



KHYBER PAKHTUNKHWA

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**PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA**

NOTIFICATION

Dated Peshawar, the 15th May, 2012

No.PA/ KHYBER PAKHTUNKHWA/Bills/2012/20753.—The Khyber Pakhtunkhwa Local Government Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 8th May, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 11th may, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA LOCAL GOVERNMENT ACT, 2012 (KHYBER PAKHTUNKHWA ACT NO. VIII OF 2012)

AN
ACT

to construct and regulate the Local Councils in the Province of the Khyber Pakhtunkhwa and to consolidate law relating to Local Councils institutions and to provide for certain matters connected therewith and ancillary thereto.

Preamble.---WHEREAS it is expedient to encourage Local Government Institutions composed of elected representatives of the areas concerned and having special representation of peasants, workers, women and minorities;

AND WHEREAS Article 140A (1) of the constitution of the Islamic Republic of Pakistan provides for establishment of a local Government system and to devolve political, administrative and financial responsibility and authority to the elected representatives of the local Governments;

AND WHEREAS for the purpose aforesaid it is necessary to reconstruct and consolidate the law relating to Local Government Institutions and minorities;

It is hereby enacted as under:

CHAPTER - I INTRODUCTION

1. **Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Local Government Act, 2012.
 - (2) It extends to the whole of the Province of the Khyber Pakhtunkhwa.
 - (3) It shall come into force on such date as Government may, by notification appoint, and different dates may be appointed for different provisions of this Act.
2. **Power to exclude any area.**---Government may by notification exempt any area or areas from all or any of the provisions of this Act.
3. **Definitions.**---In this Act, unless the context otherwise requires,-
 - (a) “annual rental value” means the gross annual rent at which a building or land may be let from year to year;
 - (b) “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;
 - (c) “budget” means an official statement of the income and expenditure of a Local Council or a Local Area Development Authority for a financial year;
 - (d) “building” includes any shop, house, hut, out-house, shed, stable or enclosure built of any material and used for any purpose, and also includes a wall, well, verandah, platform, plinth, ramp, stair-case and steps;
 - (e) “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;
 - (f) “bye-laws” means bye-laws made under this Act;
 - (g) “cattle” means cows, buffaloes, bulls, oxen, bullocks, calves, camels, sheep and goats;
 - (h) “Chairman and Vice-Chairman” means the Chairman and Vice-Chairman of a Local Council constituted under this Act;
 - (i) “City” means an urban area declared to be a City under this Act;
 - (j) “conservancy” means the collection, treatment, removal and disposal of refuse;
 - (k) “dairy” includes any farm, cattle-shed, cow-house, milk store, milk shop or other place from where milk or milk products are supplied for sale;
 - (l) “District” means a Revenue District notified under the West Pakistan Land Revenue Act, 1967 (W.P. Act No. XVII of 1967);
 - (m) “drain” includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel or any other device for carrying sullage or rain water;

- (n) “drug” means any substance used as medicine or in the composition or preparation of medicine, whether for internal or external use;
- (o) “erect or re-erect a building” means the construction of a new building and includes such material alterations of building as enlargement of any wall, verandah, fixed platform, plinth or a part of the building, structural conversion into one or more places for human habitation of a building not originally meant for the purpose, structural conversion of two or more places of human habitation into a greater number of such places, addition of any rooms, building substance or other structure to a building, re-construction of whole or any part of the external walls of a building or the renewal of the parts of a wooden building, construction in a wall adjoining any street or land not belonging to the owner of the wall, construction of a door opening to such street or land, such alteration of the internal arrangements of a building as affects its drainage, ventilation or other sanitary arrangements or its security or stability;
- (p) “factory” has the meaning assigned to it under the Factories Act, 1934 (XXV of 1934);
- (q) “food” includes every eatable used for food or drink by human beings but does not include drugs or water;
- (r) “functions” includes powers to be exercised and duties to be performed;
- (s) “Government” means the Government of the Khyber Pakhtunkhwa;
- (t) “infectious disease” means cholera, plague, smallpox and tuberculosis, and includes such other disease as Government may, by notification, declare to be an infectious disease for the purpose of this Act;
- (u) “land” includes land which is being build up or is built up or is covered with water or is under cultivation or is fallow, and in relation to Town Improvement Committee includes land as defined in clause (a) of section 3 of the Land Acquisition Act, 1894 (I of 1894);
- (v) “Local Area” means an area specified in Chapter-II;
- (w) “Local Area Development Authority” means an authority notified under the Provincial Urban Development Board Act or under GDA Act or under the Kaghan Development Authority Act or Abbottabad Dev Authority Act;
- (x) “Local Council” means a Local Council constituted under this Act, and includes a District Council, a Municipal Corporation, a Municipal Committee and a Union Council;
- (y) “Local Council Grant” means money declared as such for distribution among Local Governments in accordance with the provisions of this Act;
- (z) “Local Fund” means the fund of a Local Council;
- (aa) “mal-administration” means and include-
- (i) an act of omission or commission, a decision, process or recommendation, which-
- (a) is contrary to the law, rules, or regulations or is a departure from established practice or procedure; or

- (b) is arbitrary, biased, discriminatory, oppressive, perverse, unjust or unreasonable; or
- (c) is based on irrelevant grounds; or
- (ii) 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;
- (iii) delay, inaction, incompetence, in-efficiency, ineptitude or neglect in the administration or discharge of duties and responsibilities;
- (iv) repeated notices, prolonged hearings or unnecessary attendance while deciding cases; or
- (v) voidance of disciplinary action against an officer or official whose action is held by a competent authority to be biased, capricious, patently illegal or vindictive;
- (ab) “market” means a place where persons assemble for the sale and purchase of meat, fish, fruit, vegetables or any other article of food or for the sale and purchase of livestock or animals and includes any place which may, from time to time, be notified as market;
- (ac) “mauza” means a revenue estate declared under the Khyber Pakhtunkhwa Land Revenue Act, 1967 (W.P. Act XVII of 1967);
- (ad) “member” means a member of Local Council;
- (ae) “misconduct” means transgression of prescribed Code of Conduct or dereliction from duty or deliberate unlawful behavior or violation of law or rules or lawful directions or orders of Government and includes-
 - (i) gross negligence in performance of duties with manifest wrongful intent or evil design; or
 - (ii) an act that results in wrongful gain to any person by wrongful application of law; or
 - (iii) making or managing appointment, promotion or transfer of an officer or official in violation of law or rules or for extraneous consideration; or
 - (iv) bribery, corruption, robbery, favoritism, nepotism or willful diversion of the fund of the Local Council.
- (af) “Municipality” means an urban area declared to be a municipality under this Act;
- (ag) “Municipal Committee” means a Municipal Committee constituted under this Act;
- (ah) “Municipal Corporation” means a Municipal Corporation constituted under this Act;
- (ai) “offence” means the offence scheduled in this Act or specified in any other law for the time being in force;
- (aj) “Mayor and Deputy Mayor” means a Mayor and Deputy Mayor of a Municipal Corporation constituted under this Act;

- (ak) “municipal services” include intra-city 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, foot paths, traffic signals, pavements and lighting thereof, public parks, gardens, arboriculture, landscaping, bill boards, 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;
- (al) “nuisance” includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;
- (am) “occupier” includes an owner in actual occupation of his own land or building and also any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which the word is used;
- (an) “owner” includes the person for the time being receiving the rent of land and buildings or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if land or building were let to a tenant;
- (ao) “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;
- (ap) “prescribed” means prescribed by rules;
- (aq) “prohibited zone” means any area or areas within a municipality or a City declared as prohibited zone by a public notice by the concerned Local Council or by a Local Area Development Authority for the purposes of this Act;
- (ar) “Province” means the Province of the Khyber Pakhtunkhwa;
- (as) “Provincial Consolidated Fund” means the Fund referred in article 118 of the Constitution of the Islamic Republic of Pakistan;
- (at) “public road” means a road maintained by Government or by a Local Council or by the concerned Local Area Development Authority or other Local Authority;
- (au) “public street” means a street maintained by Government or by a Local Council or by the concerned Local Area Development Authority or other Local Authority;
- (av) “public way” means a way maintained by Government or by a Local council or by the concerned Local Area Development Authority or other Local Authority;
- (aw) “public place” means any building, premises or place to which the public have access;
- (ax) “rate” includes cess;
- (ay) “refuse” includes rubbish, offal, night-soil, carcasses of animals, deposits of sewerage, waste and any other offensive matter;

- (az) "rent" means whatever is by law payable in money or kind by a tenant or lessee on account of the occupation of any building or land;
- (ba) "road" includes a road which is not a thoroughfare;
- (bb) "rules" means rules made under this Act;
- (bc) "rural area" means any area which is not an urban area;
- (bd) "Schedule" means a Schedule to this Act;
- (be) "specify" means specified by Standing Orders of Government;
- (bf) "street" includes a street which is not a thoroughfare;
- (bg) "streets'line" means a line dividing the land comprised in, and forming part of a street from the adjoining land;
- (bh) "sullage" includes sewerage, polluted water, rain water and any other offensive matter carried by a drain;
- (bi) "tax" includes any cess, fee, rate, toll or other impost leviable under this Act;
- (bj) "Union" means an area notified to be a Union under this Act;
- (bk) "Union Council" means a Union Council constituted under this Act;
- (bl) "urban area" means an area within the jurisdiction of a Municipal Committee or a Municipal Corporation and includes any other area which Government may, by notification, declare to be an urban area for the purposes of this Act;
- (bm) "vehicle" means a wheeled conveyance capable of being used on a street;
- (bn) "village" means a village declared as such under this Act;
- (bo) "voter" means a person, whose name for the time being appears on the electoral rolls prepared or adopted for the purposes of election under this Act; and
- (bp) "ware-houseman" includes a person who stores any farm produce not belonging to him and charges rent thereof in any form, from the person at whose instance the said produce is so stored.

4. **Repeal and Saving.**---(1) On commencement of this Act, the Khyber Pakhtunkhwa Local Government Ordinance, 2001 (Khyber Pakhtunkhwa Ord. No. XIV of 2001) shall be repealed and all Local Government created under the said law shall stand dissolved.

(2) Save as otherwise specifically provided, nothing in the Act, or any repeal effected thereby shall affect or be deemed to affect anything done, action taken, investigation or proceedings commenced, order, rule, regulation, bye-laws appointment, conveyance, mortgage, deed, document or agreement and contract made, fee levied, tax imposed or assessed, scheme prepared or executed, 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, bye-laws appointment, conveyance, mortgage, deed, document, agreement, contract fee, tax, resolution, direction, proceedings or instrument suits, right or claims shall, if in force at the commencement of this Act 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, made, directed, passed, given, executed instituted, acquired or issued under this Act.

5. **Succession.**---On the commencement of this Act, all Local Governments established or continued under the Khyber Pakhtunkhwa Local Government Ordinance, 2001 (Khyber Pakhtunkhwa Ord. NO. XIV of 2001), shall be succeeded-

- (i) in the case of City District Government and the Towns Municipal Administration created in City District of Peshawar by the Municipal Corporation, Peshawar to the extent of notified urban areas and functions assigned to the Corporation under this Act;
- (ii) in the case of Local Area Development Authority by the Local Government and Rural Development Department, Government of Khyber Pakhtunkhwa;
- (iii) in the case of Tehsil Municipal Administration in all other districts of the Province by the respective Municipal Committees to the extent of notified urban areas, if any, in the respective districts and to the extent of functions assigned to the Municipal Committees under this Act;
- (iv) in the case of District Governments, including City District Government Peshawar, by the respective District Councils to the extent of rural areas and to the extent of functions assigned to district councils under this Act and by the Municipal Corporation to the extent of notified urban areas of Peshawar;
- (v) in the case of Union Councils except for urban union councils, by the respective Union Councils to the extent of functions assigned to Union Councils under this Act; and
- (vi) in the case of Union Councils falling in the notified Urban Areas of Peshawar, their respective Urban Union Councils to the extent of functions assigned to Union Councils under this Act.

6. **Certain matters to be prescribed.**---Where this Act makes any provision for anything to be done but no provision or no sufficient provision has been made as respects the authority by whom, or the manner in which it shall be done, then it shall be done by such authority and in such manner as may be prescribed.

7. **Removal of difficulty.**---Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

CHAPTER -II LOCAL AREAS

8. **Local Areas.**---(1) For the purposes of this Act, the Local Areas shall be-

- (a) in the case of rural areas, a Union Council and a District Council;
- (b) in the case of urban areas, except Peshawar, a Municipal Committee; and
- (c) in the case of Urban areas of Peshawar, a Municipal Corporation and Urban Union Council.

(2) Government may, by notification, extend, curtail or otherwise alter the limits of a Local Area and declare that any area shall cease to be a Union, District or City, as the case may be.

(3) Government may, for the purpose of delimitation of local councils, establish an authority to be known as Delimitation Authority with powers and functions to be prescribed.

9. **Delimitation of a Union.**---A Union shall be an area comprising one or more mauza or, in the case of an area where settlement under the law has not been taken, one or more villages, notified as such by the 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 Revenue Sub Division in a district;
- (c) the area of a union shall comprise a whole number of patwar circles, or a patwar circle may contain a number of whole Unions;
- (d) in the case of Urban Union Council, a whole Patwar circle or census block; and
- (e) the population of Unions within a district shall, more or less, be uniform;

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

CHAPTER -III CONSTITUTION OF LOCAL COUNCILS

10. **Constitution of Local Councils.**---(1) The Local Councils to be constituted under this Act shall be:

- (a) a Municipal Corporation for the City of Peshawar;
- (b) a Municipal Committee for each City or town other than the City of Peshawar;
- (c) a Union Council for each Union; and
- (d) a District Council for each District.

(2) As soon as may be, the Local Councils mentioned in sub-section (1) shall be constituted in accordance with the provisions of this Act.

(3) A Local Council shall be a body corporate.

(4) Government may, by notification, specify the name by which any Local Council shall be known and unless the name of a Local Council is so specified, it shall be known as the Local Council of the place where its office is situated.

11. **Division and re-constitution of Local Council.**---(1) Government may, by notification, divide a Local Council into two or more Local Councils or re-constitute two or more Local Councils into one Local Council or alter the limits of a Local Council and may specify in the notification the consequences which will ensue upon the publication of such notification.

(2) When, as a result of such division or re-constitution any new Local Council is constituted, in accordance with the provisions of this Act in the manner specified in the notification:

- (a) the existing members of any Local Council so divided or reconstituted shall become the members of such Local Councils or Council as Government may, by notification, specify as if each such member had been elected to that Local Council; and
- (b) such Local Council shall, to the extent and in the manner specified in the notification, be the successor of the Local Council or Councils so divided or re-constituted.

CHAPTER -IV COMPOSITION OF LOCAL COUNCILS

12. **Union Council.**--- A Union Council shall, subject to other provisions of this Act, consist of following eleven members elected through direct election based on adult franchise and joint electorate;

- (a) seven Muslim general members,
- (b) two women members,
- (c) one member for peasants and workers ; and
- (d) one member minority communities.

13. **District Council.**---(1) A District Council shall, subject to other provisions of this Act, consist of such number of general members as total number of union Councils in a district.

(2) The Chairman of each Union Council shall be a general member of the District Council ex-officio.

(3) The Chairman and Vice Chairman of the District Council shall be elected by the members of the District Council:

Provided that in case Chairman Union Council is elected as Chairman or Vice Chairman District Council, proceedings of no confidence can only be initiated in the District Council.

Further Provided that in case Chairman Union Council is elected as Chairman or Vice Chairman District Council or mayor or deputy mayor, the vice chairman of the union council shall become acting chairman of the union council.

14. **Municipal Committee.**---(1) A Municipal Committee shall, subject to other provisions of this Act, consist of such number of general members as Government may, by notification, determine.

(2) The general members of the Municipal Committee shall be elected through direct election based on adult franchise and joint electorate.

15. **Municipal Corporation.**---(1) A Municipal Corporation shall, subject to other provisions of this Act, consist of such number of general members as total number of Union Councils falling within the limits of a Municipal Corporation.

(2) The Chairman of urban Union Council in notified limits of Municipal Corporation shall be general member of the Municipal Corporation ex-officio.

16. **Representation of women, workers, peasants, minorities and technocrats.**---(1) A Local Council except for Union Council, may, in addition to the number of members determined for the Local Council, have following ratio of seats reserved for women, workers, peasants, minorities and technocrats and they shall be elected by general members of the local council concerned.

- | | | |
|-----|------------------|-----|
| (a) | Women | 10% |
| (b) | Peasants/workers | 5% |
| (c) | Minorities | 5% |
| (d) | Technocrats | 5% |

Explanation: For the purpose of this section technocrat means a person, who is the holder of a degree, requiring conclusion of at least sixteen years of education, recognized by the university grants commission or a recognized statutory body, as well as at least five years of experience in the respective field.

(2) Nothing contained in sub-section (1) shall prevent a woman from being elected to a general seat in any Local Council.

17. **Chairman and Vice-Chairman.**---For every Local Council and Municipal Corporation there shall be a Chairman, a Vice-Chairman and Mayor and Deputy Mayor respectively, elected by all the members of the respective Local Council/Municipal Corporation including members elected on reserved seats.

CHAPTER -V LOCAL COUNCIL ELECTIONS

18. **Franchise and Wards.**---(1) Save as otherwise provided, election of members of all the Union Councils and Municipal Committees shall be held on the basis of adult franchise and joint electorate through secret ballot.

(2) Government may, for purposes of election, divide a local area into such number of wards having a definite boundary as it may determine.

(3) A union shall be multi-member ward for election of members of a Union Council.

(4) Every voter within the ward shall have only one vote irrespective of the number of members to be elected from the electoral unit.

19. **Authority for Local Council Elections.**---(1) Election to the Local Councils shall be held by the Election Commission of Pakistan as per clause (2) of Article 140A of the Constitution of the Islamic Republic of Pakistan.

20. **Executive Authority to assist the election.**---It shall be the duty of all executive authorities in the Province to assist the Election Commission of Pakistan in the discharge of its functions.

21. **Appointment of Returning Officer, etc.**---(1) The Election Commission of Pakistan shall appoint, from amongst the officers of Government, Corporations or other Institutions controlled by Government, a Returning Officer for each constituency for the purpose of election of a member for that constituency:

Provided that a person may be appointed as Returning Officer of two or more constituencies.

(2) The Election Commission of Pakistan may appoint, from amongst the officers of Government, Corporations or other Institutions controlled by Government, as many Assistant Returning Officers as may be necessary.

(3) An Assistant Returning Officer shall assist the Returning Officer in performance of his functions under this Act and may subject to any condition imposed by the Election Commission of Pakistan exercise and perform, under the control of the Returning Officer, the powers and functions of the Returning Officer.

(4) It shall be the duty of a Returning Officer to do all such acts as may be necessary for effectively conducting an election in accordance with the provisions of this Act and the rules.

22. **Polling Station. ---** (1) The Returning Officer shall, before such time as the Election Commission of Pakistan may fix, submit to Election Commission of Pakistan a list of polling stations he proposes to provide in a constituency for the purpose of election of a member for that constituency.

(2) The Election Commission of Pakistan may make such alterations in the list of polling stations submitted under sub-section (1) as it deems necessary and shall forward to the Returning Officer the final list of polling stations.

(3) The Returning Officer shall establish in each constituency polling stations according to the final list forwarded to him by the Election Commission of Pakistan specifying the electoral area the electors whereof will be entitled to vote at each polling station, and shall, at least twenty-four hours before the polling day, give wide publicity, in such manner as he may deem fit, to the polling stations so established.

