, subject to availability of funds for this purpose.

(10) The Monitoring Committee may identify inefficiency or corruption of functionaries of councils and report to the concerned Mayor or Chairman of the District Council for appropriate action and remedial measures and the Mayor or Chairman of District Council shall inform the concerned Council within thirty days of the action taken by him.

Ethics Committees (Code of Conduct Committees) of the Councils.

153. (1) There shall be an Ethics Committee in each Council consisting of such number of members as the Council may determine.

(2) The Ethics Committee shall ensure adherence of all members of the Councils, Mayors and Deputy Mayors Chairman and Vice Chairman of the District Council to the prescribed code of ethics for promoting their honest, responsible and efficient functioning and behaviour.

(3) The Ethics Committee shall monitor the conduct of the elected representatives and report to the concerned Council the incidents of inefficiency and corruption.

(4) On receipt of a report under sub-section (3), a Council may, by resolution of the majority of its members, invoke proceedings of disqualification against such member.

Mushavirat Committee.

154. (1) There shall be constituted Mushavirat Committee consisting of the Mayor, Deputy Mayor Chairman and Vice Chairman of District, Taluka, Town and Union Councils.

(2) The Mayor or Chairman of District Council shall be the Chairman of the Mushavirat Committee and the Chief Officer shall act as its Secretary.

(3) The Mushavirat Committee shall meet at least once in every three months or as and when called into meeting by the Mayor or Chairman of District Council or on the request of any two members of the Committee.

(4) The functions of the Mushavirat Committee shall be –

(a) to crystallize vision for integrated development of the district;

(b) to prioritize and co-ordinate inter-Taluka development plans;

(c) to resolve intra-district disputes;

(d) to muster resources for crisis management; and

(e) to set directions for realizing economic potential of the councils.

CHAPTER XVI
COUNCIL SERVICE

Creation of Council Service.

155. Notwithstanding anything contained in any other law, rules or service contract for the time being in force, Government shall, in every district, create a District Service comprising all posts of councils grouped into district and taluka cadres for decentralized council functions and groups of offices with adequate monetary benefits and incentives for promotion and performance.

CHAPTER XVII
LOCAL GOVERNMENT RESPONSIBILITY FOR ENFORCEMENT OF LAWS

Offences, punishments and their cognizance.

156. (1) The offences specified in the Fourth and Eighth Schedules shall be liable to punishment by way of imprisonment, fine, seizure, forfeiture, confiscation and impounding and such other penalties as are provided in this Ordinance.

(2) Whoever commits any of the offences specified in –

(a) Part-I of the Fourth Schedule shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both and, where an accused was directed by the Inspector for immediate discontinuance of the offence, the Court may impose a further fine which may extend to one thousand rupees for every day for the period the accused has persisted in the offence from the date of its commission;

(b) Part-II of the Fourth Schedule shall be punishable with imprisonment which may extend to six months and fine which may extend to five thousand rupees, or with both and, where an accused was directed by the Inspector for immediate discontinuance of the offence, the Court may impose a further fine which may extend to two hundred rupees for every day for the period the accused has persisted in the offence from the date of its commission; and

(c) the Eighth Schedule shall in the first instance, be liable to fine by issuing a ticket specified in the Ninth Schedule and, where an accused repeats the offence within a period of three months for which he was subjected to fine, he shall be liable to the same punishment as provided in clause (b):

Provided that the concerned Mayor may, with the approval of the Council and by notification in the official Gazette, exempt any area from the application of this provision in respect of such offences and for such period as may be specified therein.

(3) The offences specified in clause(a) of sub-section(2) shall be cognizable and information in this regard shall be forwarded to the officer incharge of a police station by the Inspector for registration of a case against the accused in accordance with the provisions of section 154 of the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter in this Chapter referred to as the "Code".

(4) A Court shall take cognizance of the offences specified in clause (b) of sub-section (2) on a complaint made in writing by the Inspector in accordance with the provisions of section 200 of the Code.

(5) The offences specified in Part-II of the Fourth Schedule and Eighth Schedule shall be tried in a summary manner in accordance with the provisions of section 260 to 265 of the Code, except sub-section (2) of section 262 thereof.

(6) The laws specified in the Tenth Schedule shall be enforced by the councils indicated against each.

(7) The Federal Government or Provincial Government may, by notification in the official Gazette, entrust to a council the enforcement of any other law for the time being in force.

(8) The fines collected under sub-section (6) and sub-section (7) shall be deposited under separate receipt head in the Public Account of the concerned council.

Appointment and control of Inspectors.

157. (1) The concerned Mayor or Chairman of District Council shall, on the recommendations by the officers specified in the third column of the Fourth Schedule and fourth column of the Eighth Schedule indicating the number of Inspectors required to exercise jurisdiction over the specific category or categories of offences in the assigned area designated as blocks or wards and with the approval of the concerned Council, authorize the officials of the council as Inspectors for enforcement of the offences specified in such Schedules:

Provided that it shall not affect the appointment of the Inspectors appointed of the councils before coming into the force of this Chapter against any sanctioned post with the express function of inspection by whatever designation may be, and such Inspectors shall be deemed to be Inspectors under this Ordinance.