(4) No polling station shall be located in any premises which belong to, or are under the control of, any candidate.

23. **Presiding Officer and Polling Officer.---**(1) A Returning Officer shall appoint for each polling station a Presiding Officer and such number of Assistant Presiding Officers and Polling Officers to assist the Presiding Officer as the Returning Officer may consider necessary:

Provided that a person who is, or has at any time been, in the employment of any candidate shall not be appointed as a Presiding Officer, Assistant Presiding Officer or Polling Officer.

(2) A list of such Presiding Officers and Polling Officers shall be submitted by the Returning Officer to the Election Commission of Pakistan at least fifteen days before the polling day for its approval and no change in the personnel shall be made except with the approval of the Election Commission of Pakistan.

(3) A Presiding Officer shall conduct the poll in accordance with the provisions of this Act and the rules and shall be responsible for maintaining order at the polling station and shall report to the Returning Officer any fact or incident which may, in his opinion, affect the fairness of the poll:

Provided that, during the course of the poll, the Presiding Officer may entrust such of his functions as may be specified by him to any Assistant Presiding Officer and it shall be the duty of such Assistant Presiding Officer to perform the functions so entrusted.

(4) The Returning Officer shall authorize one of the Assistant Presiding Officer to act in place of the Presiding Officer if the Presiding Officer is at any time during the poll, by reason of illness or other cause, not present at the polling station, or is unable to perform his functions; and any absence of the polling station, and reason therefore, shall, as soon as possible after the close of the poll, be reported to the Returning Officer.

(5) The Returning Officer may, at any time during the poll, for reasons to be recorded in writing, suspend any Presiding Officer, Assistant Presiding Officer or Polling Officer and make such arrangements as he may consider necessary for the performance of the functions of the Officer so suspended.

24. **Supply of Electoral Rolls.---**(1) The Election Commission of Pakistan shall provide the Returning Officer for each constituency with copies of electoral rolls for all the electoral areas within that constituency.

(2) The Returning Officer shall provide the Presiding Officer of each polling station with copies of electoral rolls containing the names of the electors entitled to vote at that polling station

25. **Other powers and functions of the Election Commission of Pakistan.** ---The Election Commission of Pakistan shall also exercise such other powers and perform such other functions as may be prescribed.

26. **Electoral rolls.**---(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) fulfils such other conditions as the Election Commission of Pakistan may specify.

(2) The electoral rolls for the Local Council elections shall be prepared by the Election Commission of Pakistan in the manner 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.

(3) Every person whose name is entered in the electoral roll, and no person whose name is not so entered, shall be entitled to cast a vote at an elections to the Local Council.

27. **Qualifications for candidates and membership of Local Council.**---(1) A person shall not qualify to be elected or chosen as a member of Local Council unless-

- (a) he is citizen of Pakistan;
- (b) he is twenty-one years of age and enrolled as a voter in any electoral roll in the relevant ward;
- (c) he is of good character and is not commonly known as one who violates Islamic injunctions;
- (d) he has adequate understanding of Islamic teachings;
- (e) he is sagacious, righteous, non-profligate, honest and ameen, there being no declaration to the contrary by a court of law.

28. **Disqualifications for candidates and membership of Local Councils.**---(1) A person shall be disqualified from being elected or chosen as a member of the Local Councils, if-

- (a) he is of unsound mind and has been so declared by a competent court; or
- (b) he is an un-discharged insolvent; or
- (c) he ceases to be a citizen of Pakistan or acquires the citizenship of a foreign state; or
- (d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or
- (e) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or
- (f) he has been convicted for any offence involving moral turpitude and sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release; or
- (g) he has been dismissed from the service of Pakistan or service of a corporation or office set up or, controlled, by the Federal Government, Provincial Government or a local Government on the ground of misconduct, unless a period of five years has elapsed since his dismissal; or
- (h) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a Local Government on the ground of misconduct, unless a period of three years has elapsed since his removal or compulsory retirement; or
- (i) he holds any office of profit in the service of Pakistan other than the following offices, namely;

- I. an office which is not whole time office remunerated either by salary or by fee;
- II. office Lumbardar, whether called by this or any other title;
- III. any office holder whereof, by virtue of
- IV. such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or

(2) If any question arises whether a member of the Local Councils has become disqualified from being a member the Chairman or, as the case may be, the Mayor, shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and should he fail to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.

(3) The Election Commission shall decide the question within ninety days from its receipt or deemed to have been received and if it is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant.

29. **Conduct of elections.**---Election to Local Councils shall be conducted, by the Election Commission of Pakistan, in the prescribed manner.

30. **Term of office, first meeting and election of Chairman or Vice-Chairman.**---(1) The term of office of a Local Council shall be four years commencing on the date on which it holds its first meeting:

Provided that on the expiry of the term of office of a Local Council, Government may appoint any person for the interim period to perform such functions of the Local Council as may be specified:

Provided further, that the Government in consultation with the Election Commission may, for the purposes of elections to Local Councils dissolve the Local Councils before the expiry of the residual term of their respective offices on such date as it deems fit.

(2) All local councils, except union councils, shall elect members against the reserved seats before election of the Chairman, vice chairman and Mayor and Deputy Mayor.

(3) Save as otherwise provided, a Local council shall in its first meeting and to the exclusion of any other business elect from its members a Chairman, Vice-Chairman, Mayor and Deputy Mayor in the prescribed manner:

Provided that the first meeting shall be held not later than thirty days from the day on which the names of its members are notified.

31. **Oath of office.**---(1) A member, a Chairman, Vice-Chairman, Mayor and Deputy Mayor shall before taking his seat make and subscribe to an Oath in such form as may be specified.

(2) Every Chairman, Vice-Chairman, Mayor and Deputy Mayor and member shall, after taking Oath of office, declare his assets in the manner prescribed.

32. **Casual vacancy.**---(1) If the office of a member or a Chairman, Vice-Chairman, Mayor and Deputy Mayor for any reason, falls vacant during the term of office of a Local Council, a new member or a Chairman, Vice-Chairman, Mayor and Deputy Mayor, as the case may be, shall be elected in the prescribed manner within reasonable time from the date such vacancy is notified and he shall hold office for the residue of such term.

(2) If the vacancy in the office of member occurs within four months of the expiry of the term of a Local Council, the vacancy shall not be filled.

33. **Removal.**---(1) Government may, after giving him an opportunity of being heard, remove a Chairman, Vice-Chairman, Mayor and Deputy Mayor or a member from office in the prescribed manner if he-

- (a) has ceased to qualify in terms of section 27; or
- (b) absents himself without reasonable cause from three consecutive meetings of the Local Council; or
- (c) is guilty of abuse of power or misconduct or mal-administration; or
- (d) refuses to take oath under section 31; or
- (e) has acted in contravention of the provision of sub-section (4) of section 67; or
- (f) generally acts in a manner prejudicial to public interest.

(2) A Chairman, Vice-Chairman, Mayor and Deputy Mayor or a member removed under sub-section (1) may, within 30 days of the order of removal, file a review petition to Government, whereupon Government may pass such orders as it may deem fit.

(3) A Chairman, Vice-Chairman, Mayor and Deputy Mayor removed from office shall cease to be a member.

34. **Resignation.**---A Chairman, Vice-Chairman, Mayor and Deputy Mayor or a member may resign his office by tendering resignation in writing to the Local Council of which he is the Chairman, Vice-Chairman, Mayor and Deputy Mayor or a member:

Provided that Secretary of the concerned council shall process the resignation thus tendered to the Government within seven days for notification.

35. **Vote of no-confidence.**---A Chairman, Vice-Chairman, Mayor and Deputy Mayor shall vacate office if a vote of no-confidence is passed against him in the prescribed manner by simple majority of the total number of members of the Local Council electing him;

Provided that-

- (a) A motion of no-confidence shall not be moved before the expiry of six months of his assumption of office as Chairman, Vice-Chairman, Mayor and Deputy Mayor;
- (b) Where a motion or no-confidence against a Chairman, Vice-Chairman, Mayor and Deputy Mayor has been moved and has failed to secure the requisite majority of votes in its favour at the meeting, no similar motion shall be moved against him before the expiry of six months from the date such motion was moved; and
- (c) Where a Chairman union council is elected as Chairman or Vice Chairman District Council or Mayor or Deputy Mayor of Municipal Corporation, proceedings of no confidence can only be initiated in the District Council or Municipal Corporation as the case may be.

36. **Bar against re-election.**---(1) When a Chairman, Vice-Chairman, Mayor and Deputy Mayor or a member is removed from office under section 33, he shall not, during the unexpired period of the term of his office, be eligible for re-election to the said office of any Local Council.

(2) Where a Local Council is dissolved under sub-section (4) of section 195, the Chairman, Vice-Chairman, Mayor and Deputy Mayor and members borne on the Local Council so dissolved shall not be eligible for re-election to any office of that Local Council, if the same is reconstituted within the meaning of clause (a) of sub-section (5) of section 195.

37. **Remuneration.**---(1) A Chairman, Vice-Chairman, Mayor and Deputy Mayor of a District Council, a Municipal Committee or a Municipal Corporation shall be part time functionary of the Local Council and may receive such remuneration as may be prescribed.

(2) A Union Council, with the approval of Government, may allow such honoraria and allowances to its Chairman, Vice-Chairman, Mayor and Deputy Mayor as may be prescribed.

38. **Notification of election, resignation and removal of Chairman, Vice-Chairman, Mayor and Deputy Mayor, members, etc.**---Every election, resignation or removal of a Chairman, Vice-Chairman, Mayor and Deputy Mayor or a member, or the vacation of office by them shall be notified by the Government.

39. **Election Petition.**---No election under this Act shall be called in question, except by an election petition made by a candidate for the election.

40. **Election Tribunal.**---(1) For the hearing of an election petition the Election Commission of Pakistan shall, by notification, appoint an officer to be an Election Tribunal for such areas as may be specified in the Notification.

(2) Where the person constituting an Election Tribunal is succeeded by another, the hearing of a petition shall continue before the person succeeding and any evidence already recorded shall remain upon the record and it shall not be necessary to re-examine the witnesses who have already been examined and discharged.

41. **Procedure for hearing of election petition.**---Subject to the provisions of this Act, every election petition shall be made and tried in such manner as may be prescribed.

42. **Powers of Election Tribunal.**---The Election Tribunal shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (V of 1908) and shall be deemed to be a Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898).

43. **Decision of the Election Tribunal.**---(1) The Election Tribunal may, upon the conclusion of trial of an election petition, make an order-

- (a) dismissing the petition;
- (b) declaring the election of the returned candidate to be void;
- (c) declaring the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected; or
- (d) declaring the election as a whole to be void.

(2) The decision of the Election Tribunal on an election petition shall be final and shall not be called in question in any court or before any other authority.

(3) The decision of the Election Tribunal shall take effect from the date on which it is made and shall be communicated to the Election Commission.

44. **Ground for declaring election of returned candidate void.**---(1) The Election Tribunal shall declare the election of the returned candidate to be void if it is satisfied that-

- (a) the nomination of the returned candidate was invalid; or
- (b) the returned candidate was not, on the nomination day, qualified for or was disqualified from, being elected as a member; or
- (c) the election of the returned candidate has been procured or induced by any corrupt or illegal practice; or
- (d) a corrupt or illegal practice has been committed by the returned candidate or his election agent or by any other person with the connivance of the candidate or his election agent.

(2) The election of a returned candidate shall not be declared void, if the Election Tribunal is satisfied on the ground-

- (a) that any corrupt or illegal practice committed was without the consent or connivance of that candidate or his election agent and that the candidate and the election agent took all reasonable precaution to prevent its commission; or
- (b) that any of the other contesting candidates was, on the nomination day, not qualified for or was disqualified from, being elected as a member.

45. **Ground for declaring a person other than a returned candidate elected.**---The Election Tribunal shall declare the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected, if it is so claimed by the petitioner or any of the respondents and the Election Tribunal is satisfied that the petitioner or such contesting candidate was entitled to be declared elected.

46. **Ground for declaring elections as a whole void.**---The Election Tribunal shall declare the election as a whole to be void if it is satisfied that the result of the election has been materially affected by reason of-

- (a) the failure of any person to comply with the provisions of this Act or the rules; or
- (b) the prevalence of extensive corrupt or illegal practice at the election.

47. **Decision in case of equality of votes.**---(1) Where after the conclusion of the trial, it appears that there is an equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the Election Tribunal shall draw a lot in respect of such candidates and the candidate on whom the lot falls shall be deemed to have received the highest number of votes entitling him to be declared elected.

(2) Before proceeding to draw a lot under sub-section (1) the Election Tribunal shall give notice to the contesting candidates between whom there is an equality of votes and shall proceed to draw a lot on the day and at the time and place stated in the notice:

Provided that, if the contesting candidates are present when it appears that there is an equality of votes between them, the Election Tribunal may proceed forthwith to draw a lot without giving notice as aforesaid.

48. **Corrupt practice.**---A person 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.

49. **Bribery.**---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
 - (iii) inducing a candidate to withdraw or retire from an election; or
 - (iv) rewarding a person for having been or for having refrained from being a candidate at an election; or
 - (v) rewarding a voter for having voted or refrained from voting at an election; or
 - (vi) rewarding a candidate for having withdrawn or retired from an election.

Explanation.---In this section, 'gratification' includes a gratification in money or estimable in money and all forms of entertainment or employment for reward.

50. **Personating.**---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.

51. **Undue influence.**---A person is guilty of undue influence, if he-

- (i) 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-
 - (a) makes or threatens to make use of any force, violence or restraint;
 - (b) inflicts or threatens to inflict any injury, damage, harm or loss; or
 - (c) uses any official influence or Governmental patronage; or
 - (d) on account of any person having voted or refrained from voting, or having withdrawn his candidature, does any of the acts specified in clause (i); or
- (ii) by abduction, duress or any fraudulent device or contrivance-
 - (a) impedes or prevents the free exercise of the franchise by a voter; or
 - (b) 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 ex-communication or expulsion from any caste or community.

52. **Illegal Practice.**---A person is guilty of illegal practice punishable with fine which may extend to two thousand rupees, if he-

- (i) 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 Council or authority to further or hinder the election of a candidate;
- (ii) 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.;
- (iii) votes or applies for a ballot paper for voting more than once at any polling station;
- (iv) 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;
- (v) knowingly induces or procures any person to do any of the aforesaid acts; or,
- (vi) fails to provide statement of election expenses as required under this Ordinance.
- (vii) makes or publishes a false statement-
 - (a) 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;
 - (b) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate; or
 - (c) regarding the withdrawal of a candidate;
 - (d) 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;
 - (e) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting.

53. **Prohibition of Canvassing.**---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-

- (i) convenes, calls or organises within a ward any meeting; or
- (ii) within a radius of two hundred meters of the polling station-
 - (a) canvasses for votes;
 - (b) 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.

54. **Disorderly conduct near polling station**.---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-

- (i) 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
- (ii) persistently shouts in such manner as to be audible within the polling station; or
- (iii) does any act which—
 - (a) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting; or
 - (b) 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
- (iv) abets the doing of any of the aforesaid acts.

55. **Tampering with papers**.---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:

- (i) fraudulently defaces or destroys any nomination paper or ballot paper;
- (ii) 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;
- (iii) without due authority-
 - (a) supplies any ballot paper to any person;
 - (b) destroys, takes, opens or otherwise interferes with any ballot box or packet or ballot papers in use for the purpose of election; or
 - (c) 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.

56. **Interference with the secrecy of voting**.---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:

- (i) interferes or attempts to interfere with a voter when he records his vote;
- (ii) 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

- (iii) 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.

57. **Failure to maintain secrecy.**---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-

- (i) fails to maintain or aid in maintaining the secrecy of voting; or
- (ii) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

58. **Conduct of officials.**---A presiding officer, polling officer or any other officer or official 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:

- (i) persuades any person to give his vote;
- (ii) dissuades any person from giving his vote;
- (iii) influences in any manner the voting of any person;
- (iv) does any other act calculated to further or hinder the election of a candidate;
- (v) fails to maintain or aid in maintaining the secrecy of voting;
- (vi) communicates, except for any purpose authorised 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 or has not voted at a polling station; and
- (vii) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

59. **Breaches of official duty in connection with election.**--- A Presiding Officer, Assistant Presiding Officer, or any other person employed by any such officer in connection with his official duties imposed by or under this Act is guilty of an offence punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both, if he, willfully and without reasonable cause, commits breach of any such official duty, by act or omission.

60. **Assistance by government servants.**---A person in the service of the Federal Government, a Provincial Government, a Local Council, or a body owned or controlled by the Federal or a Provincial Government or a Local Council 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.

61. **Summary trial.**---All offences under this Chapter except the offences under sections 48 shall be tried summarily under the provisions of the Code of Criminal Procedure 1898 (Act V of 1898).

62. **Cognizance.**---No court shall take cognizance of the offences under sections 58 and 59 except on the complaint in writing of the Returning Officer concerned.

63. **Certain offences to be cognizable.**---An offence punishable under sections 51, 52, 53, 54, 55, 56, 57, 58 and 59 shall be cognizable offences.

64. **Prosecution of offences under this Chapter.**---Notwithstanding anything contained in Chapter XX of this Act, no Court shall take cognizance of an offence under sections 52, 53, 54, 55, 56, 57, 58, 59 and 60 except upon a complaint in writing made by order or, or under authority from, the Election Commission.

CHAPTER -VI EXECUTIVE POWERS AND CONDUCT OF BUSINESS

65. **Executive authority and conduct of business.**---(1) The executive authority of a Local Council or Municipal Corporation shall extend to the doing of all acts necessary for the due discharge of its functions under this Act.

(2) Save as otherwise provided, the executive authority of Local Council shall vest in and be exercised by its Chairman or Mayor respectively.

(3) The Vice-Chairman or Deputy Mayor shall perform such functions as may be prescribed.

(4) All acts of a Local Council, whether executive or not, shall be expressed to be taken in the name of the Local Council and shall be authenticated in the manner prescribed.

66. **Disposal of Business.**---(1) The business of a Local Council to the extent and in the manner prescribed shall be disposed of at its meetings, or at the meetings of its sub-committees, or by its Chairman or servants or other functionaries.

(2) A Local Council shall have the power to act notwithstanding any vacancy in its membership.

(3) No proceedings of a Local Council shall be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of the Local Council, or by reason only that some person, who was not entitled to do so, sat or voted, or otherwise took part in its proceedings.

(4) A Local Council may appoint sub-committees consisting of such number of its members and other persons, if any, to perform such functions in such manner as may be prescribed.

67. **Meeting.**---(1) A Local Council shall within three months of the assumption of office frame bye-laws for the conduct of its meetings which may, besides other matter, provide for-

- (a) the types of meetings, that is to say, ordinary, special or emergent;
- (b) the types of business to be conducted in different types of meetings;
- (c) the place of meetings;
- (d) notices required for different meetings;
- (e) authority to call meetings;
- (f) notice of agenda for the meetings;
- (g) quorum for different meetings;

- (h) order of business to be conducted in meetings;
- (i) the manner of asking questions;
- (j) motions and amendments and their withdrawal or discussion on them;
- (k) speeches to be delivered;
- (l) training discourses or discussions to be arranged at the meeting;
- (m) preservation of order;
- (n) decision by votes;
- (o) language to be used;
- (p) adjournments or postponements;
- (q) co-opting of other members or official;
- (r) re-consideration of the matters once disposed of;
- (s) entertainment to be arranged at the time of meetings; and
- (t) suspension of meetings.

(2) All meetings of a Local Council shall be presided over by its Chairman or Mayor and in his absence by the Vice-Chairman or Deputy Mayor and in the absence of both, by a member chosen for that purpose by the members present.

(3) A Union Council and a Municipal Committee shall hold at least one meeting during a month and a District Council or a Municipal Corporation shall hold at least one meeting in every two months.

(4) No member shall be liable to any proceedings in any court in respect of anything said and any vote given by him in the meeting of Local Council or a Committee, thereof so long as such action does not-

- (a) under-mine the ideology, security, integrity or solidarity of Pakistan;
- (b) seek to create or excite feelings of enmity, ill will, or hatred between different communities, sects, classes or sections of the citizens of Pakistan;
- (c) contain any indecent, obscene, scurrilous or ironical expressions or defamatory remarks against or seek to defame any person; and
- (d) relate to any matter basically not relevant to or beyond the scope of this Act; and

(5) A member who acts in contravention of the provisions of sub-section (4) shall, without prejudice to any other action against him, be disqualified and removed from membership forthwith.

(6) All meetings of Local Councils shall be public except when a Local Council by majority of votes decides to consider any matter in a session attended exclusively by its members.

(7) Minutes of the names of members present and of the proceedings at each meeting shall be drawn up and recorded in a book to be kept for the purpose which shall be signed by the person presiding at the meeting

and shall at all reasonable times and without charge be open to inspection by members; provided that no member shall be entitled to object to the minutes of any meeting in which he was not present.

(8) A member who directly or indirectly, by himself or by any partner, employer or employee has any share or interest in respect of any matter or has acted professionally, in relation to any matter on behalf of any person having therein any such shares or interest as aforesaid, shall not vote or take any other part in any proceedings of a Local Council or any of its Committees.

68. **Contracts.**---(1) All contracts made by or on behalf of the Local Council shall be:

- (a) in writing and expressed to be made in the name of the Local Councils;
- (b) executed in such manner as may be prescribed; and
- (c) reported to the Local Council by the Chairman at the meeting next following the execution of the contract.

(2) No contract executed otherwise than in conformity with the provisions of this section shall be binding on the Local Council.

69. **Works.**---Government may, by rules, provide for-

- (a) the preparation of plans and estimates for works to be executed by a Local Council;
- (b) the authority by whom and the conditions subject to which such plans and estimates shall be technically approved and estimates administratively sanctioned; and
- (c) the agency by which such plans and estimates shall be prepared and such works shall be executed.

70. **Reporting and evaluation.**---A Local Council shall-

- (a) Maintain such record of its working as may be required by Government;
- (b) Prepare and publish such periodical reports and returns as may be required by Government; and
- (c) Adopt such other measures as may be necessary for the publication of information about the working of the Local Council.

CHAPTER -VII STRUCTURE AND ADMINISTRATION OF SERVICES

71. **Composition of Local Council Service.**---The Local Council Service shall comprise the Provincial Unified Group of Functionaries and Servants of Local Councils:

Provided that the service and seniority matters of employee of erstwhile Local Government, Election and Rural Development Department and such other Departments devolved to the Tehsil Municipal Administration under Section 52 and 53 of the Local Government Ordinance, 2001 shall be deemed to be protected under this Act.

72. **Provincial Unified Group of Functionaries.**---(1) Government may constitute a Provincial Unified Group of Functionaries of Local Councils comprising such pay scales and grades in such manner and subject to such conditions as may be prescribed.

(2) Government may, from time to time, specify the posts in the Local Council which shall be filled by persons belonging to the Provincial Unified Group of Functionaries.

(3) Notwithstanding the provisions of sub-section (2), the members of the Local Council Service constituted or servants appointed under any law relating to Local Councils may be absorbed in the Provincial Unified Group of Functionaries if they possess the prescribed qualifications; provided that the terms and conditions of servants shall not be less favourable than the existing terms and conditions.

73. **Servants of Local Councils.**---(1) A Local Council may, and if so required by Government shall, on the prescribed terms and conditions, employ such servants as are deemed necessary for the efficient performance of its functions under this Act:

Provided that Government may classify certain posts in the prescribed manner as tenure posts and the term of such posts shall coincide with the term of the office of a Local Council.

(2) If in the opinion of Government, the number of servants employed by a Local Council under sub-section (1) or the remuneration fixed for any of them, is excessive, the Local Council shall on being required by Government to do so, reduce the number of its servants or the remuneration of any of them, as the case may be.

74. **Provident Fund, Pension and other facilities for members of Local Council Service.**---(1) A Local Council may establish and maintain a Provident Fund and require any of its servants to contribute to such fund, and may itself contribute to it in such manner and in such proportion, as may be prescribed.

(2) A Local Council may, in the prescribed manner, and with the previous sanction of Government, provide for the payment of pension to its servants after retirement.

(3) A Local Council may, with the previous sanction of Government, grant a special pension or gratuity to the family of a servant who dies of disease or injury contracted or suffered in the discharge of his official duties.

(4) A Local Council may, in the prescribed manner, operate scheme of group insurance of its employees and require its employees to subscribe to it.

(5) Government may establish and maintain-

(a) A fund for the maintenance of the Provincial Unified Group of Functionaries ;

(b) A Pension Fund out of which shall be paid any pension granted under sub-section (2); and

(c) A Benevolent Fund out of which shall be paid any pension or gratuity granted under sub-section (3) or such relief as may be prescribed.

(6) The Local Council shall contribute to the funds established and maintained under sub-section (5) in such proportion and in such manner as may be specified by Government.

75. **Service Rules.**---Subject to the provisions of this Act, Government may by rules:

(a) prescribe the conditions of service of the servants of the Local Council;

- (b) prescribe the scales or grades of pay for the servants of the Local Council;
- (c) prescribe a schedule of establishment for the staff that shall be employed by a Local Council;
- (d) prescribe the qualifications for various posts under Local Councils;
- (e) prescribe the principles to be followed in making appointments to various post under the Local Councils;
- (f) prescribe the method for the holding of enquiries in cases where disciplinary action is proposed to be taken against servants of the Local Councils; and provide for penalties and appeals against orders imposing penalties; and
- (g) prescribe other matters necessary for efficient discharge of duties by the servants of Local Councils.

76. **Administration of Local council services.**---Until otherwise decided by the Government, the administration of officers and officials of the existing Provincial Unified Group of Functionaries and Servants of Local Councils in the Local Council Service shall vest in the Local Council Board continued under the Khyber Pakhtunkhwa Local Government Ordinance, 2001 (Khyber Pakhtunkhwa Ord. No XIV of 2001).

77. **Legal Adviser.**---A Local Council or a group of Local Councils may with prior approval of Government as to the qualifications, terms and conditions of service, appoint a whole-time or part-time Legal Adviser (not being a member or a servant of a Local Council or Local Councils) to appear in all legal proceedings and to render such advice as may be required.

78. **Training and Training Institution.**---(1) Government may-

- (a) Set up institutions or make other arrangements as may be necessary for-
 - (i) The pre-service and in-service training of the functionaries of Local Council, Government departments and other related agencies;
 - (ii) The training of Chairmen and members of Local Councils;
 - (iii) Organizing conferences and seminars on local governance and related subjects; and
 - (iv) Undertaking research on issues in local governance and allied subjects independently or in collaboration with Universities or Research Institutions;
- (b) Provide for-
 - (a) The administration of training institutions;
 - (b) The compulsory training of members and staff of Local Councils;
 - (c) Curricula and courses to be studied;
 - (d) The holding of examinations and award of diplomas and certificates to successful candidates;
 - (e) Affiliating institutions with the Universities; and
 - (f) Associating such Universities, Colleges or training institutes as may be necessary for the training of staff of Local Councils.

(2) A Local Council may be required to pay towards the cost of the institutions set up or other arrangements made under sub-section (1) in such proportion as Government may, from time to time, determine.

79. **Model Structure of Local Council Offices.**---The organization of offices and sections in Local Councils may be organized on the pattern of model given in Fourth Schedule to this Act.

80. **Structure and Administration of Service of employees of Local Area Development Authorities**--- All related service matters of employees of Local Area Authorities shall be governed by the Ordinance or Act under which these Local Area Development Authorities have been created. For the purpose of administration of service matters, Local Government, Elections and Rural Development Department will be the Administrative Department and Local Government, Elections and Rural Development Department will exercise the powers and functions of Secretary of the Defunct Physical Planning & Housing Department and the Chairman of the defunct Provincial Urban Development Board.

CHAPTER -VIII FUNCTIONS OF UNION COUNCILS

81. Subject to rules and such directions as Government may, from time to time, give, and within the limits of the funds at its disposal, a Union Council may undertake all or any of the following functions:

(A) CIVIL FUNCTIONS:

- (i) Provision and maintenance of public ways and public streets.
- (ii) Provision, improvement and maintenance of public open spaces, public gardens and playgrounds.
- (iii) Lighting of public ways, public streets and public places.
- (iv) Promote of plantation of trees, landscaping and beautification of public places in the Union.
- (v) Mobilizing the community to maintain public ways, public streets, culverts, bridges and public buildings and de-silting of canals.
- (vi) Provision and maintenance of public sources of drinking water, including wells, water pumps, tanks, ponds and other works for the supply of water.
- (vii) Management and maintenance of grazing areas, burning and burial grounds, common meeting places and other common property.
- (viii) Provision and maintenance of accommodation of travelers.
- (ix) Holding of fairs and recreational activities.

(B) REGULATORY FUNCTIONS:

- (i) Prevention and regulation of encroachment on public ways, public streets and public places.
- (ii) Prevention and abatement of nuisance in public ways, public streets and public places.

- (iii) Sanitation, conservancy and the adoption of other measures for the cleanliness of the Union.
- (iv) Registration of births, marriages and deaths and divorces and certification thereof occurring within the limits of Union Council;
- (v) Regulation of the collection, removal and disposal of manure and street sweepings.
- (vi) Regulation of offensive and dangerous trades.
- (vii) Regulation of the disposal of carcasses of animals.
- (viii) Regulation of the slaughter of animals.
- (ix) Regulation of the erection and re-erection of buildings in the Union.
- (x) Regulation of dangerous buildings and structures.
- (xi) Adoption of measures for preventing the contamination of the sources of water-supply for drinking.
- (xii) Prohibition of the use of the water of wells, ponds and other sources of water supply suspected to be dangerous to public health.
- (xiii) Regulation or prohibition of the watering of cattle, bathing or washing at or near wells, ponds or other sources of water reserved for drinking purposes.
- (xiv) Regulation or prohibition of the steeping of hemp, jute or other plants in or near ponds or other sources of water supply.
- (xv) Regulation or prohibition of dyeing or tanning of skins within residential areas.
- (xvi) Regulation or prohibition of the excavation of earth, stones or other material within residential areas.
- (xvii) Regulation or prohibition of the establishment of brick kilns, potteries and other kilns within residential areas.
- (xviii) Voluntary registration of the sale of cattle and other animals.
- (xix) Celebration of public festivals.
- (xx) Establishment of Musalihati Anjuman/Jirga as alternate dispute resolution system for the amicable settlement of disputes.

(C) WELFARE FUNCTIONS:

- (i) Provision of relief measures in the event of any fire, flood, hailstorm, earthquake or other natural calamity and assisting relevant authorities in relief activities.
- (ii) Relief for the widows, orphans, poor and persons in distress.
- (iii) Promotion of public games and sports.

- (iv) Provision of first-aid centres.
- (v) Provision of libraries and reading rooms.
- (vi) Cooperation with the public, private or voluntary organizations, engaged in activities similar to those of the Union.
- (vii) Any other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the Union or of visitors.

(D) DEVELOPMENT FUNCTIONS:

- (i) Aid in the promotion of education under the direction of the District Council.
- (ii) Agricultural, industrial and community development promotion and development of co-operative movement, village industries, forests, livestock and fisheries.
- (iii) Adoption of measures for increased food production.
- (iv) Consolidation of village and neighbourhood development needs and prioritization thereof into union-wide development proposals.
- (v) Identification of deficiencies in delivery of services and making recommendations for improvement thereof to District Council.
- (vi) Execution of the projects of the approved Union Annual Development Plan in prescribed manner.
- (vii) Maintenance of such vital statistics as may be prescribed.
- (viii) Dissemination of information on matters of public interest.
- (ix) Facilitating the formation of co-operatives for improving economic returns and reduction of poverty.

CHAPTER -IX FUNCTIONS OF DISTRICT COUNCILS

82. A District Council may and if Government so directs shall undertake all or any of the following functions:

(A) PUBLIC WORKS:

- (i) Provision, maintenance, improvement and management of its public ways, culverts, bridges, public buildings, wells, water pumps, ponds and other works of water supply.
- (ii) Provision, maintenance and management of sarais, dak bungalows, rest houses and other buildings for the convenience of travelers.
- (iii) Plantation and preservation of trees on road sides, public ways, public places and public buildings.

- (iv) Provision and maintenance of public gardens, public play grounds and public places.

(B) PUBLIC HEALTH:

- (i) Prevention and cure of infectious diseases and enforcement of vaccination.
- (ii) Establishment, maintenance and management of hospitals and rural health centers.
- (iii) Establishment, maintenance and management of first aid centers.
- (iv) Provision and maintenance of medical aid units.
- (v) Establishment, management and visiting of health centers, maternity centers and centers for the welfare of infants and children, training of dais and adoption of other measures likely to promote health and welfare of women, infants and children.
- (vi) Payment of grants to medical aid societies and institutions.
- (vii) Establishment, management, maintenance and the visiting of unani, ayurvedic and homoeopathic dispensaries.
- (viii) Promotion of sanitation public health and educating people in public health.

(C) EDUCATION:

- (i) Provision, maintenance and management of primary and high schools.
- (ii) Construction and maintenance of buildings used as hostels of students.
- (iii) Provision and grant of scholarships.
- (iv) Payment of grants and subsidies to institutions and organizations engaged in the promotion of education.
- (v) Promotion of adult education.
- (vi) Provision of school books to orphans and indigent students, free of cost or on concessional rates.

(D) AGRICULTURAL DEVELOPMENT AND ECONOMIC WELFARE:

- (i) Agricultural, industrial and community development, promotion of national reconstruction, promotion and development of co-operative movement and village industry.
- (ii) Adoption of measures for increased agricultural production.
- (iii) Establishment and maintenance of model agricultural farms.
- (iv) Promotion of improved methods of agriculture, maintenance of improved agricultural implements and machinery and lending of such implements and machinery to cultivators and adoption of measures for bringing waste land under cultivation.
- (v) Promotion of agricultural credit, agricultural education and adoption of other measures likely to promote agricultural development.

- (vi) Promotion and co-ordination with agrovilles.
- (vii) Provision, regulation and maintenance of markets.
- (viii) Popularization of co-operative movement and the promotion of education in-co-operation.
- (ix) Construction and repair of embankment, supply, storage and control of water for agricultural purposes.
- (x) Promotion of cottage industry.

(E) ARTICLES OF FOOD AND DRINK:

Protection of Food-stuffs and prevention of adulteration.

(F) DRAINAGE:

Provision and maintenance of adequate system of public drains and regulation of the disposal of industrial wastes.

(G) PUBLIC FERRIES:

Maintenance and regulation of public ferries other than those maintained by Government and in case a public ferry falls within the jurisdiction of two or more Districts, the respective District Council shall make arrangements for collection and sharing of fees and management of such ferries as may be mutually agreed upon.

(H) LIVESTOCK AND DAIRY DEVELOPMENT:

- (i) Voluntary registration of the sale of cattle and other animals.
- (ii) Improvement of breeding of cattle, horses and other animals and the prevention of cruelty to animals.
- (iii) Provision, maintenance and improvement of pastures and grazing grounds.
- (iv) Regulation of milk supply.
- (v) Establishment and maintenance of cattle colonies.
- (vi) Establishment and maintenance of cattle farms and dairies.
- (vii) Establishment and maintenance of poultry farms.
- (viii) Measures to combat ordinary and contagious diseases of birds and animals.

(I) CULTURE:

- (i) Holding of fairs and shows.
- (ii) Promotion of public games and sports.
- (iii) Provisions, organization and maintenance of museums, exhibitions and art galleries.

- (iv) Provision and maintenance of public halls, public meeting places and community centers.
- (v) Celebration of national occasions.
- (vi) Establishment, management and maintenance of welfare homes and other institutions for the relief of destitute.
- (vii) Suppression of beggary, prostitution, gambling, taking of injurious drugs, consumption of alcoholic liquor and other social evils.
- (viii) Establishment and maintenance of information centers.
- (ix) Encouragement of national and regional languages.
- (x) Reception of distinguished visitors.

(J) PUBLIC SAFETY:

Relief measures in the event of any fire, flood, hailstorm, earthquake, famine and other natural calamities.

(K) DEVELOPMENT FUNCTIONS:

- (i) Aggregation of the financial allocation and physical programs and targets received from the Provincial Governments in different sectors and to draw up a District Development Programme. In this work the District Council will take into account Federal Projects, their allocations and the physical targets falling in or benefiting the district. Generally the organization may develop and take on complete planning functions.
- (ii) To make proposals, if necessary, to the Provincial Planning and Development Department for modifications in the aggregate district programme after identifying the (a) gaps, (b) internal inconsistencies, (c) compatibility of the programme maintenance and supervision and (d) evaluating in the light of local priorities.
- (iii) To facilitate the formation of associations for the performance of tasks that can be done only collectively or can better be performed collectively, for example, consumer association for distribution of electricity, farmers association for water courses management, associations for distribution of agriculture inputs, co-operative marketing association, etc.
- (iv) To discharge the overall responsibility for the identification of projects and appraisal and approval of projects prepared and to be constructed by Union Councils in the following sub-sectors:
 - Primary, middle and secondary schools;
 - Rural Health Centers;
 - Basic health units;
 - Family welfare clinics;
 - Piped water supply;
 - Potable water/ storage tanks;
 - Hand pump;
 - Sanitation;
 - Rural roads;

- (v) Disbursement of A.D.P. funds for the approved project (Placed at the disposal of District Council or Municipal Corporation by the Provincial Government) to various Union Councils.
- (vi) To arrange the procurement and distribution of locally made equipments and materials for health centers and schools.
- (vii) To take appropriate measures for the development of skills, crafts and cottage industries. Development of skills would include promotion of industrial homes, domestic and cottage level crafts and trades, modest repairs of agricultural and other machinery, training of village labourer, etc.
- (viii) To review the implementation of the District Development Programme (as an extension of the function of Planning and Development Department and as their agent) by holding review meetings within the district as well as through periodic inspections and progress reports from the Unions.
- (ix) To submit to the Planning and Development Department regular progress report on the implementation of development projects at different levels within the district.
- (x) To evolve standard designs and specifications to the extent possible and desirable in harmony with the general conditions obtaining in the district and use appropriate technology to execute development projects on a more economic basis.

(L) ENVIRONMENTAL POLLUTION:

- (i) A District Council may prepare and implement schemes for the prevention of the pollution of air by the gasses, dust or other substances exhausted or emitted by automobiles, engines, factories, brick kilns, crushing machines for grain, stone, salt or other material and such other sources of air pollution as the bye-laws may provide.
- (ii) A district Council may prepare and implement schemes for the prevention of pollution of water or land from such sources and in such manner as the bye-laws may provide.

(M) OTHER FUNCTIONS:

- (i) Provision and maintenance of libraries and reading rooms.
- (ii) Prevention and abatement of nuisances.
- (iii) Regulation of traffic, licensing of vehicles other than motor vehicles and the establishment and maintenance of public stands for vehicles.