(2) The officials specified against each offence in the third column of the Fourth Schedule and fourth column of the Eighth Schedule shall be the controlling authority and administrative head of the Inspectors notified for such offence and the Inspectors shall report to him only for the enforcement of provisions of this Chapter notwithstanding to which ever office of a council they may belong:

Provided that a Taluka or Town Municipal Administration may request the Council for providing district officials required to conduct inspection functions specified for taluka or, as the case may be, town in the third column of the Fourth Schedule and fourth column of the Eighth Schedule and Council shall ordinarily notify such officials for conducting inspection functions:

Provided further that the taluka and town officers specified in the Fourth and Eighth Schedules shall recommend the available officials of decentralized Public Health Engineering Department and Housing and Physical Planning Department for performing inspection functions in taluka and town before additional requirements are requested from the Council.

Imposition of fine through ticketing.

158. (1) Where any person, in the opinion of an Inspector, is contravening any provision of the law relating to the offences specified in the Eighth schedule, the Inspector shall charge the accused by issuing a ticket for payment of fine specified in the Ninth Schedule, if such offence has been committed for the first time in three months.

(2) The ticket referred to in sub-section (1) shall be issued in quadruplicate by delivering three copies to the accused after obtaining his signatures or thumb impression on the fourth copy to be retained by the Inspector for record.

(3) The payment of fine may be deposited in the assigned Post Office or a branch of the National Bank of Pakistan empowered to receive council dues by the respective councils to which the offence relates in the Eighth Schedule, or the designated council accountant located in the area of jurisdiction of the Inspector issuing the ticket within the period of ten days from the date of imposition of fine for credit in a separate receipt head of account in the Public account of the concerned council:

Provided that an accused may contest the imposition of fine in the Court within such period of ten days.

(4) The Bank or Post Office or the designated council accountant of the respective council receiving the fine shall provide two copies of the ticket to the accused with endorsement of receipt of amount of fine and forward one copy to the concerned Accounts Officer.

(5) The accused shall deliver one copy of duly paid ticket to the concerned Inspector within ten days.

(6) The fines imposed by a Court for the offenses specified in the Fourth Schedule shall on collection be deposited under a separate receipt head in the Public Account of the concerned council.

Performance bonuses for Inspector, etc.

159. (1) The total amount collected on account of fines and penalties, including those imposed by the Court, shall be utilized as under:-

(a) twenty-five percent thereof shall be paid by the accountant of the respective council as an incentive bonus to the Inspectors ratably according to the amount recovered against the fines imposed by each Inspector and as a result of prosecution or fines initiated by him:

Provided that such payments to the Inspector shall be included as an addition in the pay slip at the time of payment of pay of the month following the month in which the fines are realized;

(b) twenty-five percent thereof shall be set apart for improvement of the regulatory functions of the system of imposition of fines, including accounting, record-keeping, computerization, mobility, police functions and any other expenditure relating to adjudication procedure; and

(c) out of the remaining fifty percent thereof, expenditures shall be incurred on the compilation, printing, distribution and other incidentals required for the District Enforcement Gazette and the balance amount shall be transferred to the concerned Local Fund at the end of the financial year:

(2) The Principal Accounting Officers of the councils with the approval of the concerned Mayor or Chairman of District Council shall incur expenditure from the Public Account relating to the fines.

Court proceedings for default in deposit of fine, etc.

160. (1) The officer designated to enforce offences in the Eighth Schedule shall daily provide to the Court of competent jurisdiction a scroll of all fine tickets issued by Inspectors under his administrative control which remain unpaid on the eleventh day from the issuance of such fine ticket.

(2) The Court of competent jurisdiction receiving the scroll shall issue summons to the accused forthwith stating date of hearing for summary trial in accordance with the provisions of section 260 to 265 of the Code, except sub-section (2) of section 262 thereof.

(3) Where on the first date of hearing, the accused appears before the Court and produces the proof of deposit of fine, or unconditionally admitting his failure, deposits the fine forthwith along with the penalty which shall not be less than ten percent and not more than twenty five percent of the amount of fine determined by the Court in accordance with the procedure provided in sub-section (2) of section 388 of the Code further proceedings against the accused may be dispensed with and no conviction shall be recorded against him.

(4) Upon the failure of the accused to appear before the Court in response to summons issued by it, the Court shall forthwith issue warrants for arrest of the accused and upon the issuance of such warrant the accused will be liable to punishment under clause (b) of sub-section (2) of section 141 of the Code, with or without surety.

Compounding of offences.

161. Subject to any other provision of this Ordinance, a committee comprising the concerned Mayor as its Chairman, an officer of the concerned Administration and a member of the Council to be nominated by the concerned Council as its members, may, at any time or after the commission of offence but before the conclusion of proceedings in the Court, compound any offence under this Ordinance:

Provided that no case in respect of any offence pending adjudication before a Court shall be compounded except with the permission of the Court:

Provided further that an offence shall not be compounded where the accused has been served a notice forbidding him from continuing with the violation or contravention of any provision of this Ordinance:

Provided also that the accused shall be given an opportunity of being heard before passing an order or taking any action adverse to his interest.

Appeals, etc.

162. The decision and orders of the Court shall be appealable and subject to revision in accordance with the provisions of the Code.

Registers, monthly reports, etc.

163. (1) The Inspector shall maintain record of offences in which tickets were issued, the cases which were not contested or contested before the Court, complaints were filed for prosecution, the recovery of fines, punishment awarded and similar ancillary matters in Register Numbers 1 to 12 given in Form-A of the Eleventh Schedule.

(2) The Inspector shall furnish monthly reports on the fifth day of each month regarding the enforcement activities within the area of his jurisdiction on the basis of entries of the Register maintained in Form-A to the concerned Mayor, Chief Officer and Accounts Officer through his officer in-charge in Form-B specified in the Eleventh Schedule.