**CHAPTER -X
COMPULSORY FUNCTIONS OF MUNICIPAL COMMITTEES**

(A) PUBLIC HEALTH:

83. **Responsibility for sanitation.**---A Municipal Committee shall be responsible for the sanitation of the Municipality.

84. **Insanitary buildings and lands.**---(1) A Municipal Committee may, by notice, require the owner or occupier of any building or land which is in an insanitary or unwholesome state-

- (i) to clean or otherwise put it in a proper state;
- (ii) to make arrangements to the satisfaction of the Municipal Committee for its proper sanitation; and
- (iii) to lime-wash the building and to make such essential repairs as may be specified in the notice.

(2) If any requirement of a notice issued under sub-section (1) is not complied with, within such period as may be specified in the notice, the Municipal Committee may cause the necessary steps to be taken at the expense of the owner or the occupier and the cost so incurred by the Municipal Committee shall be deemed to be a tax levied on the owner or the occupier under this Act.

85. **Removal, collection and disposal of refuse.**---(1) A Municipal Committee shall make adequate arrangements for the removal of refuse from all public roads and streets, public latrines, urinals, drains and all buildings and land vested in the Municipal Committee and for the collection and proper disposal of such refuse.

(2) The occupiers of all other buildings and lands within the Municipality shall be responsible for the removal of refuse from such buildings and land subject to the general control and supervision of the Municipal Committee.

(3) The Municipal Committee shall cause public dust-bins or other suitable receptacles to be provided at suitable places and in proper and convenient situation in streets or other public places and where such dust-bins or receptacles are provided, the Municipal Committee may by public notice, require that all refuse accumulating in any premises or land shall be deposited by the owner or occupier of such premises or land in such dust-bins or receptacles.

(4) All refuse removed and collected by the staff of the Municipal Committee or under their control and supervision and all refuse deposited in the dust-bins and other receptacles provided by the Municipal Committee shall be the property of the Municipal Committee.

86. **Latrines and urinals.**---(1) Municipal Committee shall provide and maintain in sufficient number and in proper situations, public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleaned.

(2) The occupier of any premises to which any latrine or urinal pertains shall keep such latrine or urinal in proper state to the satisfaction of the Municipal Committee and shall employ such staff for the purpose as may be necessary or as may be specified by the Municipal Committee.

(3) Where any premises are without privy or urinal accommodation, or without adequate privy or urinal accommodation, or the privy or urinal is on any ground objectionable, the Municipal Committee may, by notice, require the owner of such premises-

- (a) to provide such or such additional privy or urinal accommodation as may be so specified in the notice;
- (b) to make such structural or other alteration in the existing privy or urinal accommodation as may be so specified;
- (c) to remove the privy or urinal; and
- (d) where there is any underground sewerage system to substitute connected privy or connected urinal accommodation for any service- privy or service urinal accommodation.

87. **Birth and deaths marriages and divorces.**---A Municipal Committee shall register all births, marriages, divorces and deaths within the limits of the Municipality, certification thereof and information of such births and deaths shall be given by such persons or authorities and shall be registered in such manner as the bye-laws may provide.

88. **Infectious diseases.**---(1) A Municipal Committee shall adopt measures to prevent infectious diseases and to restrain infection within the Municipality.

(2) A Municipal Committee shall establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

(B) WATER SUPPLY:

89. **Water Supply.**---(1) A Municipal Committee shall provide or cause to be provided to the Municipality a supply of wholesome water sufficient for public and private purposes.

(2) Where a piped water supply is provided, the Municipal Committee shall supply water to private and public premises in such manner and on payment of such charges as the bye-laws may provide.

(3) All private sources of water supply within a Municipality shall be subject to control, regulation and inspection by the Municipal Committee.

(4) No new well, water-pump or any other source of water for drinking purposes shall be dug, constructed or provided except with the sanction of the Municipal Committee.

(5) A Municipal Committee may, by notice, require the owner or any person having the control of any private source of water supply used for drinking purposes -

(a) To keep the same in good order and to clean it from time to time of silt, refuse and decaying matter;

(b) To protect the same from contamination in such manner as the Municipal Committee directs; and

(c) If the water therein is proved to the satisfaction of the Municipal Committee to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the use of such water for drinking purposes.

(C) DRAINAGE:

90. **Drainage.**---(1) A Municipal Committee shall provide an adequate system of public drains in the Municipality and all such drains shall be constructed, maintained, kept, cleared and emptied with due regard to the health and convenience of the public.

(2) Every owner or occupier of any land or building within the Municipality may, with the previous permission of the Municipal Committee, and subject to such terms and conditions, including the payment of fees, as the Municipal Committee may impose, cause his drains to be emptied, into public drains.

(3) All private drains shall be subject to control, regulation and inspection by the Municipal Committee.

(4) Subject to the provision of any other law for the time being in force a Municipal Committee may, by notice, direct a commercial or industrial concern to provided for the disposal of its waste or effluent in the manner specified and failure on the part of owner, tenant, or occupier thereof to comply with such directions shall be an offence under this Act.

(5) A Municipal Committee may, by notice, require the owner of any building, land or an industrial concern within the Municipality-

- (a) To construct such drains within the building or land or the street adjoining such building or land and to take such other measures for treatment and disposal of effluent as may be specified in the notice;
- (b) To remove, alter or improve any such drains; and
- (c) To take such other steps for the effective drainage of the building or land as may be so specified.

(6) In case of failure of the owner to comply with the requirements of notice under sub-section (5), the Municipal Committee may itself cause to carry out such requirements and the cost so incurred shall be deemed to be a tax levied on the owner of the building or land, as the case may be, under this Act.

91. **Drainage and sewerage schemes for commercial and industrial area.**---(1) A Municipal Committee may through a notice require the owners, tenants and occupiers of commercial and industrial concerns in any area or areas within a Municipality to have at their own cost prepared a scheme for the adequate and safe drainage and disposal of their waste and effluent of the quality permitted under the rules or the bye-laws and submit it to the Municipal Committee within the time specified in the notice:

Provided that the time limit may be extended by the Municipal Committee for a maximum period of three months at the request of the owners, tenants or occupiers of the commercial and the industrial units concerned.

(2) The drainage, sewerage and disposal schemes as approved by the Municipal Committee with modification, if any, shall be executed and implemented by the owners, tenants or occupiers of the commercial or industrial units at their expense in such manner and within such time as may be specified by the Municipal Committee.

(3) In case of the failure of the owners, tenants or occupiers or the commercial or industrial concerns to comply with the provisions of sub-sections (1) and (2), the Municipal Committee may itself prepare the drainage, sewerage and disposal scheme and execute and implement it after approval by Government at its own expense and the cost so incurred shall under this Act, be deemed to be a tax levied on the owners, tenants or occupiers of the industrial and commercial units concerned.

(D) ARTICLES OF FOOD AND DRINK:

92. **Private markets.**---(1) No private market for the sale of articles of food or drink or animals shall be established or maintained within a Municipality except under a licence granted by the Municipal Committee and in conformity with conditions of such licence.

(2) A Municipal Committee may levy fees in respect of private markets in the prescribed manner.

(3) A Municipal Committee may, by notice, require the owner of any private market to construct such works, provide such conveniences and make such arrangements for the maintenance of the market, and within such period, as may be specified in the notice.

93. **Slaughter houses.**---A Municipal Committee shall provide and maintain at such site or sites within or outside the limits of the Municipality one or more slaughter houses for the slaughter of animals or sale of any specified description of animals.

(E) ANIMALS AND CATTLE:

94. **Prohibition on picketing or tethering in streets.**---No animal shall be picketed or tethered in such streets or places as may be specified by the Municipal Committee and any animals found picketing or tethering in any such street or place shall be liable to seizure and impounding.

95. **Prohibition against keeping and maintaining cattle.**---(1) Notwithstanding anything to the contrary contained in any other law or any agreement, instrument, custom or usage or decree, judgment or order of any court or other authority-

- (a) No person shall, after the expiry of the period allowed under sub-section (2), keep or maintain cattle in any part of a prohibited zone;

Provided that the prohibition shall not apply to-

- (i) Cattle kept bona fide for sacrificial purposes;
- (ii) Cattle kept for drawing carts or use in mills with the permission of the Municipal Committee and subject to such conditions as it may impose;
- (iii) Cattle under treatment in any veterinary hospital;
- (iv) Cattle brought to a cattle market demarcated by the Municipal Committee for the purpose of sale; and
- (v) Cattle brought to a slaughter house or kept by butchers for the purpose of slaughter within the area demarcated by the Municipal Committee;
- (b) No person shall, within the limits of the Municipal Committee, keep, tether, stall, feed or graze any cattle on any road, street or thoroughfare or in any public place.

(2) The Municipal Committee may, by a general or specific order, direct that any person in charge of cattle shall remove the cattle from the prohibited zone within such period as may be specified.

(3) Persons affected by the prohibition order under clause (a) of sub-section (1) to meet their genuine need, may be allowed to keep and maintain their cattle at the places earmarked as "Cattle Colonies" by the Municipal Committee on such terms and conditions as it may impose.

96. **Dangerous animals.**---A Municipal Committee may, by bye-laws, define the animals which shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous and such bye-laws among other matters provide for the detention, destruction or disposal otherwise of such animals.

97. **Disposal carcasses.**---Whenever an animal in the charge of a person dies otherwise than by being slaughtered for sale or consumption or for some other religious purpose such persons shall either-

- (a) convey the carcasses within twenty-four hours to a place, if any, fixed by the Municipal Committee for the disposal of the dead bodies of animals, or to a place beyond the limits of the Municipality, not being a place within one mile of such limits; or
- (b) give notice of the death to the Municipal Committee whereupon the Municipal Committee shall cause the carcasses to be disposed of and charge such fees from the person concerned as the bye-laws may provide.

(F) EDUCATION:

98. **Educational Institutions.**---(1) A Municipal Committee shall establish, maintain and manage such educational institutions as may be required by the Government and may, with the previous approval of Government, maintain such other educational institutions as may be necessary for the promotion of education in the Municipality.

(2) All educational institutions maintained by the Municipal Committee shall be maintained in a state of efficiency and shall conform to such standards as may be prescribed as standards.

(3) A Municipal Committee may, with the previous approval of Government, give financial aid to private educational institutions within the Municipality.

99. **Compulsory Education.**---Subject to any law for the time being in force, a Municipal Committee shall be responsible for enforcement of compulsory education in the Municipality, and it may in this behalf adopt all such measures as may be necessary to ensure that every child of school-going age in the Municipality attends a school recognized by the Municipal Committee.

(G) PUBLIC SAFETY:

100. **Fire Fighting.**---(1) For the prevention and extinction of fire, a Municipal Committee shall maintain a fire brigade consisting of such staff and such number of fire stations and such implements, machinery, equipment and means of communicating intelligence as may be prescribed.

(2) On the occurrence of the fire within a Municipality any Magistrate, any official of a fire brigade directing the operations, and any police officer not below the rank of Sub-Inspector, may-

- (a) remove or order the removal of any person who by his presence interferes or impedes the operations for extinguishing the fire or saving life and property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire, break into or through, or pull down, or cause to be broken into or through, or pulled down, or use for the passage of houses or other appliance any premises;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
- (e) call on the persons incharge of any fire engine to render such assistance as may be possible; and
- (f) generally take such measures as may appear necessary for the preservation of life and property.

(3) No person shall be liable to pay damages in respect of anything done or in good faith intended to be done under this section.

(4) A Municipal Committee shall prepare fire fighting plan and revise it at least once a year.

101. **Civil Defence.**---A Municipal Committee shall be responsible for the Civil Defence of the Municipality, and it shall, in this behalf, perform such functions as may be specified by Government.

102. **Floods.**---For the fighting of floods, rescuing of people from the flood affected areas and affording relief to flood stricken people, a Municipal Committee shall provide such boats, appliances and equipments as may be specified by Government.

103. **Dangerous and offensive articles and trades.**---(1) The articles and trades given in the First Schedule shall be deemed to be dangerous or offensive for the purposes of this Act.

(2) Except under and in conformity with the conditions of a licence granted by the Municipal Committee-

- (a) no person shall carry on any dangerous or offensive trade;
- (b) no premises shall be used or suffered to be used for any dangerous or offensive trade; and
- (c) no person shall store or keep in any premises-
 - (i) any dangerous or offensive article except for domestic use; or
 - (ii) any dangerous or offensive articles in excess of such limits as may be fixed by bye-laws.

(3) A Municipal Committee may, with the previous sanction of Government, prepare and enforce schemes providing for the prohibition of all or any of the dangerous and offensive trades within the limits of the Municipality or for the restriction of any such trades within a specified area in the Municipality.

(H) MUNICIPALITY PLANNING:

104. **Master Plan.**---A Municipal Committee shall draw up Master Plan for the Municipality which shall, among other matters, provide for-

- (a) survey of the Municipality including its history, statistics, public services and other prescribed particulars;
- (b) development, expansion and improvement of any areas within the Municipality; and
- (c) restrictions, regulations and prohibitions to be imposed with regard to the development of sites, and the erection and re-erection of buildings within the Municipality.

105. **Site Development Schemes.**---(1) Where a Master Plan has been drawn under section 104 and such Master Plan has been approved, with or without any modifications, by Government, or such agency as Government may specify, no owner of land, exceeding such area as may be specified in this behalf in the Master Plan so approved, shall develop the site or erect or re-erect a building on any plot of land covered by the Master Plan except in conformity with the provisions of a Site Development Scheme sanctioned for the area in the prescribed manner.

(2) Where a Master Plan has not been drawn up under section 104, no owner of land shall develop the site or erect or re-erect any building on any plot or land except in conformity with the provisions of Site Development Scheme sanctioned by the Municipal Committee.

(3) Among other matters, Site Development Scheme may provide for-

- (a) the division of the site into plots;
- (b) the streets, drains and open spaces to be provided;

- (c) the land to be reserved for public utility services and to be transferred to the Municipal Committee;
- (d) the land to be acquired by the Municipal Committee;
- (e) the price of plots;
- (f) the works that shall be executed at the cost of the owners of the site or sites; and
- (g) the period during which the area shall be developed.

(4) The land reserved for public utility services in Site Development Scheme shall be transferred free of cost by the owner or the owners to the Municipal Committee before the sanction of the scheme. Such land shall not be converted or used for any other purpose than as shown in the scheme except with the sanction of Government.

106. Execution of the Site Development Schemes.---(1) The execution of a Site Development Scheme shall be subject to the inspection and control of the Municipal Committee and the Committee may give such directions with regard to the execution of the schemes as may be necessary for proper development of the site.

(2) If any area is developed or otherwise dealt with in contravention of the provisions of the sanctioned Site Development Scheme, the Municipal Committee may, by notice, require the owner of such area or the person who has contravened the provisions to make such alteration in the site as may be specified in the notice and where such alteration is not made or for any reason cannot be carried out, the Municipal Committee may require and enforce the demolition of the offending structure and notwithstanding anything to the contrary contained in any law, no compensation shall be payable for such demolition.

(3) If an area for which a Site Development Scheme has been sanctioned is not developed within the period provided in the Site Development Scheme and further extension is not allowed by the Municipal Committee or if the development is not in conformity with the terms of the Site Development Scheme, the Municipal Committee may in the prescribed manner, take over the development of the site and execute the necessary works and the cost incurred thereon by the Municipal Committee shall deemed to be a tax levied on the owner or owners under this Act.

(I) BUILDING CONTROL:

107. Erection and re-erection of buildings.---(1) No person shall erect or re-erect a building or commence to erect or re-erect a building unless the site has been approved and the building plan indicating the purpose or purposes for which the building is to be used, has been sanctioned by the Municipal Committee.

(2) A person intending to erect or re-erect a building shall apply for sanction in the manner provided in the bye- laws and shall pay such fees as may be levied by the Municipal Committee with the previous sanction of Government.

(3) Where a plan to relay a street has been approved by Municipal Committee, a person who intends to erect or re-erect a building or commences to erect or re-erect a building shall adopt the approved building or strict line and for this purpose any space required to prepare left vacant shall vest in the Municipal Committee.

(4) All building application presented under this section shall be registered in the manner provided in the bye-laws, and shall be disposed of as early as possible but not later than sixty days from the date of the registration of the application, and if no order is passed on an application within sixty days of its registration, it shall be deemed to have been sanctioned to the extent to which it does not contravene the provisions of the building bye-laws or of the Master Plan or Site Development Scheme, if any.

(5) A Municipal Committee may, for reasons to be stated in writing, reject a site plan or a building plan but any person aggrieved thereby may appeal to Government within thirty days of the order or rejection, and the order passed by Government in appeal shall be final:

Provided that no order shall be passed by Government in appeal except after giving the aggrieved person an opportunity of being heard.

(6) A Municipal Committee may sanction a site plan or building plan subject to such modifications or terms as may be specified in the order of sanction.

(7) Nothing in this sanction shall apply to any work, addition or alteration which the Municipal Committee may by bye-laws declare to be exempt.

108. **Completion of buildings, alteration of buildings, etc.**--- (1) Every person who has erected or re-erected a building shall within thirty days of the completion of the building, report such completion to the Municipal Committee.

(2) The Municipal committee shall cause every building which has been completed to be inspected and if it has been constructed in violation or contravention of any provision of this Act, the rule or the bye-laws or of the Master Plan or Site Development Scheme, if any, the Municipal Committee may require the alterations of the building so as to be in compliance there with and where such alteration is not possible, the Municipal Committee may require the building or any part thereof to be demolished, or on the application of the owner of such building compound the offence; provided that no offence shall be compounded if it involves any violation or contravention of the provisions of Master Plan or of a sanctioned Site Development Scheme or if the building has been constructed for a use other than it was shown to be used in the sanctioned building plan.

(3) If a building is required to be demolished under the provisions of sub-section (2), and such requirement is not complied with, within the specified period, the Municipal Committee may have the building demolished through its own agency, and the cost so incurred thereon by the Municipal Committee shall be deemed to be tax levied on the owner or occupier of the building under this Act.

109. **Regulation of buildings.**---(1) Except with the prior sanction of the Municipal Committee, no building shall be put to a use other than the use as shown in the sanctioned building plan according to which it was erected or re-erected:

Provided that the Municipal Committee shall not sanction any change in the use of a building which may be in violation or contravention of the Master Plan or Site Development Scheme, if any.

(2) If any building or anything fixed thereon be deemed by the Municipal Committee to be in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building or of any neighboring building or to any occupier thereof or to passers-by, the Municipal Committee may, by notice, require the owner or occupier of such building to demolish it or to take such action in regard to the building as may be specified in the notice, and if there is default, the Municipal Committee may take necessary steps itself and the cost incurred thereon by the Municipal Committee shall be deemed to be tax levied on the owner or occupier of the building under this Act.

(3) If a building is in a dangerous condition or otherwise unfit for human habitation, the Municipal Committee may prohibit the occupation of such building till it has been suitably repaired to the satisfaction of the Municipal Committee.

(4) If a building is in dangerous condition and declared unfit for human habitation, the Municipal Committee may for the purpose of demolition eject the owner or occupier from such building with such necessary force as may be required.

(J) STREETS:

110. **Public Streets.**---(1) A Municipal Committee shall provide and maintain such public streets and other means of public communications as may be necessary.

(2) A Municipal Committee shall, in the prescribed manner, prepare and execute a Road Maintenance and Development Programme which shall form part of the budget.

111. **Streets.**---(1) No new street shall be laid out except with the previous sanction of the Municipal Committee, and in conformity with the terms and conditions of such sanction.

(2) All streets other than public streets shall be maintained in such manner as the bye-laws may provide.

(3) The Municipal Committee may, by notice, require that any street may be paved, metalled, drained, channeled, or lighted in such manner as may be specified and in event of default, the Municipal committee may have the necessary work done through its agency, and the cost incurred thereon by the Municipal Committee shall be deemed to be tax levied on the person concerned, under this Act.

(4) Government may prescribe the manner in which a street other than a public street may be converted into a public street.

112. **Street lighting.**---(1) A Municipal Committee shall take such measures as may be necessary for the proper lighting of the public streets and other public places vesting in it.

(2) A Municipal Committee may, with the previous sanction of Government, frame and enforce a street lighting scheme.

113. **Street Watering.**---A Municipal Committee shall take such measures as may be necessary for the watering of public streets for the comfort and convenience of the public, and may, for this purpose, maintain such vehicles, staff, and other apparatus as may be necessary.

(K) TRAFFIC VEHICLES:

114. **Traffic Control.**---(1) A Municipal Committee shall, by bye-laws, make such arrangements for the control and regulation of traffic as may be necessary to prevent danger to and ensure the safety, convenience and comfort of the public.

(2) A Municipal Committee may provide parking meters on such public places as may be determined by it.

115. **Public Vehicles.**---(1) No person shall keep or let for hire, or drive or propel with in the limits of a Municipality any public vehicle, other than a motor vehicle, except under a licence granted by the Municipal Committee, and in conformity with the conditions of such licence.

(2) No horse or other animal shall be used for drawing a public vehicle with in the limits of a municipality except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence.

(3) A Municipal Committee shall, in such manner as bye-laws may provide and with the previous approval of Government, fix the rate of fares for the use of public vehicles, and no person plying a public vehicle shall charge a fare in excess thereof.

Explanation.---In this section, a 'public vehicle' means any vehicle which ordinarily plies for hire.

(L) ARBORICULTURE:

116. **Arboriculture.**---A Municipal Committee shall plant trees on public street and other public places within the Municipality and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

**CHAPTER -XI
OPTIONAL FUNCTIONS OF MUNICIPAL COMMITTEES**

117. **Optional functions.**---A Municipal Committee may, and if required by Government shall, undertake the following functions:

(A) PUBLIC HEALTH:

118. **Promotion of public health.**---Subject to the provisions of this Act and the rules, a Municipal committee may take such measures for promoting public health, including education in health, as it considers necessary or, as the case may be, Government directs.

119. **Health and maternity centre, etc.**---A Municipal committee may--

- (a) establish, maintain or manage or contribute towards the maintenance of health centers and maternity centers for the welfare of women, infants and children; and
- (b) provide for the training of health workers.

120. **Hospitals and dispensaries.**---A Municipal Committee may establish, maintain and manage, in the prescribed manner such number of hospitals and dispensaries as may be necessary.

121. **Medical aid, relief and medical education.**---A Municipal Committee may take such measures as may be necessary or as may be specified by Government for--

- (a) the provision, maintenance and management of first-aid centers;
- (b) the provision, maintenance and management of mobile medical aid units;
- (c) the provision and encouragement of societies for the provision of medical aid;
- (d) the promotion of medical education;
- (e) the payment of grants to institutions for medical relief; and
- (f) the medical inspection of school children.

122. **Environmental pollution.**---(1) A Municipal Committee may prepare and implement schemes for the prevention of the pollution of air by the gases, dust or other substances exhausted or emitted by auto-mobiles, engines, factories, brick or lime kilns, crushing machines for grain, stone, salt or other materials and such other sources of air pollution as the bye-laws may provide.

(2) A Municipal Committee may prepare and implement scheme for the prevention of the pollution of water or land from such sources and in such manner as the bye-laws may provide.

(B) DHOBI GHATS, FERRIES etc.:

123. **Bathing and washing places.**---(1) A Medical Committee may from time to time--

- (a) set apart suitable places for use by the public for bathing, for washing clothes, or for drying clothes;
- (b) specify the time at which and the sex of persons by whom such places may be used; and

- (c) prohibit by public notice, the use by public for any of the said purposes of any place not so set apart.

(2) No person shall establish, maintain or run a Hamam or a bath for public use except under a licence granted by the Municipal committee and in conformity with the conditions and terms of such licence.

124. **Dhobi ghat.**---A Municipal Committee may provide dhobi ghats and may, by bye-laws, regulate the use of dhobi ghats and levy fees for their use.

125. **Public water courses.**---(1) A Municipal Committee may with the previous sanction of Government declare any source of water, spring, river, tank, pond or public stream or any part thereof within the Municipality, which is not private property, to be a public water course.

(2) A Municipal Committee may, in respect of any public water-course provide such amenities, make such arrangements for life-saving, execute such works, and subject to provisions of any law for the time being in force relating to irrigation, drainage and navigation, regulate the use there of, as the bye-laws may provide.

126. **Public Ferries.**---(1) A Municipal Committee may by bye-laws, provide for the licence of boats and other vessels plying for hire in a public water course and may specify the terms and conditions for the grant of licence and the fees to be charged there for.

(2) Government may declare any part of a public water course to be a public ferry and may entrust the management there of the Municipal Committee which shall manage and operate the public ferry in such manner and levy such toll as may be prescribed.

127. **Public fisheries.**---A Municipal Committee may, with the previous sanction of Government declare any public water course as public fishery, and there upon the right of fishing in such water course shall vest in the Municipal Committee which may exercise it in such manner as may be prescribed.

(C) ARTICLES OF FOOD AND DRINK:

128. **Bye-laws for articles of food and drink.**---A Municipal Committee may, by bye-laws--

- (a) prohibit the manufacture, sale or preparation or the exposure for sale, of any specified article of food or drink in any place or premises not licensed by the Municipal Committee;
- (b) prohibit the import into municipality for sale or the hawking for sale, of any specified article of food or drink by person not so licensed;
- (c) prohibit the hawking of specified articles of food and drink in such parts of the municipality as may be specified;
- (d) regulate the time and manner of transport within the municipality of any specified articles of food or drink;
- (e) regulate the grant and withdrawal of licence under this section and the levying of fees therefore; or
- (f) provide for the seizure and disposal of any animal, poultry or fish intended for food which is diseased or any article of food or drink which is noxious.

129. **Milk Supply.**---(1) Except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence, no person shall, within a municipality, keep milk cattle for the sale of milk, or

sell milk or expose or import milk for sale or manufacture butter, ghee, or any other milk or dairy product, nor shall any premises be used for such purpose.

(2) A Municipal Committee may, in the prescribed manner, and with the previous sanction of Government, frame and enforce a Milk Supply Scheme, which may among other matters provide for the establishment of milk men's colonies, the prohibition of the keeping of milch cattle in the municipality or any part thereof and the adoption of such other measures as may be necessary for ensuring an adequate supply of pure milk to the public.

130. **Public Markets.**---(1) A Municipal Committee may establish and maintain public markets or may provide places for use as public markets other than those meant for the disposal of farm produce, for the sale of articles of food and drink and or animals and secure the proper management and sanitation of such markets.

(2) A Municipal Committee may in respect of a public market, provide by bye-laws--

- (a) the fees to be charged for the use of or for the right to expose goods in the market;
- (b) the fees to be levied on vehicles and animals bringing goods therein for sale;
- (c) the fees to be charged for the use of shops, stalls, pens or stamps;
- (d) the fees to be charged in respect of animals brought for sale or sold; and
- (e) the fees to be charged from brokers, commission agents, weighmen and other persons practicing their calling therein.

131. **Animal Husbandry.**---(1) A Municipal Committee may provide for the establishment, maintenance and management of veterinary hospitals and dispensaries and, by bye-laws, regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries.

(2) A Municipal Committee may, by bye-laws, define contagious diseases among animals and provide for measures that shall be adopted for prevention of the spread of such diseases including the compulsory inoculation of animals, and the subjection to such treatment as may be necessary of such animals as may be suspected to have been infected with carriers of any such disease.

132. **Animals homes and farms.**---(1) A Municipal Committee may, with the previous approval of Government, establish, maintain and manage animal homes, where, subject to such terms and conditions and on the payment of such fees and other charges as the bye-laws may provide, the animals of private persons may be kept.

(2) A Municipal Committee may, with the previous approval of Government, establish, maintain and manage cattle farms and poultry farms, and such farms shall be managed and administered in such manner as the bye-laws may provide.

133. **Registration of the sale of cattle.**---A Municipal Committee may, by bye-laws require that every sale of such of the animals as may be specified shall be registered with the Municipal Committee in such manner and subject to the payment of such fees as the bye-laws may provide.

134. **Livestock improvement.**---A Municipal Committee may, with the previous approval of Government frame and execute a livestock scheme, which may among other matters provide that no person shall keep such animals above such age as may be specified unless they are castrated or are certified by competent authority to be fit for breeding.

135. **Cattle shows, Zoo, etc.**---(1) A Municipal Committee may hold cattle shows and fairs within the limits of the Municipality and charge such fees from the people attending such shows or fairs as the bye-laws may provide.

(2) A Municipal Committee may, with the previous approval of Government, maintain or contribute towards the maintenance of zoological gardens.

(E) PUBLIC SAFETY:

136. **Famine.**---In the event of a famine, a Municipal Committee may, with the sanction of Government, execute such famine works and order such famine relief measures as may be specified by Government.

137. **Burial and burning places.**---(1) A Municipal Committee may provide suitable places for the burial and burning of the dead, and shall take necessary measures for the proper maintenance and administration of such burial and burning places.

(2) Government may, by notification in the Official Gazette, declare that any burial or burning place which is open to public for burial or burning, shall vest in the Municipal Committee and the Municipal Committee shall take all measures necessary for the proper maintenance and administration thereof.

(3) A burial or burning place which is not administered by a Municipal Committee shall be registered with the Municipal Committee and shall be subject to regulation, supervision and inspection by the Municipal Committee in such manner as the bye-laws may provide.

(4) No new burial or burning place shall be established within a Municipality, except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence.

(F) TREES, PARKS, GARDENS AND FORESTS:

138. **Gardens.**---(1) A Municipal Committee may layout and maintain within the Municipality such public gardens as may be necessary for the recreation and convenience of the public and such public gardens shall be maintained and administered in such manner as the bye-laws may provide.

(2) For every public garden there shall be framed and enforced, in the prescribed manner, a Garden Development Plan, which shall provide for the development and improvement of the garden.

139. **Open spaces.**---A Municipal Committee may provide and maintain within the Municipality such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed, hedged, planted and equipped with such amenities, and in such manner as the bye-laws may provide.

140. **Forests.**---A Municipal Committee may, in the prescribed manner, frame and enforce Forest Plans providing for the improvement, development and exploitation of forests and maintain, plant and work forests in accordance with such plans.

141. **Nuisances pertaining to trees and plantations.**---(1) A Municipal Committee may, by bye-laws, determine the pests of trees and plants and provide for their destruction.

(2) If any land or premises within a Municipality is grown with rank or noxious vegetation, or under-growth, the Municipal Committee may, by notice, require the owner or occupier of such land or premises to clear such vegetation or under-growth within a specified time and if he fails to do so within such time, the Municipal Committee may have such vegetation or undergrowth cleared and the cost incurred thereon by the Municipal Committee shall be deemed to be tax levied on the owner or occupier under this Act.

(3) A Municipal Committee may, in the bye-laws, require the felling of any tree which is dangerous or the trimming of the branches of any tree which overhang or are likely to interfere with the traffic or are otherwise inconvenient.

(4) A Municipal Committee may, in the manner provided in the bye-laws prohibit the cultivation of any crop which is considered dangerous to public health within such part of the Municipality as may be specified.

142. **Tanks and low-lying areas**.---A Municipal Committee may take such steps with regard to the excavation and re-excavation of tanks and the reclamation of low-lying areas as it thinks fit or, as the case may be, Government directs.

(G) EDUCATION:

143. **General provisions about education**.---A Municipal committee may-

- (a) construct and maintain buildings to be used as hotels for students;
- (b) give scholarships to deserving or specially bright students;
- (c) provide for the training of teachers;
- (d) promote adult education;
- (e) provide school books to orphans and indigent students free of cost or at concessional rates;
- (f) maintain depots for the sale of school books and articles of stationery; and
- (g) with the previous approval of Government,-
 - (i) promote and assist educational societies;
 - (ii) undertake educational survey and enforce educational plans; and
 - (iii) provide, whether free of charge or on payment milk or meals for school children.

(H) CULTURE:

144. **Culture**.---A Municipal Committee may-

- (a) establish and maintain information centers for the furtherance of civic education and dissemination of information on such matters as community development and other matters of public interest;
- (b) maintain radio and television sets at public institutions and public places;
- (c) organize museums, exhibitions and art galleries;
- (d) provide and maintain public halls and community centers;
- (e) celebrate the national occasions;
- (f) provide for the reception of distinguished visitors visiting the Municipality;

- (g) encourage national and regional languages;
- (h) promote physical culture and encourage public games and sports and organize rallies and tournaments;
- (i) promote tours to the Municipality and adopt measures for the preservation of the historical and indigenous characteristics of the Municipality; and
- (j) provide, promote or subsidies facilities for the recreation or the public.

145. **Libraries.**---A Municipal Committee may establish and maintain such public libraries, reading rooms and mobile libraries as may be necessary for the use of the public.

146. **Fairs and shows etc.**---A Municipal Committee may make such arrangements on the occasion of any fairs, shows or public festivals within the Municipality as may be necessary for the public health, public safety and public convenience, and may levy fees on the persons attending such fairs and shows.

(I) SOCIAL WELFARE:

147. **Social Welfare.**---A Municipal Committee may--

- (a) establish, manage and maintain welfare homes, asylums, orphanages, widow homes and other institutions for the relief of the distressed;
- (b) provide for the burial and burning of paupers found dead within the municipality at its own expenses;
- (c) adopt such measures as may be prescribed for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils;
- (d) organize social service volunteers; and
- (e) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, families of the persons serving in Armed Forces and women and children.

(J) MUNICIPAL POLICE:

148. **Municipal Police.**---(1) A Municipal Committee may, and if directed by Government shall, maintain such police force to be known as Municipal Police, as may be necessary.

(2) The Municipal Police shall be a police force under the Police Order, 2002, and shall consist of such number of officers and men who shall receive such pay and allowances, and shall be employed on such terms and conditions as Government may from time to time determine.

(3) Government may notwithstanding anything contained in the Police Order, 2002, or in any other law, prescribe the duties which the Municipal Police may or may not be required to perform.

(4) Any officer or servant of a Municipal Committee when empowered in that behalf by a general or special order of Government, may exercise the powers of a police officer for such purposes of this Act as may be specified in such order.

149. **Additional functions.**---Nothing contained in this Chapter shall preclude a Municipal Committee to perform such functions as may be assigned to it by or under any other law.

CHAPTER -XII FUNCTIONS OF MUNICIPAL CORPORATION

150. **Functions of Municipal Corporations.**---A Municipal Corporation shall perform the same functions as are entrusted to a Municipal Committee under the provisions of this Act so that-

- (a) the compulsory or optional functions of a Municipal Committee shall be the compulsory or optional functions of a Municipal Corporation; and
- (b) any reference in those provisions to a Municipal Committee or a Municipality shall be read as a reference to the Municipal Corporation.

CHAPTER -XIII DEVELOPMENT PLANNING IN LOCAL COUNCILS

151. **Development Plans.**---Development Plans in Local Councils shall be prepared on specified sectoral proforma with the following as essential information:

- (a) **Name and Location.**---Name of the project and location should be clearly indicated by giving the name of the Area, Union Council and Village along with relevant details to signify the exact locality. Map of the area should be attached to magnify project location.
- (b) **Cost.**---Cost estimates should be indicated with source of financing and allocation in the current year budget. The narration should touch on the basis (e.g. market survey, schedule rates, estimation of previous work done) of determining the capital cost.
- (c) **Objectives.**---The Local Council must have clear road map of targets and objectives to achieve in the arena of its responsibility for development. Every project shall fit into this frame and should have strong linkage with over all development objectives of the Local Council.
- (d) **Description and Justification.**---This section should describe the project in terms of existing facilities and justification for the project. This section should also include technical parameters, details of civil works, machinery and other physical facilities required for the project, highlights of issues relevant to the project and strategy to resolve them.
- (e) **Operating and Maintenance Cost.**---This section should indicate itemized operational cost for five years after completion of the project with source of financing and responsibility.
- (f) **Financial Plan.**---This section should indicate the quantum of total resources required for the project and the sources to provide the cost.
- (g) **Project Benefits and Analysis.**---This section should give a brief narration of the probable income to be generated due to the project and quantify social benefits to the target group.
- (h) **Environmental Impact.**---This section should give a fair assessment of the negative or positive impact of the project on the environment.

- (i) **Implementation Schedule.**---This section should indicate the starting and completion date of the project with detailed schedule of physical activities. The details should include administrative arrangements and manpower requirements during execution and operation of the project.

152. **Community Development Projects.**---A Local Council may sponsor or promote Community Development Projects for its local area or any part thereof and may in this behalf, subject to the approval of Government, perform such functions as may be necessary.

153. **Commercial Schemes.**---A Local Council may, with the previous sanction of Government, promote, administer, execute and implement schemes for undertaking any commercial or business enterprise.

154. **Town Improvement.**---A Municipal Corporation or Municipal Committee, as the case may be, with prior approval of Government, frame projects for Town Improvement and constitute a Town Improvement Committee for the purpose which shall perform such functions and exercise such powers as may be specified by Government.

155. **Development Schemes.**---Where a Town Improvement Committee is constituted, Government may, in the prescribed manner, provide for:

- (a) the types of schemes to be undertaken;
- (b) initiation of schemes by Town Improvement Committee on the direction of Government or on move by the Local Council;
- (c) matters to be provided for in a scheme such as acquisition of land, retention management or disposal of lands vested in the Council, demolition of unhygienic buildings, relaying out and redistribution of land in a scheme, laying out and alteration of schemes, provision and management of open spaces, reclamation of land and its reservation for the production of fruit, vegetables, fuel, fodder and the like for the residents of a local area, water supply and lighting, drains and sewerage, health measures, erection and re-erection of buildings, advances to owners, communications and other mater;
- (d) alteration and abandonment of schemes and acquisition of land;
- (e) furnishing of information by a Local Council or by Government or other agency and which is necessary for the purpose of framing a scheme or of assistance in its execution or maintenance;
- (f) powers of such sanction or, as the case may be, of rejection or modification of a scheme;
- (g) powers to facilitate movement of population and powers of entry;
- (h) powers to make a survey or contribute towards its costs; and
- (i) such other matters as may be necessary.

156. **Notice of scheme.**---(1) As soon as may be, after a scheme has been framed by the Town Improvement Committee, the Town Improvement Committee shall prepare a notice stating the fact that the scheme has been framed and that the boundaries of the localities comprised therein and the place or places at which and the time at which the scheme including a statement of the land proposed to be acquired and the general map of the locality comprised in the scheme, may be inspected.

(2) The Town Improvement Committee shall, notwithstanding anything contained in the sanctioned scheme, cause the said notice, to be notified and also published in a newspaper weekly on three consecutive weeks along with a statement of the period within which objections shall be received.

(3) On the notification and publication of notice under sub-section (2), the scheme shall be deemed to be in force and no person shall thereafter erect, re-erect, add or alter any building or buildings within the area of the scheme except with the permission of the Town Improvement Committee.

(4) The objections under subsection (2) shall be disposed of in the prescribed manner.