(3) The officer in-charge of the police station on the fifth day of each month shall, through the Head of District Police submit report in Form-C specified in the Eleventh Schedule in respect of cases registered in the police station on the complaint of an Inspector or a person authorized under this Ordinance and any warrants issued or arrests caused in pursuance thereof, and the punishments awarded in each case during the preceding month to the concerned Mayor or Chairman of District Council and Chief Officer.

(4) The Chief Officer shall, on the basis of reports received by him under sub-sections (2) and (3), compile and cause publication of the monthly District Enforcement Gazette by twentieth day of each month.

Police support to Inspectors, etc.

164. In addition to the Police support which may be requested by an Inspector, a local government may requisition a Police contingent on deputation or payment of charges in accordance law.

General powers of Inspectors.

165. (1) In case of any serious threat to the public health, safety or welfare or danger to life and property, the Inspector may, in his area of jurisdiction, in addition to imposition of fine or initiating prosecution under this Ordinance –

(a) suspend any work;

(b) seize the goods;

(c) seal the premises;

(d) demolish or remove work; and

(e) issue directions for taking corrective measures in the time specified by him:

Provided that no Inspector shall enter any residential premises save with the permission of the occupier or owner or Court.

(2) An Inspector authorized under section 157 shall have the powers in relation to the offences specified in the Fourth Schedule to –

(a) issue notices in writing on behalf of the respective local government served, either personally or through registered post with acknowledgement due or by any official of the local government, in order to restrain violations or commission of any offence forthwith;

(b) initiate legal proceedings in the competent Court where any person fails to comply with the directions contained in the notice issued under clause (a); and

(c) assist in defending any legal proceedings initiated against the local government.

Application of the Code.

166. The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall, mutatis mutandis, apply to all proceedings under this Chapter particularly in matters relating to issuing of summons, warrants and other processes for securing attendance of the accused, bail, trial, appeals, revisions and execution of the decision of the Court.

Rights of citizen not affected.

167. Nothing contained in this Chapter shall restrict or limit the right of the citizens or residents of a local area to bring any suit or other legal proceeding against any local government, its officers or other functionaries violating his rights available to him under any law for the time being in force or to claim damages or such remedy through a suit under the provisions of the Code of Civil Procedure, 1908 (Act V of 1908).

CHAPTER XVIII
COUNCILS ELECTIONS

Franchise.

168. (1) Members of a Union Council, including Union Chairman and Union Vice Chairman shall be elected through direct elections based on adult franchise and on the basis of joint electorate.

(2) The electoral college for the election of Mayor and Deputy Mayor, Chairman and Vice Chairman of District Council, respectively, reserved seats of women, peasants and workers, and minorities in the Metropolitan Council and District Council shall be all the Chairmen elected in the Union Councils and the members elected on reserved seats in the Metropolitan or District Council, and all the members of all the Towns or Taluka Councils and Union Councils.

(3) The electoral college for the election of a Taluka Chairman and Taluka Vice Chairman, Town Chairman and Town Vice Chairman, respectively, reserved seats of women, peasants and workers, and minorities in the Taluka Council and Town Council shall be all the members of the Union Councils in the Taluka, or as the case may, Town including the Chairman and Vice Chairman of Union Councils:

Provided that for the election for reserved seats for women in District Council proportionately divided among Talukas or Towns shall be all members of the Union Councils in a Taluka or, as the case may be, Town.

(4) All the Chairmen of the Union Councils and Union Committees shall be the members of the Metropolitan Councils and District Councils, respectively.

(5) All the Vice Chairmen of the Union Councils and Union Committees shall be the members of the Town Councils and Taluka Councils, respectively.

Explanation:- It is clarified that the Mayor, Deputy Mayor, Chairman or Vice Chairman of a District, Taluka or Town Councils may not be a member of the Union Council.

Manifesto.

169. (1) The candidates for the seats of councils shall, before the election to such office, make public a manifesto containing the policies and programmes they propose to pursue and implement, if elected.

(2) The manifesto prepared under sub-section (1) shall be attached to the nomination papers.

Authority for Councils elections.

170. (1) The elections of the councils under this Ordinance shall be held by the Election Commission.

(2) The Election Commission may require any person or authority to perform such functions or, render such assistance for the purpose of elections, including preparation of electoral rolls and disposal of election petitions and other disputes under this Ordinance as deemed fit.

(3) The Election Commission may authorize any of his officers to exercise any of its powers and to perform any of its functions under this Ordinance.

(4) The elections to the councils shall be held after every four years.

Qualifications for candidates and elected members.

171. (1) A person shall qualify to be elected or to hold an elective office or membership of a council, if he-

(a) is a citizen of Pakistan;

(b) is at least twenty five years of age;

(c) is enrolled as a voter in the electoral rolls of the relevant ward;

(d) is of good character and is not commonly known as one who violates Islamic injunctions;

(e) has adequate knowledge of Islamic teachings and practices, obligatory duties prescribed by Islam as well as abstains from major sins; provided that these qualifications shall not apply to a person who is a non-Muslim, but such a person shall have a good reputation;

(f) has academic qualifications of not less than matriculation or secondary school certificate or equivalent from a recognized institution, for contesting the election of a Mayor or a Deputy Mayor, Chairman or Vice Chairman;

(g) has not been declared by a competent court to be of unsound mind;

(h) is not in the service of the Federal, a provincial or a local government or, any statutory body or a body which is controlled by any such government or, in which any of such government has a controlling share or interest, except the holders of elected public office, and part-time officials remunerated either by salary or fee; provided that in case of a person who has resigned or retired from such service, a period of not less than six months has elapsed since his retirement;