157. **Notice of acquisition of land and notification of schemes.**---(1) During thirty days next following the first day on which any notice is notified and published, the Town Improvement Committee shall serve a notice on every person whom the Town Improvement Committee has reason to believe to be owner or occupier of any immovable property which is proposed to be acquired in executing the scheme and such notice shall state that the Town Improvement Committee proposes to acquire such property for the purpose of carrying out a scheme, requiring such person, if he objects to such acquisition, to state his reasons in writing within a period of sixty days from the service of the notice.

(2) The sanction of the scheme by the authority competent to do so under the rules shall on notification by conclusive evidence that the scheme has been duly framed and sanctioned.

158. **Finances.**---(1) For every Town Improvement Committee there shall be maintained a Fund, to be known as Development Fund which shall be treated as local fund.

(2) The Development Fund shall be made up of contributions by the Municipal Committee and such loans and grants as are approved and made by Government.

159. **Approval of Development Plan.**---The Development Plan of a Local Council shall be sanctioned in its ordinary meeting.

160. **Development Plans to be Included in the Budget.**---As far as may be, the schemes included in the Development Plan shall be included in the budget.

CHAPTER -XIV LOCAL COUNCIL FINANCE

161. **Establishment of Local Fund and Public Account.**---(1) For every Local Council there shall be established a Local Fund and a Public Account.

(2) To the credit of respective Local Fund shall be placed all revenues received by a Local Council from the following sources:

- (a) monies transferred by another Local Council under this Act;
- (b) grants made to or monies received by a Local Council from Government or other authorities in Pakistan;
- (c) the proceeds of taxes, tolls, fees, rates or charges levied by a Local Council under this Act;
- (d) rents and profits payable or accruing to a Local 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 and investments of a Local Council.

- (f) gifts, grants or contributions to a Local Council by individual or institutions;
- (g) income accruing from markets or fairs regulated by a Local Council.
- (h) fines imposed under this Act;
- (i) proceeds from other sources of income which are placed at the disposal of a Local Council under directions of Government; and
- (j) all monies transferred to a Local Government by Government.

(3) To the credit of respective Public Account shall be placed all revenues received by a Local Council from the following sources-

- a) receipts accruing from trusts administered or managed by a Local Council;
- b) refundable deposits received by a Local Council; and
- c) deferred liabilities.

(4) A Local Council may and if required by Government shall establish and maintain a separate fund for any special purpose to which one or more sources of revenue mentioned in sub-section (2) or any part of these sources or any specified portion of the Local Fund may be assigned and which shall be administered and regulated in such manner as a Local Fund.

162. **Custody and Operation of Local Fund and Public Account.**---(1) Monies credited to a Local 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.

(2) The Local Fund shall be operated in manner provided in this Act.

163. **Charged expenditure.**---(1) The following expenditure shall be compulsorily charged on the Local Fund, that is to say:

- (i) such sums as are required for repayment of loans;
- (ii) any sum required to satisfy any judgment, decree or award against the Local Council by any Court or Tribunal;
- (iii) such sums as the Local Council may be required by Government to contribute towards the conduct of elections, the maintenance of specified Group of Functionaries and the auditing of accounts; and
- (iv) any expenditure declared by Government to be so charged.

(2) If any expenditure is a compulsory charge on the Local Fund and is not paid, Government may, by order, direct the person having the custody of the Local Fund to pay such amount, or so much thereof as may be possible from time to time, from the balance of the Local Fund.

164. **Application of Funds.**---(1) The money credited to a Local Fund shall be expended in accordance with the Annual Budget approved by the Council.

(2) No Local Council shall transfer monies to a higher level of Government except by way of repayment of debts or for carrying out deposit works or as prescribed in this Act.

(3) The application of Local Fund shall as provided by a council be subjected to budgetary constraints by ratio to be prescribed for development works and expenditure on prescribed establishment.

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

165. **Budget Preparation.**---(1) The annual budget for each Local Council shall contain estimates of:

- (a) grants-in-aid from Government;
- (b) amounts available in the respective Local Fund;
- (c) receipts for the next year; and
- (d) expenditures to be incurred for the next year.

(2) To facilitate budget preparation by Local Councils, Government shall, before the beginning of each financial year, notify the provisional grants, which may be credited to the Local Fund of a Local Council from the Provincial Consolidated Fund.

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

(4) Conditional grants from Government or other Local Council will be shown separately in the budget and will be governed by conditions provided therein.

(5) Before the commencement of a financial year each Local Council shall, for its Fund, prepare in the prescribed manner, a budget for that year.

166. **Approval of Budget.**---(1) Before the commencement of the next financial year, each Chairman shall, present the budget for consideration and approval of the Local Council.

(2) The budget of a Local Council shall be approved by simple majority of its total membership.

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

(4) In case a budget is not approved by a Local Council before the commencement of the financial year to which it relates, Government shall prepare, approve and authenticate budget for the Local Council.

(5) A Local Council shall not be empowered to approve a budget if the sums required to meet estimated expenditures exceed the estimated receipts.

(6) The Chairman or Mayor shall authenticate by his signature a Schedule specifying the:

- (a) grants made or deemed to have been made by the Local Council; and
- (b) the several sums required to meet the expenditure charged upon the Local Fund.

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

(8) The Schedule so authenticated shall be communicated to the respective Accounts Officials and Government.

(9) At any time before the expiry of the financial year to which budget relates, a revised budget for the year may, if necessary, be prepared and sanctioned and such revised budget shall, so far as may be, be subject to the provisions of this section

167. **Accounts.**---(1) The following arrangement for maintaining of accounts in Local Councils shall be followed:

- (a) the District Accounts Officer shall maintain the accounts of each Local Council for funds received from Government;
- (b) accounts of all other receipts and expenditure of a Local Council shall be kept in the manner and form prescribed by Government;
- (c) the Director Local Fund Audit Department shall perform pre-Audit of all payments in the Local Councils before approving the disbursement of money in the manner as prescribed by the provincial Government in Finance Department; and
- (d) no payment shall be made by the Local Council unless the bill is pre-Audited and passed in audit. While presenting the claim of pre-Audit the bill shall be prepared and internally checked by the accountants and signed by the Drawing & Disbursing Officer of Local Council.

(2) An annual statement of the accounts shall be prepared after the close of every financial year and shall be transmitted to Government by fifteenth day of July.

(3) A copy of the annual statement of accounts shall be displayed at a conspicuous place in the office of the Local Council concerned for public inspection, and all objections or suggestions concerning such accounts received from the public shall be considered by the Local Council and brought to the notice of the Audit Authority referred to in section 168.

(4) The District Accounts Officer shall, quarterly and annually, consolidate the accounts of Local Councils in district separately for receipts from the Government and local resources and send a copy to Government, Accountant General and Chairman of the District Council.

168. **Audit.**---(1) Audit of the accounts of Local Councils shall be conducted by the Auditor General of Pakistan, who shall determine the extent and nature of such audit.

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

(3) The Auditor General of Pakistan shall:

- (a) audit all expenditure from the Local Fund to ascertain whether the moneys 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 the Local Council relating to Public Account; and

- (c) audit all receipts which are payable into a Local Fund and to satisfy himself that all such receipts which are payable into a local Fund have been properly and correctly deposited and rules and procedures relating to such receipts have been fully observed;
- (4) The Auditor General of Pakistan shall have the authority:
- (a) to inspect any office of accounts, under the control of a Local Council, responsible for the keeping of initial or subsidiary accounts of the council;
- (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 inquire 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 the officials shall afford all facilities and provide record for audit and inspection and comply with requests for information in as complete a form as possible and with all reasonable expedition; and
- (d) to examine the Chairman or any member or servant of the Local Council.
- (5) On completion of audit, Auditor General of Pakistan shall submit an audit report, including certified accounts with such notes, comments or recommendations as he may consider necessary, to Government and respective Chairman local councils.
- (6) The annual audit report shall be published by every Local Council for information of public.
- (7) Government shall constitute a Local Council Accounts Committee consisting of such persons as it may, by notification in the Official Gazette, appoint, to review audit reports of Local Councils and to perform such other functions as may be assigned to it.
169. **Local Council not to Incur Debt**.---(1) No Local Council shall incur any debt.
- (2) No monies of the Local Council shall be invested in securities other than those floated or approved by the Federal Government or Provincial Government.

CHAPTER -XV LOCAL COUNCIL PROPERTY

170. **Ownership of property**.---(1) Subject to any conditions imposed by Government, the property specified hereunder shall vest in the respective Local Council if it is-
- (a) vested in a Local Council through succession;
- (b) transferred to the Local Council by the Government or any other authority, organisation or an individual; and
- (c) constructed or acquired by a Local Council with its title.

(2) The properties of Government in possession of the local governments established under the Khyber Pakhtunkhwa Local Government Ordinance, 2001 (N.-W.F.P. Ord. No. XIV of 2001), shall pass on to their successors as provided in this Act till varied by Government.

(3) The Local Council shall, subject to policy of Government or contractual obligations, make bye-laws for the use, development, improvement, management and inspection of property which is owned by or vests in it or which is placed under its management charge.

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

171. **Transfer of property by Government.**---The Government may, on its own accord or on a request by a Local Council, transfer the management of any other government or public property to it for administration as a trustee.

172. **Stock taking by the Chairman or Mayor.**---(1) Every Chairman or Mayor 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 Local Council and submit a report to the Local 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 and annual return therefrom;
 - (c) particulars of unserviceable articles and losses if any; and
 - (d) plans for utilization, development and improvement during the following year.

173. **Use and disposal of properties of Local Council.**---(1) Properties of Local Council shall be used only for public purposes.

- (2) Immovable properties of Local Council shall not be sold or permanently alienated:

Provided that such properties may be given on lease through competitive bidding in public auction for a period to be determined by the Government.

Provided further that no such property under or near a fly-over bridge shall be leased or otherwise given to any person for private, commercial or non-commercial use, and any order, licence, permission, tehbazari ticket, handcart passes or certificate issued by any authority at any time in this respect shall stand withdrawn and shall be deemed cancelled.

(3) The movable property of a Local Council which is required to be disposed of and all articles declared unserviceable shall be sold through competitive bidding in public auction.

174. **Personal Responsibility with regard to loss and waste.**---(1) Every official or servant of a Local Council, every member of a Local Council, and every person charged with the administration and management of the property of a Local Council shall be personally responsible for any loss or waste, financial or otherwise, of any property belonging to a Local Council which is a direct consequence of decisions made by him personally or under his directions in violation of any provisions of this Act or any other law for the time being in force or which accrues as a result of his negligence or misconduct, and shall be liable to pay such surcharge as may be determined by the Local Councils Accounts Committee and such amount shall be recoverable as arrears of land revenue.

(2) Any person aggrieved by the imposition of liability under sub-section (1) may prefer an appeal to Government whose decision shall be final:

Provided that no order shall be passed in appeal, except after giving the aggrieved person an opportunity of being heard.

CHAPTER -XVI LOCAL COUNCIL TAXATION

175. **Local Rate.**---All lands assessable to rent or land revenue shall be subject to the payment of a rate to be known as the Local Rate. The local rate in each District shall bear such proportion to the rent or land revenue in the District as Government may, by notification from time to time fix and it shall be collected in the prescribed manner alongwith the rent or land revenue by the village revenue officials responsible for its collection and the proceeds thereof shall be credited to the Local Fund of the District Council.

176. **Rating Areas and Property Tax.**---(1) On commencement of this Act, every City shall be rating area within the meaning of the Khyber Pakhtunkhwa Urban Immovable Property Tax Act, 1958 (W.P. Act V of 1958).

(2) The Municipal Corporation and Municipal Committee, as the case may be, shall determine the rate of property tax in its area:

Provided that in the areas within a City where rate has not been determined, the areas shall be deemed to be exempted from property tax till determination of the rate.

(3) Unless varied under sub-section (2) above, the existing rates in the areas within a City shall remain in force.

Explanation.---For the purpose of this section the "rate" shall mean the tax leviable under the Khyber Pakhtunkhwa Urban Immovable Property Tax Act, 1958 (W.P. Act V of 1958).

177. **Imposition, notification and enforcement of Taxes.**---(1) A Local Council subject to the provisions of any other law may, and if directed by Government shall, levy all or any of the taxes, cesses, fees, rates, rents, tolls, charge, surcharges and levies specified in the Second Schedule.

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

(3) A Local Council may reduce, suspend or abolish a tax.

(4) Where a tax is levied or modified, the Local Council shall specify the date for the enforcement thereof, and such tax or the modification shall come into force on such date.

(5) The government shall have power to direct a local council to:

(a) levy any tax;

(b) increase or reduce any such tax or the assessment thereof; and

(c) suspend or abolish the levy of any tax.

178. **Model Tax Schedule.**---Government may frame Model Tax Schedules and when such Schedules have been framed a Local Council shall be guided by them in levying a tax, rate, toll or fee.

179. **Collection and recovery of taxes, etc.**---(1) Failure to pay any tax and other money claimable under this Act shall be an offence.

(2) All arrears of taxes, rents and other moneys claimable by a Local Council under this Act shall be recoverable as arrears of land revenue.

(3) Government may empower any Local Council to recover arrears of taxes or any other moneys claimable by the Local Council under this Act by distress and sale of the movable property belonging to the person concerned or by attachment and sale of the immovable property belonging to him.

(4) Government may, by rules, specify the officials or classes of officials by whom the power under subsection (2) shall be exercised and prescribe the manner in which it shall be exercised.

180. **Liability on account of taxes.**---(1) A Local Council may by notification, call upon any person to furnish such information, produce such record or accounts or to present such goods or animals liable to any tax as may be necessary for the purpose of determining the liability of such person, goods or animals to a tax.

(2) Any official of a Local Council authorized in this behalf, may after due notice, enter upon any building or premises for the purposes of assessing the liability of such building or premises to any tax, or inspecting any goods or animals therein liable to any tax.

(3) Any official of a Local Council authorized in this behalf may, in the prescribed manner, seize and dispose of any goods or animals on which any tax is due and is not paid.

181. **Deduction of taxes from salaries.**---If a Local Council levies a tax on professions, trades or callings, it may require the employer of the person liable to such tax to deduct the tax from the salary or wages payable to such person, and on such requisition the amount of the tax due shall be deducted from the salary or wages of the persons concerned and credited to the Local Fund of the Council.

182. **Petitions against valuation, assessment, etc.**---No assessment of a tax under this Act or valuation therefor, or the liability of a person to be so taxed, shall be called in question except by a petition presented to such authority, in such manner and within such period as may be prescribed.

183. **Taxation Rules.**---(1) All taxes and other charges levied by a Local Council shall be imposed, assessed, leased, compounded, administered and regulated in such manner as may be provided by rules.

(2) Rules framed under this section may, among other matters, provide for the obligation of the tax payer and the duties and powers of the officials and other agencies responsible for the assessment and collection of taxes.

184. **Sharing of income.**---A District Council may, and if so directed by the Government shall, allocate a portion of its income to a Union Council or Councils.

CHAPTER -XVII LOCAL COUNCILS FINANCE COMMISSION AND FISCAL TRANSFERS

185. **Constitution of Local Councils Finance Commission.**---The Government shall constitute a Local Councils Finance Commissions hereinafter referred to as the Finance Commission.

186. **Composition of Finance Commission.**---(1) The Finance Commission shall consist of the eleven members, including:

- (a) the Minister for Finance, Province of the Khyber Pakhtunkhwa Chairman;
- (b) the Minister for Local Government, Elections and Rural Development, Province of the Khyber Pakhtunkhwa;
- (c) two Members of the Provincial Assembly, nominated by the Chief Minister including Leader of the opposition or his nominee;
- (d) Secretary to Government, Finance Department;
- (e) Secretary to Government, Planning and Development Department;
- (f) Secretary to Government, Local Government, Elections and Rural Development Department;
- (g) One Chairman or Mayor, District Council/Municipal Corporation nominated by all Chairmen District Councils;
- (h) One Chairman, Municipal Committee, nominated by all Chairmen of Municipal Committees;
- (i) One Chairman Union Council, nominated by Government; and
- (j) the Chief Minister may add a Member from the Civil Society through nomination.

(2) The Finance Department shall provide Secretariat support to the Finance Commission.

(3) No proceedings or act of the Finance Commission shall be invalid merely on the ground of existence of a vacancy in its composition.

187. **Functions of the Finance Commission.**---(1) The Finance Commission shall make recommendations to the Provincial Cabinet on:

- (a) the amount of Local Councils Grant out of the proceeds of Provincial Consolidated Fund in a financial year in addition to the grant in lieu of Octroi and Zilla Tax;
- (b) formula for distribution of Local Councils Grant among Local Councils in the Province;
- (c) the amount of special grants with modalities and conditions for Local Councils to access the facility;
- (d) Grants in aid to Local Councils in need of assistance; and
- (e) Matters relating to Local Councils finance.

(2) The Finance Commission shall take into account the principles of need, capacity, effort and performance of Local Councils while making recommendations.

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

(4) The Finance Commission shall present to the Government annually a report on the analysis of the fiscal transfers, the situation of own-source revenue in Local Councils and the reach and quality of their services and the Government shall cause the report to be laid before the Provincial Assembly.

188. **Rules of Business of the Finance Commission.**---The Finance Commission shall make rules to regulate its business.

CHAPTER –XVIII SUPERVISION OF LOCAL COUNCILS

189. **Supervision of Local Councils.**---(1) Government shall exercise general supervision, and control over the Local Councils in order to ensure that their activities conform to the provisions of this Act.

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

190. **Inspections of Local Council.**---(1) The working of the Local Councils shall be inspected at least once in each financial year by the inspecting officer or officers to be notified by Government.

(2) The Inspection Officer shall have the power–

- (a) to enter upon, inspect and survey any immovable property occupied by a Local Council or any institution maintained by or any work in progress under the directions of Local Council;
- (b) to call for or inspect files, registers, books or documents in the possession or under the control of a Local Council;
- (c) to require the production of such statements, accounts, reports, documents and copies of documents relating to the proceedings of a Local Council as he may think fit;
- (d) to observe meetings of Local Council; and
- (e) to inquire generally into the affairs of a Local Council.

191. **Inspection reports and action thereon.**---(1) The inspection reports shall be prepared in such form as may be specified by Government and the inspection reports so prepared shall be forwarded to the Local Council concerned within thirty days of the completion of inspection.

(2) As soon as may be, the inspection reports prepared under sub-section (1) shall be placed before a meeting of the Local Council for information and compliance.

(3) The Chairman shall take such action on the inspection report as may be required.

(4) Within thirty days of the receipt of an inspection report, Local Council shall annotate the inspection report and forward it to the Inspection Officer who may issue such further directions and advice to the Local Council as may be necessary.

(5) If there is any dispute or difference of opinion between the Inspecting Officer and the Local Council, such dispute or matter shall be decided by Government.

192. **Suspension of orders and resolutions.**---Where in the opinion of Government anything done or intended to be done by or on behalf of a Local Council is not in conformity with law, Government for reasons to be recorded may:

- (a) quash the proceedings;
- (b) suspend the execution of any resolution passed or order made by the Local Council;

- (c) prohibit the doing of anything proposed to be done; and
- (d) require the Local Council to take such action as may be specified.

193. **Power to give directions.**---(1) Government may direct any Local Council or any person or authority responsible thereto to take within such period as may be specified such action as may be necessary for carrying out the purposes of this Act.

(2) Where after due enquiry, Government is satisfied that a Local Council or person or authority has failed to comply with any direction made under sub-section (1), Government may appoint a person or persons to give effect to such directions and may further direct that the expenses incurred in connection therewith shall be borne by the Local Council.