(i) has not been dismissed, removed or compulsorily retired from public service on the grounds of moral turpitude;

(j) does not possess assets which are inconsistent with his declaration of assets or justifiable means, whether held in his own name or of the dependents or any other person or corporate body in whose name assets are held in trust or under any other formal or informal arrangement whereby the de-facto control of such assets including their sale, transfer or pecuniary interest, is retained by him;

(k) has not been adjudged a willful defaulter of any tax or other financial dues owed to the federal, a provincial, or a local government or any financial institution, including utility bills outstanding for six months or more;

(l) has not been convicted by a court of competent jurisdiction on a charge of corrupt practice involving moral turpitude or misuse of power or authority under any law for the time being in force;

(m) has not been sentenced to imprisonment for more than three months for an offence under any law and, a period of not less than five years has elapsed since his release; and in case of a member or a holder of a public office, has not been sentenced to imprisonment;

(n) has not failed to file the required return of election expenses or is not convicted for exceeding the limits of election expenses prescribed under the electoral laws;

(o) has not been declared an un-discharged insolvent by any court;

(p) does not engage in any transaction involving pecuniary interest with the council of which he is a member;

(q) does not absent himself without reasonable cause from three consecutive meetings of the council of which he is a member; provided that a member shall not be disqualified if the absence was necessitated by a national emergency or force majeure;

(r) does not fail to attend a training course as required under section 188 of this Ordinance;

(s) has not been and is not involved, in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society;

(2) Whoever –

(a) is found by the Chief Election Commission to have contravened the provisions of sub-section (1) shall stand disqualified from being a candidate for election to any office of the local councils for a period of four years; or

(b) having been elected as a member of a council or is a holder of an elective office of the council government is found by the Chief Election Commission to have contravened the provisions of subsection (1) shall cease forthwith to be an elected member or to hold the office of such member and stand disqualified from being a candidate for election to a council for a period of four years.

Elections of Mayors and Chairmen of District Council, etc.

172. A candidate for the office of Mayor and Deputy Mayor, Chairman and Vice Chairman of District Council, Chairman and Vice Chairman of Taluka Council, Chairman and Vice Chairman of Town Council and Chairman and Vice Chairman of Union Council, securing the highest number of votes in their respective constituencies against other candidates shall be declared elected.

Allocation of reserved seats.

173. (1) Reserved seats for women in the District Council shall be divided among the Talukas and Towns in the Metropolitan Corporation in proportion to the number of Unions in such Talukas or, as the case may be, Towns.

(2) A Taluka and Town in the Metropolitan Corporation shall be a multi-member ward for the reserved seats for women in the District Council, Taluka Council and Town Council.

(3) A district shall be a multi-member ward for the reserved seats for peasants and workers, and minority population in the District Council.

Election to vacant seats.

174. (1) If a seat of a member becomes vacant during the term of office of a Council, a new member shall be elected through by-election and the member elected in by-election shall hold office for the remaining portion of the term of the Council.

(2) If any seat reserved for women remains vacant, the same shall be filled through by-elections and the elected women member shall hold office for the remaining portion of the term of the Council.

(3) All by-elections for the vacant seats of members of Councils shall be held once a year on a date or dates fixed by the Election Commission.

(4) The period of one year referred to in sub-section (3) shall be computed from the date of assumption of office of the Council:

Provided that in a year in which general elections are to be held, the by-election may be held within eighteen months.

(5) A vacancy of Union Chairman or Vice Chairman shall be filled through by-election within, as far as practicable, one hundred and twenty days of the occurrence of vacancy as provided in sub-section (1) of section 168.

(6) A vacancy of Mayor or Deputy Mayor, Chairman or Vice Chairman of District Council, Chairman or Vice Chairman of Taluka Council, Chairman or Vice Chairman of Town Council, as the case may be, shall be filled through by-election within one hundred and twenty days of the occurrence of vacancy as provided in sub-sections (2) and (3) of section 168.

(7) When the office of a Mayor or Deputy Mayor, Chairman or Vice Chairman of District Council, Chairman or Vice Chairman of Taluka Council, Chairman or Vice Chairman of Town Council falls vacant, the members of the concerned Council shall by a majority vote elect an officiating Chairman or as the case may be Vice Chairman from amongst its members as provided aforesaid, respectively, and the person so elected shall continue to retain his office as a member also:

Provided that the officiating Mayor or Deputy Mayor, Chairman or Vice Chairman shall not be a candidate in the by-election held for election of the Chairman or Vice Chairman.

(8) When the office of a Union Chairman or Union Vice Chairman falls vacant, the members of concerned Council shall by a majority vote elect an officiating Union Chairman or Union Vice Chairman.

(9) A vacancy of officiating Mayor or Deputy Mayor, Chairman or Vice Chairman of District Council, Chairman or Vice Chairman of Taluka Council, Chairman or Vice Chairman of Town Council, as the case may be, shall be filled in within ten days from the date of occurrence of the vacancy.

Electoral rolls.

175. (1) A person shall be entitled to be enrolled as a voter if he –

(a) is a citizen of Pakistan;

(b) is not less than eighteen years of age on the first day of January of the year in which an election is to be held; and

(c) fulfills such other conditions as the Chief Election Commissioner may specify.

(2) The electoral rolls for the local government elections shall be prepared by the Chief Election Commission in the manner as it may deem appropriate and the electoral rolls shall not be invalid by reason of any erroneous description therein of any person listed or of an omission of the name of any person entitled to be enrolled or of inclusion of the name of any person not so entitled.

Bar against dual office etc.

176. (1) A Mayor, Deputy Mayor, Chairman and Vice Chairman of District Council, Taluka Council, Town Council, Union Council may contest election for any other political office after resigning from their existing office:

Provided that a member of a Council may contest election for any other political office without resigning from the membership of such Council.

Provided further that such member shall not hold more than one office at one time.

(2) Nothing in sub-section (1) shall apply to a Union Chairman or Vice Chairman, becoming members of the District Council, Taluka or Town Council, or the members elected against reserved seats in the District Council, Taluka Council or Town Council, or being as Chairman or, as the case may be, Vice Chairman.

Term of office.

177. (1) The term of office of councils shall be four years commencing from the date of the notification of assumption of office by respective Councils:

Provided that a council, notwithstanding the expiry of its term of office, shall continue to hold office until the successor council assumes office.

(2) Government shall notify the assumption of offices by Mayor, Deputy Mayor, Chairman and Vice Chairman of the Councils and members of the Councils.

(3) The Mayor, Deputy Mayor, Chairman and Vice Chairman of the Councils shall not hold the same office for more than two consecutive terms.

Oath of office.

178. (1) The elected Mayors, Deputy Mayors, Chairman, Vice Chairman and members of the Council shall take oath before assuming the charge of their respective offices.

(2) An elected Mayor, Deputy Mayor, Chairman and Vice Chairman and the members of Councils shall be administered oath of office by the concerned District and Sessions Judge.

Removals.

179. (1) Where proceedings of disqualification under **section 171** have been initiated on an application made by any person or by the Election Commission on its own motion against a member, Mayor or Deputy Mayor, Chairman or Vice Chairman, the Election Commission or any authority authorized by it may issue a notice to show cause, within a specified period, as to why proceedings against him may not be taken for his removal for breach of any of the provisions of section 171.

(2) Where the Election Commission or an authority authorized by it is not satisfied with the reply to the notice to show cause referred to in sub-section (1) or any reply to the said notice is not filed within the period fixed by it, it may order for an enquiry in the matter and for that purpose appoint an enquiry officer.

(3) On the basis of enquiry held under sub-section (2), the Election Commission or an authority authorized by it may order the removal of a member, Mayor, Deputy Mayor, Chairman or Vice Chairman:

Provided that before an order of removal is passed, the member, Mayor, Deputy Mayor, Chairman or Vice Chairman, against whom enquiry proceedings are carried out shall be afforded a reasonable opportunity of being heard, including personal hearing if so requested.

Resignations.

180. (1) A member of the Council may resign from his office by writing under his hand addressed to the Mayor, or as the case may be, Chairman of the concerned Council, whereupon the resignation shall be deemed to have been accepted and effective forthwith.

(2) Copies of all resignations shall be forwarded to the Election Commission and Government.

(3) Notwithstanding the resignation of a member any proceeding for removal under **section 179**, if already initiated, shall not abate.

Notifications to be issued.

181. The Election Commission shall notify every election, by-election and result of such elections and resignation, removal or recall of a member, Mayor or Deputy Mayor, Chairman or Vice Chairman, as the case may be.

Corrupt practice.

182. A person is guilty of bribery, personating, or undue influence shall be punishable for an offence of corrupt practice with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both.

Bribery.

183. A person is guilty of bribery, if he, directly or indirectly, by himself or by any other person on his behalf-

(a) receives, agrees or contracts for any gratification for voting or refraining from voting or for being or refraining from being a candidate at, or withdrawing or retiring from, an election;

(b) gives, offers or promises any gratification to any person for the purpose of –

(i) inducing a person to be or to refrain from being a candidate at an election; or

(ii) inducing a voter to vote or refrain from voting at any election; or

(i) inducing a candidate to withdraw or retire from an election; or

(ii) rewarding a person for having been or for having refrained from being a candidate at an election; or

(iii) rewarding a voter for having voted or refrained from voting at an election; or

Explanation.- In this section, 'gratification' includes a gratification in money or estimable in money and all forms of entertainment or employment for reward.

Personating.

184. A person is guilty of personating, if he votes or applies for a ballot paper for voting as some other person whether that other person is living or dead or fictitious.

Undue influence.

185. A person is guilty of undue influence, if he-

(a) in order to compel any person to vote, refrain from voting, or to induce or compel any person to withdraw his candidature at an election, directly or indirectly, by himself or by any other person on his behalf -

(i) makes or threatens to make use of any force, violence or restraint;

(ii) inflicts or threatens to inflict any injury, damage, harm or loss; or

(iii) uses any official influence or Governmental patronage; or

(b) on account of any person having voted or refrained from voting, or having withdrawn his candidature, does any of the acts specified in clause (a); or

(c) by abduction, duress or any fraudulent device or contrivance –

(i) impedes or prevents the free exercise of the franchise by a voter; or

(ii) compels, induces or prevails upon any voter to refrain from voting or compels any voter to vote.

Explanation.- In this section, 'harm' includes social ostracism or excommunication or expulsion from any caste or community.

Illegal practice.

186. A person is guilty of illegal practice punishable with fine which may extend to two thousand rupees, if he-

(a) obtains or procures, or attempts to obtain or procure, the assistance of any officer or official of the Federal Government, a Provincial Government or a local Government or Authority to further or hinder the election of a candidate;

(b) votes or applies for a ballot paper for voting at an election knowing that he is not qualified for voting or is disqualified from voting.;

(c) votes or applies for a ballot paper for voting more than once at any polling station;

(d) removes a ballot paper or a ballot box from a polling station or destroys, damages or tampers with the ballot-box used at a polling station;

(e) knowingly induces or procures any person to do any of the aforesaid acts; or,

(f) fails to provide statement of election expenses as required under this Ordinance.