(3) Should the expenses be not so paid, Government may make an order directing the person having the custody of the balance of the Local Fund of the Local Council to pay the expenses or so much thereof as may, from time to time, be possible.

194. **Inquiries.**---(1) Government may, for reasons to be recorded and communicated to the concerned Chairman or Mayor, cause an inquiry to be made by such person as may be authorized by it in this behalf, into the affairs of a Local Council, generally or into any particular matter concerning a Local Council and take such remedial measures as may be warranted by the findings of such inquiry.

(2) Such person shall, for the purposes of the inquiry, have the powers of a court under the Code of Civil Procedure, 1908 (V of 1908), to take evidence and to compel the attendance of witnesses and the production of documents.

195. **Suspension and dissolution.**---(1) Government may by notification, suspend a Local Council if there are reasons to believe that a Local Council:

- (a) is unable to discharge or persistently fails to discharge its duties; or
- (b) is unable to administer its affairs or meet its financial obligations; or
- (c) generally acts in a manner contrary to public interest; or
- (d) otherwise exceeds or abuses its powers.

(2) On the publication of a notification under sub-section (1),-

- (a) person holding offices as Chairman and members of a Local Council shall cease to hold offices;
- (b) all functions of the Local Council shall, during the period of suspension, be performed by such person or authority as Government may appoint in this behalf; and
- (c) all funds and property belonging to the Local Council shall, during the period of suspension, vest in Government.

(3) Government shall hold or cause to be held an inquiry into charges on which a Local Council is suspended and if, within a period of two months, from the date of the suspension of the Local Council, the inquiry is not completed, the Local Council shall stand revived.

(4) If, as a result of the inquiry, the charges against the Local Council are proved, Government may dissolve the Local Council.

(5) When a Local Council is dissolved—

- (a) Government shall order fresh elections, for the remaining term of the dissolved local council, if the remaining term of the Local Council is not less than six months; and
- (b) If the remaining term of its office is less than six months, the person or authority referred to in sub-section (2) shall continue to perform the functions of the Local Council and its funds shall continue to vest in Government till the reconstituted Local Council assumes office.

196. **Bar of suits.**---No suit or other legal proceedings shall lie against Government or any person or authority for any loss or damage of any kind caused by the suspension or dissolution of any Local Council.

CHAPTER -XIX DISTRICT CO-ORDINATION COMMITTEE AND INTER-COUNCIL MATTERS

197. **District Co-ordination Committee.**---There shall be a District Co-ordination Committee in every District which shall consist of:

- (a) the Chairman of the District Council as Chairman
- (b) all the Chairmen of the Municipal Committee and representative of Municipal Corporation in the District(where applicable);
- (c) representative of Cantonment Board (where applicable);
- (d) Chairmen of Union Council concerned, (Co-opted member)
- (e) Heads of concerned Department (Non-voting Members).
- (f) Assistant Director Local Government, Elections and Rural Development Department at District. (Secretary)

198. **Municipal Corporation Co-ordination Committee.**--- There shall be a Municipal Corporation Co-ordination Committee in District Peshawar which shall consist of:

- (a) the Mayor of the Corporation as Chairman;
- (b) Chairman of the Urban Union Council concerned, (Co-opted member);
- (c) Head of concerned Department (Non-voting Member);
- (d) Assistant Director Local Government, Elections and Rural Development Department at District (Secretary).

199. **Functions and powers.**---(1) Functions and powers of the District Coordination Committee shall, among other matters, include the following:

- (a) co-ordination of activities of Local Councils and Government Departments in the district;
- (b) settlement of disputes among the Local Councils;
- (c) co-ordination of development plans of Local Councils; and
- (d) review of matters connected with the administration of Local Councils.

(2) The Co-ordination Committees shall conduct its business in such manner as may be prescribed.

(3) Decisions of the Coordination Committee shall be expressed either through consensus of opinion or majority of votes by members present and voting.

(4) Any decision taken by the Coordination Committee, concerning Local Councils shall be communicated to the Local Council concerned for implementation.

(5) Recommendations regarding the working of Government Department shall be communicated to Government.

200. **Joint Committees**---A Local Council may join any other Local Council or a Local Authority in appointing a Joint Committee for any purpose in which such Local Councils or Local Authorities are jointly interested and may delegate to such Joint Committees any power which may be exercised by it including the power to make bye-laws for conduct of its business.

201. **Musalihati Jarga**---(1) There shall be constituted a Musalihati Jarga in every Union Council and every ward of the urban council for amicable settlement of disputes amongst the people through mediation, conciliation and arbitration.

(2) The Government shall prescribe the composition, qualifications, processes, procedure and terms of office for the Musalihati Jarga.

(3) Any Court of competent jurisdiction may, in a case where it deems appropriate, refer a matter to the Musalihati jarga through chairman union council:

Provided that the Musalihati Jargas constituted prior to the commencement of this Act, unless reconstituted by the Government, shall continue to functions as validly constituted Jargas.

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

202. **Community Participation**---(1) Every Local Council may establish and promote community based organizations, representing cross section of society to facilitate public participation in the functions of local councils.

(2) The Government shall prescribe the composition, qualifications, processes, procedure and terms and conditions for such organizations.

203. **Outsourcing of local Councils Functions**---A local council may, with prior approval of the Government, outsource any of its functions to any person, authority, firm or company on such terms and conditions as may be prescribed.

CHAPTER —XX OFFENCES AND PENALTIES

204. **Offences.**---An act or omission specified in the Third Schedule shall be an offence under this Act.

205. **Punishment.**---(1) Whoever commits any of the offences mentioned in Part-I of the Third Schedule shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and if the offence is a continuing one, with a further fine which may extend to one hundred rupees for every day after the date of the first commission during which period the offender has persisted in the offence.

(2) Whoever commits any of the offences mentioned in Part-II of the Third Schedule shall be punished with fine which may extend to three thousand rupees and if the offence is a continuing one, with further fine which may extend to one hundred rupees for every day after the date of the first commission during which period the offender has persisted in the offence.

(3) Out of the fine imposed under sub-section (1) or sub-section (2), the court imposing the fine may award such compensation for the loss to or damage of the property of the Local Council as it may deem fit.

206. **Compounding of offences.**---Subject to the provisions of section 109 the Chairman or any person generally or specially authorized by Local Council in this behalf, may compound any offence under this Act.

207. **Cognizance of offences.**---No Court shall take cognizance of any offence under this Act except on a complaint in writing received from the person generally or specially authorized by the Local Council in this behalf.

208. **Summary disposal of cases.**---(1) A Court taking cognizance of any offence punishable under this Act other than an offence mentioned in Part-I of the Third Schedule, may state upon the summons to be served on the accused person that he may:

- (a) appear by pleader and not in person; or
- (b) by a specified date, prior to the hearing of the charge, plead guilty by registered letter and remit to the Court such amount as the Court may specify.

(2) The accused person shall, if he pleads guilty to the charge, forward his licence, if any, to the Court with a letter containing his plea in order that the conviction may be endorsed on the licence.

(3) Where the accused person pleads guilty and remits the sum specified and has complied with the provisions of sub-section (2), no further proceedings in respect of the offence shall be taken against him nor shall he be liable to be disqualified from holding or obtaining a licence solely by reason of his having pleaded guilty.

209. **Summary trial of offences.**---Notwithstanding anything to the contrary contained in any other law for the time being in force, the offences specified in the Third Schedule shall be tried summarily and the Court shall have the same power of compounding an offence as that of the Chairman concerned.

CHAPTER — XXI MISCELLANEOUS

210. **Appointment of whole-time Magistrates.**---(1) Government may, on such terms and conditions as it may determine, appoint one or more Magistrates, or authorize any of officers to exercise the powers of a magistrate, for trial of offences under this Act.

(2) Notwithstanding anything to the contrary contained in any other law for the time being in force, the Magistrate or Magistrates, as the case may be, appointed under sub-section (1) shall have the power to try summarily the offence under this Act.

211. **Appeals.**---(1) Any person aggrieved by any order passed by a Local Council or its Chairman in pursuance of this Act or the rules or bye-laws, may appeal to such authority, in such manner and within such manner and within such period as may be prescribed.

(2) Any order passed in appeal shall be final:

Provided that no order shall be passed in appeal, except after giving the aggrieved person an opportunity of being heard.

212. **Power to make rules.**---(1) Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters specifically required to be provided under this Act, and all matters incidental, consequential and supplemental thereto.

213. **Bye-laws.**---(1) A Local Council may, and if required by Government shall, make bye-laws not inconsistent with this Act and the rules framed there-under to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the matters specifically required to be provided by bye-laws under this Act, and the matters incidental, consequential and supplemental thereto.

(3) Any regulations made by any Local Council in pursuance of, or continued in force under the provisions of the Khyber Pakhtunkhwa Local Government Ordinance, 2001(N.-W.F.P. Ordinance No XIV of 2001), if not inconsistent with this Act or the rules made thereunder, shall be deemed to be bye-laws validly made under this Act.

214. **General provisions relating to bye- laws, etc.**---(1) All bye-laws shall be made subject to the condition of previous publication.

(2) All bye-laws made by any Local Council shall be subject to the sanction of Government and Government may sanction such bye-laws subject to modifications.

(3) Government may frame model bye-laws and in framing their bye-laws the Local Councils shall be guided by such models.

(4) All rules shall be notified in the Official Gazette, and all bye-laws shall be published in such manner as in the opinion of the authority making them be best adopted for information of the residents of the Local Area concerned.

(5) Copies of rules and of bye-laws pertaining to a Local Council shall be kept available at the office of the Local Council for inspection and sale.

(6) All rules and bye-laws when duly made shall be deemed to form part of this Act and shall have effect accordingly.

215. **Delegation of powers.**---(1) Government may, by notification, delegate any of its powers under this Act or the rules to any officer subordinate to it.

(2) A Local Council may, with the previous sanction of Government, delegate any of its powers under this Act or the rules or bye-laws to its Chairman or a Sub-Committee or any of its officers or members.

(3) A Chairman or Mayor may, with the previous sanction of the Local Council concerned, delegate all or any of his powers under this Act or the rules or bye-laws, not being powers delegated to him under sub-section (2), to any member of the Local Council, or any of its officers.

(4) Notwithstanding anything to the contrary contained in this Act, or any delegation made under this section, whenever the Chairman of a Local Council, for any reason, is out of station, or is on leave for a period of more than ten days, or when a vote of no-confidence has been passed against a Chairman and the office is vacant, then the Vice-Chairman shall exercise all the executive powers and perform all the functions of the Chairman during the period of his absence, or as the case may be during the period till a new Chairman is elected.

216. **Transfer of function.**---Notwithstanding anything contained in this Act or in any other law, Government may, from time to time, direct that subject to such terms and conditions, as may be specified-

- (a) any institution or service maintained by a Local Council shall be transferred to the management and control of Government; or
- (b) any institution or service maintained by Government shall be transferred to the management and control of a Local Council:

Provided that no direction regarding the transfer of any institution or service from a Local Council to Government or vice versa shall be given without the consent of the Local Council.

217. **Licenses and sanctions.**---(1) Wherever it is provided in this Act or the rules or bye-laws that the permission or sanction of a Local Council shall be necessary to the doing of any act, such permission or sanction shall be in writing.

(2) Every license sanctioned or permission granted by or under the authority of a Local Council shall be signed by the Chairman or Mayor, or by such Officer of the Local Council, as may be authorized in this behalf by rules or bye-laws.

218. **Institution of suits against Local Council, etc.**---(1) A suit may be instituted against a Local Council or against any member, official or servant of a Local Council in respect of any act done or purported to have been done in his official capacity after the expiration of one month next after a notice in writing has been in the case of a Local Council, delivered or left at its office and in the case of member, official or servant, delivered to him or left at his office or residence, stating the cause of action, the name description of place or residence of the intending plaintiff and the relief which he claims and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Where any such suit is instituted without delivering or leaving such notice as aforesaid or before the expiration of the said period of one month or where the plaint does not contain a statement that such notice has been so delivered or left or if settlement as regards the subject matter of the suit is reached or the Local Council or

the member or official or servant, as the case may be concedes the plaintiffs claim within the period of one month from the date of institution of the suit, the plaintiff shall not be entitled to any cost.

219. **Notice and service thereof.**---(1) Where anything is required to be done by any person under this Act or the rules or bye-laws, a notice shall be served on the person concerned specifying the time within which the requirement shall be complied with.

(2) No notice shall be invalid for defect of form.

(3) Every notice shall, unless otherwise provided, be served or presented by giving or tendering the notice or sending it by post to the person for whom it is intended or by affixing it on some conspicuous part of his abode or place of business.

(4) A notice intended for the public in general shall be deemed to have been sufficiently served if a copy thereof is affixed in such public place as may be determined by the Local Council.

220. **Records to be public documents.**---All records prepared or registers maintained under this Act shall be deemed to be public documents within the meaning of the Qanun-e-Shahadat Order, 1984.

221. **Members and servants of Local Councils to be public servants.**---Every member and every servant of a Local Council, and every other person duly empowered to act on behalf of a Local Council, shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

222. **Bar against employment.**---A Chairman, Vice Chairman, Mayor or Deputy Mayor or a member of a Local Council shall not be employed under such Local Council for a period of one year from the date on which he ceases to be a Chairman or member, as the case may be.

223. **Protection of action taken in good faith.**---No suit, prosecution of other legal proceedings shall lie against Government or any Local Council or against any person authorized by either, for anything done in good faith or intended to be done under this Act or for any damage caused or likely to be caused by any such thing.

CHAPTER —XXII TRANSITIONAL PROVISIONS

224. **Interim authorities.**---In any area within the jurisdiction of a Local Government as defined in the Khyber Pakhtunkhwa Local Government Ordinance, 2001 (Khyber Pakhtunkhwa Ordinance No. XIV of 2001), in which the provisions of this Act are brought into force but a Local Council is not constituted or a Local Council constituted under this Act has been dissolved, then notwithstanding anything contained in this Act, Government may, by order empower a person or persons to perform all or any of the functions of such Local Council as had jurisdiction therein immediately before such enforcement or dissolution, as the case may be, or such functions of a Local Council under this Act as may be specified in the order, until a Local Council for the area assumes office in accordance with the provisions of this Act.

225. **Interim maintenance of institutions.**---Where on the enforcement of this Act in any area, any service undertaken or institution maintained by Government is required under any of the provisions of this Act to be compulsorily undertaken or maintained by a Local Council, such service or institution shall, notwithstanding anything contained in this Act, continue to be undertaken or maintained by Government until the management thereof is duly transferred to the Local Council.

226. **Interim budget.**---Where a Local Council assumes office under this Act for the first time, its budget for the financial year during which it assumes office shall relate to the remaining period of that year and the provisions regarding budget under this Act shall mutatis mutandis apply to such a budget.

227. **Continuation of functions of certain authorities and officers.**---Notwithstanding anything contained in this Act, all authorities and all officers who immediately before the enforcement of this Act were exercising functions of Local Governments under the Khyber Pakhtunkhwa Local Government Ordinance, 2001 (Khyber Pakhtunkhwa Ordinance No. XIV of 2001), shall continue to exercise their respective functions till the Local Councils are constituted under this Act; provided that Government may withdraw all or any of the functions from such authorities or officers as it may deem necessary.

FIRST SCHEDULE
DANGEROUS AND OFFENSIVE ARTICLES AND TRADES
(See Section 103)

1. The business of storing or selling timber, firewood, coal, charcoal and coke, hay straw grass and bamboo, jute, shrub, hemp munj and their products, matches, explosives, petrol, oil and lubricants, paper, ghee and other dangerously inflammable materials.
2. Sugar refining and sugar refineries.
3. preparation of aerated water.
4. Operating or running bake houses.
5. Electroplating.
6. Welding.
7. Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever blasting powder, ammunition, fireworks, gun powder, sulphur, mercury, gases, gun cotton, saltpeter, nitrocompounds, nitromixtures, phosphorus or dynamite.
8. Cleaning, dyeing, preparing or manufacturing by any process whatever clothes or yarn in indigo and other colours.
9. Storing, processing, cleanings, crushing, melting, preparing or manufacturing by any process whatever or dealing in bones, tallow, offal, fat blood, soap, raw hides and skins candles, manure, catgut and oil cloth.
10. Manufacturing oils.
11. Washing or drying wool or hair.
12. Making or manufacturing bricks, 'Surkhi', tiles, or earthenware potsclay pipes or other earthenware by any process of baking or burning.
13. Burning or grinding of limestone or metal stone or storing of lime for sale.
14. Cleaning or grinding of grain or chillies by any kind or class or machinery.
15. Keeping animals likely to create nuisance.

16. Fell mongering.
17. Casting of heavy metals such as iron, lead copper and brass.
18. Dealing in chemicals, liquid or otherwise.
19. Whole-sale storing cleaning pounding and selling of tobacco except the storing of tobacco required for the preparation of biddis, cigars or cigarettes.
20. Operating or running tin factories.
21. Manufacture of safes, trunks and boxes.
22. Marble cutting and polishing.
23. Glass leveling and polishing.
24. Manufacture of cement and hume pipes.
25. Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever, rags, pitch, tar, turpentine, demmar, coconut, fibre, flax, hemp, rosin or spirit.
26. Tanning, pressing or packing hides or skins whether raw or dry.
27. Trade or operation of a ferrier.
28. Working of power-looms, rice husking plants, steam whistle, steam trumpet or electric or hand operated sirens beyond hours fixed for their operation by a Local Council.
29. Discharging fire-arms and letting off fire-works. fire-balloons or detonators, or any game dangerous to life, dwelling and other property.
30. Any other article or trade declared by Government to be dangerous to life, health or property or likely to cause nuisance either from its nature or any reason of the manner in which or the conditions under which, the same may be processed or carried on.

**SECOND SCHEDULE
TAXES OF LOCAL COUNCILS
(See Section 175)**

Part I - Taxes of Union Councils

- (1) Tax on cinemas and cinema tickets.
- (2) Entertainment tax on dramatical and theatrical show;
- (3) Fees for registration and certification of birth, marriages, and deaths;
- (4) Marriage tax;
- (5) Fees for licenses, sanctions and permits granted by a Union Council;

- (6) Fee on the slaughter of animals;
- (7) Fee for erection and re-erection of buildings;
- (8) Rate for the remuneration of village guards;
- (9) Market fees;
- (10) Rates on the services provided by the Union Council;
- (11) Rate for the execution or maintenance of any work of public utility like lighting of public places, drainage, conservancy and water supply operated by Union Council;
- (12) Tax on professions, trade , callings and employment;
- (13) Fee at fairs, agricultural shows, industrial exhibitions, tournaments and other public gathering;
- (14) Tax on feasts where more than twenty persons, not belonging to the household of the person arranging the feast, are entertained with foodstuffs;
- (15) Community tax for the construction of public work of general utility for the inhabitants of the Union; and
- (16) Any other tax authorized by Government in consultation with Finance Department.

Part -II

Taxes of District Councils

- (1) Tax on the transfer of immovable property;
- (2) Fees for licenses, sanctions and permits granted by the District Council;
- (3) Market fees for the markets maintained by the District Council;
- (4) Rates on the services provided by the District Council;
- (5) Fees at fairs, agricultural shows and industrial exhibitions tournaments and other public gathering;
- (6) Fees for specific services rendered by the District Council;
- (7) Tax on the annual rental value of buildings and lands;
- (8) Toll on roads and bridge and ferries maintained by the District Council;
- (9) Tax on vehicles other than motor vehicles and including carts, bicycles, and tongas.
- (10) Tax for the construction or maintenance of a work of public utility;
- (11) Fee on advertisement and billboards, other than on radio, print media and television; and
- (12) Any other tax authorized by Government in consultation with Finance Department.