(g) makes or publishes a false statement-

(i) concerning the personal character of a candidate or his relation calculated to adversely affect the election of such candidate or, for the purpose of promoting or procuring the election of another candidate, unless he proves that he had reasonable ground for believing, and did believe, the statement to be true;

(ii) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate; or

(iii) regarding the withdrawal of a candidate;

(h) knowingly, in order to support or oppose a candidate, lets, lends, employs, hires, borrows or uses any vehicle or vessel for the purpose of conveying voters to or from the polling station, except when a person conveys himself or any member of the household to which he belongs, to or from the polling station;

(i) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting.

Prohibition of canvassing.

187. A person is guilty of an offence punishable with fine which may extend to two thousand rupees, if he, on the polling day in connection with the election –

(a) convenes, calls or organizes within a ward any meeting; or

(b) within a radius of two hundred meters of the polling station –

(i) canvasses for votes;

(ii) solicits vote of any voter;

(iii) persuades any voter not to vote at the election or for a particular candidate; or

(iv) exhibits, except with the permission of the returning officer and at a place reserved for the candidate or his polling agent beyond the radius of one hundred meters of the polling station, any notice, sign, banner or flag designed to encourage the voters to vote, or discourage the voters from voting, for any contesting candidate.

Disorderly conduct near polling station.

188. A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to three thousand rupees, or with both, if he -

(a) uses, in such manner as to be audible within the polling station any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds; or

(b) persistently shouts in such manner as to be audible within the polling station; or

(c) does any act which –

(i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting; or

(ii) interferes with the performance of the duty of a presiding officer, polling officer or any other person performing any duty at a polling station; or

(iii) abets the doing of any of the aforesaid acts.

Tampering with papers.

189. A person is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both, if he –

(a) fraudulently defaces or destroys any nomination paper or ballot paper;

(b) fraudulently takes out of the polling station any ballot paper or puts into any ballot box any ballot paper other than the ballot paper he is authorized under the rules to put in;

(c) without due authority-

(i) supplies any ballot paper to any person;

(ii) destroys, takes, opens or otherwise interferes with any ballot box or packet or ballot papers in use for the purpose of election; or

(iii) breaks any seal affixed in accordance with the provisions of the rules; or

(d) causes any delay or interruption in the beginning, conduct or completion of the procedure required to be immediately carried out on the close of the poll; or

(e) fraudulently or without due authority attempts to do any of the aforesaid acts.

Interference with the secrecy of voting.

190. A person is guilty of an offence punishable with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both, if he:

(1) interferes or attempts to interfere with a voter when he records his vote;

(2) in any manner obtains or attempts to obtain, in a polling station, information as to the candidate for whom a voter in that station is about to vote or has voted, or

(3) communicates at any time any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted.

Failure to maintain secrecy.

191. Any candidate or polling agent attending a polling station, or any person attending the counting of votes, is guilty of an offence punishable with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both, if he –

(a) fails to maintain or aid in maintaining the secrecy of voting; or

(b) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

Conduct of officials.

192. A presiding officer, polling officer or any other officer or clerk performing a duty in connection with an election, or any member of a police force, is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, if he, during the conduct or management of an election or maintenance of order at the polling station:

(a) persuades any person to give his vote;

(b) dissuades any person from giving his vote;

(c) influences in any manner the voting of any person;

(d) does any other act calculated to further or hinder the election of a candidate;

(e) fails to maintain or aid in maintaining the secrecy of voting;

(f) communicates, except for any purpose authorized by any law, to any person before the poll is closed any information as to the name or number on the electoral roll of any voter who has or has not applied for a ballot paper, or has not voted at a polling station; and

(g) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

Breach of official duty.

193. A presiding officer or any other person employed by any such officer in connection with his official duties imposed by or under this Ordinance, is guilty of an offence punishable with fine which may extend to five thousand rupees, if he, without reasonable cause, does or omits to do an act in breach of any official duty.

Assistance by Government Servants.

194. A person in the service of the Federal Government, a Provincial Government, a local government, or a body owned or controlled by the Federal or a Provincial Government is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both if he, in any manner, gives any assistance calculated to further or hinder the election of a candidate.

Summary trial.

195. All offences under this Ordinance except the offences under sections 165 to 168 shall be tried summarily under the provisions of the Code of Criminal Procedure 1898 (Act V of 1898).

Cognizance.

196. No court shall take cognizance of the offences under sections 175 and 176 of the Code except on the complaint in writing of the returning officer concerned.

Conduct of Elections.

197. (1) Notwithstanding anything contained in this Ordinance, for subsequent elections, immediately on notification of the Schedule of Elections, all Councils shall stand dissolved after the expiry of the stipulated period in the said notification for such purpose and the Mayors, Deputy Mayors, Chairmen and Vice Chairmen and Members of the Councils shall cease to hold their respective offices.

(2) Within twenty-four hours of the announcement of the Schedule for Local Government Elections by the Election Commission, Government shall appoint officers as Care-takers to perform the functions and exercise the powers of the Mayors, Deputy Mayors, Chairmen and Vice Chairmen of the respective Local Councils till the newly elected incumbents take oath of their offices.

(3) The elected members of Council, Mayors, Deputy Mayors, Chairmen and Vice Chairmen shall assume the charge of their respective offices within seven days of the Notification of the result of the elections issued by the Election Commission.