Part -III
Taxes of Urban Councils

Municipal Committees and Municipal Corporations

- (1) Tax on the annual rental value of buildings and land;
- (2) Tax on cinemas and cinema tickets;
- (3) Entertainment tax on dramatical and theatrical shows;
- (4) Tax on the transfer of improvable property;
- (5) Water rate;
- (6) Drainage rate;
- (7) Conservancy rate;
- (8) Tax on all kinds of vehicles;
- (9) Lighting rate;
- (10) Tax on the birth of children;
- (11) Fee for the erection and re-erection of buildings;
- (12) Marriage tax;
- (13) Fee for the licenses, sanctions and permits granted by a Municipal Committee;
- (14) Fees on the slaughter of animals;
- (15) Tax on professions, trade, callings and employment;
- (16) Market fees;
- (17) Fee on advertisement and billboards, other than on radio, print media and television;
- (18) Tax on feasts when more than twenty persons, not belonging to the household of the persons arranging the feast are entertained with foodstuffs;
- (19) Tax on animals and sale of animals;
- (20) Toll tax on roads, bridges and ferries maintained by a Municipal Committee;
- (21) Fees at fairs, agricultural shows, industrial exhibitions, tournaments and other public gathering;
- (22) Fees for specific services rendered by a Municipal Committee;

- (23) Tax for the construction or maintenance of any work of public utility;
- (24) Parking fees; and
- (25) Any other tax authorized by Government in consultation with Finance Department.

**THIRD SCHEDULE
OFFENCES UNDER THE ACT
(See Section 204)**

Part-I

1. Contravention of the prohibition provided under Section 109 sub-section (1) of this Act.
2. Keeping or maintaining any cattle in any part of a prohibited zone or failure to remove the cattle from the prohibited zone within the specified time when an order to this effect has been made under section 96.
3. Carrying of any dangerous or offensive trade or storing any offensive or dangerous articles without the sanction required under this Act.
4. Tampering with any road, drain, pavement, main, pipe, meter or any apparatus or appliance for the supply of water.
5. Exhibiting any obscene advertisement.
6. Stocking or collecting of timber, wood, dry grass, straw or other inflammable material in a manner which is declared by the Local Council to be dangerous.
7. Discharge fire-arms or letting off fire works, crackers fire balloons or detonators or engaging in any game in such manner as causes or is likely to cause danger to persons passing by or living or working in neighborhood, or risk or injury to property.
8. Willfully obstructing any officer or servant of a Local Council or any person authorized by the Local Council in the exercise of powers conferred by or under this Act.
9. Fixing of wooden Khokhas, plying of hand carts for the sale of goods and temporary shops or permanent shops or extension thereof on footpaths or beyond the street line.
10. Opposing forcible seizure of animals under this Act or rescuing the seized animals either from the pound or from any person taking them to a pound.
11. Erection or re-erection of a building without the sanction required under this Act or using for a purpose other than for which erection or re-erection was sanctioned.
12. Erection or re-erection or addition to or altering any building or buildings within the area of the scheme respecting which notice under section 156 has been notified, except with the permission of the Town Improvement Committee.
13. Dyeing or tanning skins within such distance of the residential area as may be specified by the Local Council.

14. Establishing a brick kiln, lime kiln, charcoal kiln, or pottery within such distance of the residential area as may be specified by the Local Council.
15. Failure to demolish or otherwise secure a building declared by the Local Council to be dangerous building.
16. Failure of industrial or commercial concerns to provide adequate and safe disposal of affluent.
17. Erection or re-erection, addition or alteration of any building or buildings within the area of the scheme included in the Site Development Schemes prepared by and sanctioned at the instance of Town Improvement Committee.
18. Failure by the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth declared by a Local Council to be injurious to health or offensive to the neighborhood.
19. Quarrying, blasting, cutting timber or carrying building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighborhood.
20. Being an officer or servant declared by the Local Council to be an essential officer or servant to be absent from duty or to neglect or refuse to perform any of the duties or to perform them willfully in inefficient manner.
21. Violation of the prohibitions and other provisions provided in the Master Plan, and the sanctioned and un-sanctioned Site Development Scheme under this Act.
22. Cutting down of any tree, or cutting of a branch of any tree, or erection or demolition of any building, or a part of a building where such action is declared under this Act to be a cause of danger or annoyance to public.

Part-II

23. Without the permission of the Local Council, causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, or drain to be put upon any street, or public place, or into any irrigation channel or any sewer or drain not set apart for the purpose.
24. Laying out a drain or altering any drain in a street without the sanction required under this Act.
25. Connecting any house drain with a drain in a public street without the permission required under this Act.
26. Using water for drinking from any source which is suspected to be dangerous to public health and the use there of has been prohibited by the Local Council.
27. Excavation of earth, stone or any other material with in such distance of the residential area as specified by the Local Council.
28. Disposing of carcasses of animals within prohibited distance and removal of fat from a dead animal other than a slaughtered animal.
29. Slaughtering of animals for the sale of meat at a place other than the place set apart for the purpose.
30. Burning or burning a dead body at a place which is not a public or registered burial or burning place, except with the sanction of the Local Council.

31. Evasion of payment of a tax or other impost lawfully levied by a Local Council.
32. Failure to furnish, on requisition, information in respect of any matter which a Local Council is authorized to call for under any of the provisions of this Act, rules or bye-laws or furnishing wrong information.
33. Doing an act without licence or permission when the doing of such act requires a licence or permission under any of the provisions of this Act or the rules or bye-laws.
34. Picketing, parking animals or collecting carts or vehicles on any street, using any street as a halting place for vehicles or animals or as a place of encampment without the permission of the Local Council.
35. Causing or permitting animals to stray or keeping, tethering, stalling, feeding or grazing any cattle on any road, street or thoroughfare or in any public place or damaging or causing or permitting to be damaged any road, street or thoroughfare by allowing cattle to move thereon.
36. Throwing or placing any refuse on any street, or in any place, not provided or appointed for the purpose by a Local Council.
37. Doing any act by which water for drinking is rendered unfit for such use.
38. Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.
39. Steeping hemp, jute or any other plant in or near a pond or any other excavation within such distance of the residential area as may be specified by a Local Council.
40. Willfully or negligently injuring or suffering to be injured, wells, reservoirs mains, pipes or other appliances for the supply of water under the management or control of a Local Council.
41. Drawing off, diverting or taking any water except with the permission required under this Act.
42. Failure or provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal, drain, cesspool or other receptacle for filth, sullage, water or refuse when so required by a Local Council.
43. Failure by the owner or occupier of any land to cut or trim, the hedges growing thereon which overhang any well, tank or other source from which water is derived for public use.
44. Cultivation of such crops, use of such manure, or irrigation of any land in such manner as is declared under this Act to be injurious to public health or offensive to the neighborhood.
45. Failure by the owner or occupier of any land or building to clean, repair, cover, fill up or drain off any private well, tank or other source of water-supply, which is declared under this Act to be injurious to health or offensive to the neighborhood.
46. Failure of an owner or occupier of any building or land to put up and keep in good condition troughs and pipes for receiving or carrying water or sullage water.
47. Sale of article of food or drink by a person suffering from any infectious disease.

48. Feeding or allowing to be fed any animal meant for dairy, or food purposes on deleterious substance, filth or refuse of any kind.
49. Defacing or disturbing any direction-post, lamp-post or lamp, or extinguishing any light arranged by a Local Council without due authority.
50. Fixing any bill, notice, placard or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose by a Local Council.
51. Writing or painting any objectionable, abusive, provocative, anti-State or such other slogans or words on a building.
52. Failure to remove or erase bills, notices, placards, papers, writing or paintings referred to in items 49 and 50 by the owner or occupier of the buildings.
53. Playing of music or radio, beating a drum or tomtom, blowing a horn or trumpet or beating or sounding any brass or other instrument or utensil in contravention of any general or special prohibition issued by a Local Council.
54. Letting loose or setting in of ferocious dogs or other dangerous animals.
55. Using or allowing the use for human habitation of a building declared by a Local Council to be unfit for human habitation.
56. Failure to lime-wash or repair a building if so required by a Local Council.
57. Failure by the owner or occupier of a building to make adequate arrangements for house scavenging when so required by a Local Council.
58. Begging importunately for alms or exposing or exhibiting with the object of exciting charity, any deformity or disease or any offensive sore or wound.
59. Failure of the head of family to report the birth or death to a Local Council or a person appointed in this behalf within a reasonable time.
60. Any owner or keeper of an animal who through neglect or otherwise damages or causes or permits to be damaged any land or crop or produce of land, or any public road, by allowing such animals to trespass thereon.
61. Doing of any other act which is prescribed as an offence under this Act.
62. Contravening any of the provisions of this Act, rules or bye-laws, or any order, direction, notice or declaration made or issued thereunder.
63. Attempts and abetment of any of the offences as aforesaid.

THE FOURTH SCHEDULE

(See Section 79)

MODEL STRUCTURE OF LOCAL COUNCIL OFFICES (Part-I)

DISTRICT COUNCIL OFFICES

CHIEF COORDINATION OFFICE - Functions and Responsibilities

Coordination Section:

- General coordination at district level for coherent planning, integrated development, effective and efficient functioning of administration.
- Supervision of programmes, projects, services, and activities in the district.
- Implementation of government policies.
- Overseeing delivery of municipal services.
- Review of the implementation of the District Development Programme through review meetings as well as through periodic inspections.
- Identification, consolidation, prioritization of district wide development needs.
- Relief measures in the event of any fire, flood, hailstorm, earthquake, famine and other natural calamities.

Human Resource Management Section:

- Matters pertaining to local council establishment, their recruitment, promotion and regulation.
- Training, capacity building and career planning.
- Advice on service matters and simplification of procedures, processes and forms.
- Welfare schemes of Local Council employees.
- Enforcement of efficiency and discipline rules.
- Management of district council secretarial functions.
- Steering and supervision of activities in union councils.
- Coordination with the Local Government Department regarding specific programs and activities.
- Any other functions delegated by the Government.

Finance Section:

- Formulation, distribution and monitoring of district council budget.
- Disbursement of funds Union Councils.
- Examination and scrutiny of proposals for re-appropriation, supplementary grants and their processing for approval of competent authority.
- Financial management and control of offices the district council.
- Scrutiny of schemes of new expenditures.
- Preparation, communication and execution of financial sanctions in accordance with the Delegation of Financial Powers Rules.
- Examination and advice on matters directly or indirectly affecting the district council finances.
- Examination of service and administrative matters, having financial implications, of employees of the district council in accordance with the rules and policies of the government.
- Creation/upgradation of posts, either permanently or temporarily with the approval of Government.
- Implementation of prescribed schedule of rates.
- Prudent management of assets and liabilities of district council.
- Execution of pay/pension policy/rules of the government.
- Purchase of stores and capital goods for offices of the district council.

- Monitoring the ways and means position of the district council and coordination with the Finance Department.

Planning & Development Section

- Preparation of Annual District Development Programme in coordination and consultation with all sections of the district council.
- Processing approval of development schemes.
- Appraisal of development proposals, monitoring of project implementation and evaluation of development interventions.
- Coordination within the district council offices and with the provincial government, on development policy issues.
- Preparation of long term development plans.
- Compilation and publication of district development gazette.
- Aggregation of the financial allocation and physical programs and targets received from the Provincial Governments in different sectors.
- Identification of gaps, inconsistencies, compatibility issues of maintenance and supervision and evaluation of local priorities and their submission to the Government for modifications in the aggregate district programme.
- Submission of regular progress report on the implementation of development projects at different levels within the district to the Planning and Development Department.
- Preparation and implementation of schemes to preserve environment and control pollution.

Accounts Section:

- Liaison with Audit Authorities for disposal of audit observations.
- Attending to matters and business relating to Local Councils Accounts Committee and Public Accounts Committee.
- Maintenance of district council accounts and reconciliation with district accounts office and banks.
- Compilation and dissemination of information on performance of district government.

EDUCATION & LITERACY OFFICE- FUNCTIONS AND RESPONSIBILITIES:

- Provision, management and control of primary and high schools.
- Construction and maintenance of buildings used as hostels for students.
- Provision and grant of scholarships.
- Payment of grants and subsidies to institutions and organizations engaged in the promotion of education.
- Promotion of adult education and literacy campaigns.
- Universal Primary Education, eradicating drop outs and MDG related initiative.
- Development and maintenance of district database of primary education.
- Constitution of Parents Teacher Associations and provision of free books.
- Periodical reporting on The State of Primary Education and Literacy.
- placement and service matters of establishment in primary education.
- Education of handicapped and special children.

BASIC & RURAL HEALTH OFFICE- FUNCTIONS AND RESPONSIBILITIES:

- Prevention and cure of infectious diseases and immunization campaigns, vaccination and inoculation in rural areas.
- Establishment, maintenance and management of hospitals and rural health centers.

- Provision and maintenance of First Aid Units.
- Management of Mother and Child Healthcare Initiatives and matters related to nutrition.
- Payment of grants to medical aid societies and institutions.
- Establishment, management, maintenance and the visiting of unani, ayurvedic and homoeopathic dispensaries.
- Promotion of sanitation and educating people in public health.
- Protection of Food-stuffs and prevention of adulteration.
- Planning and implementation of Primary and Rural Healthcare Programs.
- Data collection and compilation of vital health statistics.
- Planning and Development of health care systems and services delivery for improving health status of rural population.
- Family planning and Population welfare.

COMMUNITY DEVELOPMENT OFFICE- FUNCTIONS AND RESPONSIBILITIES:

Social Welfare Section

- Creation of awareness regarding community welfare issues.
- Facilitating the formation of community based organizations and assisting their activities.
- Creating social awareness by motivational methods for eradication of social evils.
- Professional and financial assistance to registered voluntary social welfare organizations.
- Training and rehabilitation of the destitute, handicapped and chronically sick.
- Providing coordination forum for government departments and voluntary organizations.
- Processing cases for the establishment of orphanages, welfare houses and shelter places for people in distress;
- Arrangement of financial assistance for poor and deserving students to complete their education;
- Regulating Cooperative Societies and providing opportunities of training to their field staff in book keeping, maintenance of accounts, minute's book and preparation of loan documents.

Women Development Section:

- Planning and implementations of projects for socio-economic development of women.
- Training in income generation skills and creation of economic opportunities for women in rural areas.
- Undertaking research studies and surveys on issues related to women.
- Providing relief and rehabilitation for the poor and needy widows and orphans.
- Registration and regulation and capacity building of women voluntary organizations.
- Promotion of industrial homes, domestic crafts, cottage trades and development of skills.

Civic and Culture Section

- Holding of fairs and shows.
- Promotion of public games and sports.
- Provisions, organization and maintenance of exhibitions and art galleries.
- Provision and maintenance of public halls, public meeting places and community centers.
- Celebration of national occasions.
- Establishment and maintenance of information centres.
- Reception of distinguished visitors.
- Provision and maintenance of libraries and reading rooms.
- Prevention and abatement of nuisances.
- Voluntary regulation of traffic.

PUBLIC WORKS OFFICE- FUNCTIONS AND RESPONSIBILITIES

- Development of standard designs and specifications to the extent possible and desirable in harmony with the general conditions obtaining in the district and use of appropriate technology to execute development projects on a more economic basis.
- Construction, maintenance, repair and improvement of roads, bridges, culverts, causeways, boat bridges and ancillary bridges in the charge of district council
- Preparation of architectural plans and drawings of buildings for the district council.
- Laying standards and specifications for various types of rural roads and bridges for the district.
- Planning and designing of district roads financed out of district council funds.
- Administration of roads, bridges and boat bridges toll collection and leases of land for filling and/or service stations and access roads thereof on roads under the charge of district council.
- Execution of works on behalf of other agencies and departments and programmes as Deposit Works.
- Provision, maintenance and management of sarais, dak bungalows, rest houses and other buildings for the convenience of travelers.
- Designing and implementation of rural water supply and sanitation works.
- plantation and preservation of trees on road sides, public ways, public places and public buildings.
- Provision and maintenance of public gardens, public play grounds and public places.
- Provision and maintenance of adequate system of public drains and regulation of the disposal of industrial wastes.
- Maintenance and regulation of public ferries other than those maintained by government.

AGRICULTURAL DEVELOPMENT OFFICE- FUNCTIONS AND RESPONSIBILITIES

Agriculture Section:

- Agricultural development, promotion of national reconstruction and development of village industry.
- Adoption of measures for increased agricultural production.
- Establishment and maintenance of model agricultural farms.
- Promotion of improved methods of agriculture, maintenance of improved agricultural implements and machinery and lending of such implements and machinery to cultivators and adoption of measures for bringing waste land under cultivation.
- Promotion of agricultural credit, agricultural education and adoption of other measures likely to promote agricultural development.
- Promotion and co-ordination with agrovilles.
- Provision, regulation and maintenance of markets.
- Construction and repair of embankment, supply, storage and control of water for agricultural purposes.
- Promotion of agriculture related cottage industry.

Livestock and Dairy Development Section:

- Voluntary registration of the sale of cattle and other animals.
- Improvement of breeding of cattle, horses and other animals and prevention of cruelty to animals.
- Provision, maintenance and improvement of pastures and grazing grounds.
- Establishment and maintenance of cattle colonies and Regulation of milk supply.
- Establishment and maintenance of cattle farms, dairies and poultry farms.
- Measures to combat ordinary and contagious diseases of birds and animals.

(Part-II)
MUNICIPAL COMMITTEE AND MUNICIPAL CORPORATION

- (1) Chairman Municipal Committee shall head the Municipal Administration.
- (2) The Chief Municipal Officer shall be the administrative officer in-charge of the following Municipal Officers:
 - (a) Municipal Officer (Regulations) who shall supervise sections dealing with Regulation and licensing, management of municipal properties, facilities and enforcement of municipal laws, rules and bye-laws.
 - (b) Municipal Officer (Infrastructure and Services) who shall supervise sections dealing with Public Health, water supply, sewerage, drainage, sanitation, public safety, municipal roads, streets and street lighting; fire fighting, park, master planning, Site Development, land use and building control, coordination of development plans, Arboriculture and Horticulture services.
 - (c) Municipal Officer (Finance) who shall supervise sections dealing with budget, accounts and audit.
- (3) Keeping in view the requirements of Municipalities, the Government shall appoint staff to Municipal Offices from amongst the officials of Provincial Unified Group of Functionaries in Local Council Service and servants of Local Councils borne on the establishment of Local Council Board and local councils respectively.
- (4) Notwithstanding the dissolution of Tehsils and Towns Municipal Administration under this Act, and until any contrary order is made by the Government or the service structure of the members of Local Council Service or the servants of Local Councils is altered, the administrative set-up of such Tehsils and Towns Municipal Administration shall remain intact and continue providing municipal services and the officers and staff working therein shall come under the executive control of the Municipal Corporation and Municipal Committees through the respective Chief Municipal Officer.
- (5) The officers and staff working in the dissolved Zilla Councils and Union Councils shall be posted in the offices of such local councils as may be determined by the Government.

(Part-III)
UNION COUNCIL

Structure of Union Administration.---(1) The Union Council Chairman shall be the head of the Union Administration.

(2) The Union Council Secretary shall coordinate and facilitate in community development, functioning of the Union Council Sub-Committees and delivery of Local Council services under the supervision of Union Council Chairman;

(3) Working of the Union Council Secretary shall be supervised by the Assistant Director Local Government, Elections and Rural Development in the Coordination Office of District Council in the respective district.

BY ORDER OF MR. SPEAKER