(4) During the election period the Care-takers provided in sub-section (2) are looking after the affairs of the councils, no new development scheme shall be initiated nor shall Government or the Care-takers or any other officer of a council make posting and transfer of any officer or official of the council without the prior approval of Government.

CHAPTER XIX
MANAGING TRANSITION

Succession of the properties, assets and liabilities of the Councils.

198. On commencement of this Ordinance, the properties, assets and liabilities of the Councils shall stand transferred to their respective successor councils.

Administrative Transition.

199. (1) On coming into force of this Ordinance, any office, authority or municipal body set up or controlled by the Government shall continue providing services without any interruption during the decentralization process or its entrustment to any local government under this Ordinance.

(2) All functionaries of the Councils set up immediately before commencement of this Ordinance, shall continue to perform their respective duties and responsibilities with the successor councils under this Ordinance, until transferred.

(3) Subject to the provisions of sub-sections (1) and (2), the control of the development authorities, water and sanitation agencies and solid waste management bodies shall vest in the following:-

Authority/Agency	Controlling Authority
(a) Development Authorities,	Local Government Minister / Mayor
(b) Water and Sanitation Agencies or Boards, and Solid Waste	Mayor

(4) Government shall, on the commencement of this Ordinance, decentralize administrative, financial and appellate powers of respective officers under this Ordinance.

Employees salaries not to be reduced on transfer, etc.

200. (1) On allocation, re-allocation or transfer of the employees of Government, Metropolitan, Districts, Towns, Talukas, Unions Councils on commencement of this Ordinance, the salaries, emoluments and pensions of such employees shall not be reduced on such allocation, re-allocation or transfer.

(2) Government shall ensure the payment of salaries, emoluments and pensions of the employees referred to in sub-section (1), above.

CHAPTER XX
MISCELLANEOUS

Chairmanship of development authorities.

201. The Minister Local Government / Mayor of the relevant Metropolitan Corporation shall be the Chairman of the Malir Development Authority, Lyari Development Authority and the Hyderabad Development Authority, while the Mayor of the Metropolitan Corporation of Karachi shall be the Chairman of the Karachi Water and Sewerage Board.

Complaint Cell.

202. Every Council shall set up a complaint cell for redressal of grievances within the ambit of their responsibilities under this Ordinance.

Training.

203. The Mayors, Deputy Mayors, Chairmen and Vice Chairmen and Members of the Councils shall attend training courses for such periods and in such manner and at such places as may be prescribed by Government from time to time.

Appeals.

204. Any person aggrieved by any order passed by a local government or its functionaries, in pursuance of this Ordinance or the rules or bye-laws made thereunder may appeal to such authority, in such manner and within such period as may be prescribed.

Rules.

205. (1) Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance and shall also prescribe the Schedules and make amendments therein.

(2) In particular and without prejudice to the generality of the fore-going power, such rules may provide for all or any of the matters specified in Part-I of Fifth Schedule.

(3) The rules made under sub-section (1) shall be subject to previous publication in the official Gazette and shall meet the following considerations:-

(a) consistency with democratic decentralization and subsidiary;

(b) enhancement of welfare of the people;

(c) fairness and clarity; and

(d) natural justice and due process of law.

Bye-laws.

206. (1) Every Council may, in its ambit of responsibilities, make bye-laws to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the fore-going power, such bye-laws may provide for all or any of the matters specified in Part-II of the Fifth Schedule.

Members and servants to be public servants.

207. All Mayors, Deputy Mayors, Chairmen and Vice Chairmen and Members of the Councils, functionaries of the local councils and every other person duly authorized to act on behalf of the councils shall be public servants within the meanings of section 21 of the Pakistan Penal Code (Act XIV of 1860).

Delegation of Powers.

208. A Mayor or as the case may be a Chairman may delegate any of his powers (including financial powers) or functions under this Ordinance or rules or bye laws to any of its officer fully or partly and subject to such restrictions or conditions as he may deem fit after approval by the Council.

Action taken in good faith.

209. No suit, prosecution, or other legal proceedings shall lie against any public servant serving in local councils for anything done in good faith under this Ordinance.

General Powers of Councils, etc.

210. Notwithstanding any specific provision of this Ordinance, every council shall perform its functions conferred by or under this Ordinance and in performance of its respective functions shall exercise such powers and follow such procedures as are enumerated in the Sixth Schedule.

Repeal and Savings.

211. (1) On commencement of this Ordinance –

(a) the Sindh (Repeal of the Sindh Local Government Ordinance, 2001), Revival of the Sindh Local Government Ordinance, 1979) Act, 2011, Sindh Act No. XXIV of 2011 is hereby repealed; and

(b) the Sindh Local Government Ordinance, 1979 (Ordinance XII of 1979) is hereby repealed;

(c) the Sindh Peoples Local Government Ordinance, 2012 (Ordinance No. VIII) is hereby repealed.

(2) Save as otherwise specifically provided, nothing in the Ordinance, or any repeal effected thereby, shall affect or be deemed to affect anything done, action taken, investigation or proceedings commenced, order, rules, regulation, appointment, conveyance, mortgage, deed, document or agreement made, fee levied, resolution passed, direction given, proceedings taken or instrument executed or issued, under or in pursuance of any law repealed or amended by this Act and any such thing, action, investigation, proceedings, order, rule, regulation, appointment, conveyance, mortgage, deed, document, agreement, fee, resolution, direction, proceedings or instrument shall, if in force at the commencement of this Ordinance and not inconsistent with any of the provisions of this Act, continue to be in force, and have effect as if it were respectively done, taken, commenced, and in performance of such functions shall exercise such powers which are necessary and appropriate thereto.

(3) Until different provisions, rules or bye-laws are made, the respective local councils shall exercise such powers as are specified in the Sixth Schedule.

(4) Till such time any fresh rules, orders, notifications, letters or delegated legislation are framed or issued under this Ordinance, the rules, orders, notifications, letters or delegated legislation already in force shall continue in operation.

Removal of difficulty.

212. Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

Amendment of Schedules.

213. Government may, by notification in the official Gazette, amend or vary the fines specified in the Eighth Schedule or add or exclude any offence from the Fourth and Eighth Schedules.

FIRST SCHEDULE
(See sections 14 and 34)
PART-A

Decentralized offices:

(i) Civil Defence.

(ii) Community Development and Organization

(iii) Inland fisheries in Metropolitan areas

(iv) Social Welfare: existing system and activities

(v) Sports and Sports Boards

(vi) Culture: existing system and activities

(vii) Cooperation: existing system and activities

viii) Functioning of Primary Schools in Metropolitan areas

(ix) Technical Education: existing system and activities in Metropolitan areas

(x) Sports: existing system and activities

(xi) Finance, Budget and Accounts relating to Local Government(s) (excluding District Accounts Offices)

(xii) Basic, Rural and Urban Health Centres

xiii) Child & Woman Health

xiv) Hospitals: existing system and activities

xv) KMC and KDA land, estate

xvi) Property Taxes or charges or rates etc.

xvii) Housing Urban and Physical Planning and Public Health Engineering

viii) District Roads and Buildings

xix) Transport: Intra-city / District Transport including Bus Depots, Traffic Engineering, Planning and Parking, Mass Transit and Public Transport for Metropolitan Corporation

(xx) Master Plan, Urban Planning, Zoning, Classification and reclassification of land for the Metropolitan Corporation

xxi) Drinking Water, its Management, Storage, Treatment Plants, its distribution, source development, sewage, its disposal, drainage and Boards / Bodies pertaining thereto.

xxii) Anti-Encroachment and Law and Order in respect of sections 109, 133, 143, 144, 145 Cr.P.C. and sections 30-A to 34-B of Police Act, 1861 in respect of the properties and assets of the local governments.

PART-B

Other Offices

(i) Coordination: Ongoing and existing system and activities

(ii) Human Resource Management

(iii) Literacy campaign: existing system and activities in Metropolitan areas

(iv) Continuing education: existing system and activities in Metropolitan areas

PART-C

Groups of offices:

(i) District Coordination: Coordination, Human Resource Management and Civil Defence

(ii) Inland Fisheries in Metropolitan areas

(iii) Community Development: Community Organization, Cooperation, Social Welfare, Sports and Culture

(iv) Primary Schools in Metropolitan areas

(v) Finance and Planning: Finance & Budget, Planning and Development, Accounts, Enterprise and Investment Promotion

(vi) Health: Basic & Rural Health, Child & Woman Health etc.

(vii) Information Technology: Information Technology Development, Information Technology Promotion, and Database.

(viii) Law: Legal advice and drafting, and Environment

(ix) Literacy: Literacy Campaigns, Continuing Education, and Vocational Education in Metropolitan areas.

(x) KMC and KDA Land and Estate Department

(xi) Property Taxes, Charges and Rates Works and Services: Spatial Planning and Development, District Roads and Buildings, Energy and Transport

PART D

Group of Offices

(i) Public Transport, Public Transportation and Mass Transit Passenger and Freight Transit Terminals, Traffic Planning, Engineering and Parking

(ii) Enterprise and Investment Promotion Industrial estates and technological parks Cottage, small and medium sized enterprise promotion Investment promotion and protection

(iii) Depending upon the economies of scale and nature of infrastructure the Local Government may vary grouping of offices contained in Part-C and set up district municipal offices for integrated development and management of the following services:

(a) Water source development and management, storage, treatment plants, and macro-distribution.

(b) Sewage tertiary and secondary network, treatment plants, and disposal.

(c) Storm water drainage network and disposal.

(d) Flood control protection and rapid response contingency plans.

(e) Natural disaster and civil defence planning.

(f) Solid waste management, treatment and disposal, including land fill cities and recycling plants.

(g) Industrial and hospital hazardous and toxic waste treatment and disposal.

(h) Environmental control, including control of air, water, and soil pollution in accordance with federal and provincial laws and standards.

(i) Master planning, land use, zoning and classification, reclassification.

(j) Urban design and urban renewal programme; promulgation of building rules and planning standards.

(k) Parks, play grounds, sporting, and other recreational facilities.

(l) Museums, art galleries, libraries, community and cultural centres.

(m) Conservation of historical and cultural assets

(n) Landscape, monuments, and municipal ornamentation.

(o) Urban and housing development, including urban improvement and upgrading, and urban renewal and redevelopment, with care being taken to preserve historical and cultural monuments.

(p) Regional markets and city-wide commercial centres.

PART-E

(I) Coordination

(II) Community Organization

(III) Enterprise and Investment Promotion

(IV) Legal advice and drafting

(V) Planning & Development

(VI) Information Technology Development

(VII) Information Technology Promotion

(VIII) Database

(IX) Literacy Campaigns

(X) Continuing Education

(XI) Vocational Education

(XII) Energy (Micro energy or alternate energy development/generation projects for use at local community level)

(XIII) Finance & Budget

(XIV) Land Control of Metropolitan lands and land revenue coordination