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THE SINDH LOCAL GOVERNMENT ORDINANCE 2001

SINDH ORDINANCE NO.XXVII OF 2001

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[6th August, 2001]

An Ordinance to reconstruct and regulate the local governments.

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

AND WHEREAS the Provincial Assembly stands dissolved in pursuance of the Proclamation of the fourteenth day of October, 1999 and the Provisional Constitution Order No.1 of 1999;

AND WHEREAS the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitutional (Amendment) Order No.9 of 1999,and in exercise of all powers enabling him in that behalf, the Governor of the Sindh is pleased to make and promulgate the following Ordinance :-

CHAPTER I
PRELIMINARY

Short title, extent and commencement

1. (1) This Ordinance may be called the Sindh Local Government Ordinance, 2001.

(2) It extends to the whole of the Province of Sindh other than the areas notified as cantonments under the Cantonments Act, 1924 (II of 1924), in relation to the matters covered under the said Act.

(3) It shall come into force on the fourteenth day of August, 2001, except the provisions as contained in section 39 (k), Chapter XVII and section 196 (1) (ii) of Chapter XIX which shall come into force on such date or dates as the Government may, by notification in the official Gazette, appoint:

Provided that the provision as contained in Chapter XII shall be applicable only for the financial year 2001-2002.

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Definitions.

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

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

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

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

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

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

(vi) 'Council' means a Zila Council, Taluka Council, Town Council, Union Council, Village Council and Neighbourhood Council;

(vii) 'decentralise' or 'decentralised' means conferment by the Government under this Ordinance of its administrative and financial authority for the 1[operation, functioning and] management of specified offices of the Provincial Government to the local governments;

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

(ix) disaster' includes famine, flood, cyclone, fire, earthquake, drought, and 1[damage] caused by force majeure;

(x) 'district' means a district notified under the Sindh Land Revenue Act, 1967 (W.P. XVII of 1967), and includes a largely urban district or districts declared to be City District under this Ordinance;

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

(xii) 'elector' means a person whose name appears on the electoral rolls prepared under the Sindh Local Government Election Ordinance, 2000 (X of 2000);

(xiii) 'Government' means the Government of the Sindh;

(xiv) 'land' includes vacant land or on which any structure has been raised or is being raised or is covered with water or is under cultivation or is fallow or is barren and, in relation to a town improvement scheme, includes land as defined in clause (a) of section 3 of the Land Acquisition Act, 1894 (IV of 1894);

(xv) 'local area' means an area specified in Chapter II;

(xvi) 'local government' includes-

(a) a District Government or a City District Government and Zila Council;

(b) a Taluka Municipal Administration and Taluka Council;

(c) a Town Municipal Administration and Town Council; and

(d) a Union Administration and Union Council;

(xvii) 'mal-administration' means-

(a) a decision, process, recommendation, act of omission or commission which is-

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

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

(iii) is based on irrelevant grounds, or

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

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

(xix) 'member' means an elected member of a Council;

(xx) '*Deh*' means a revenue estate declared under the Sindh Land Revenue Act, 1967 (W.P. Act XVII of 1967);

(xxi) **'**municipal offences' means the offences specified in the Fifth Schedule or any other law for the time being in force;

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

(xxiii) 'Naib Nazim' means Naib Zila Nazim, Naib Taluka Nazim, Naib Town Nazim, or, as the case may be, Naib Union Nazim**;**

(xxiv) 'Nazim' denotes Zila Nazim, Taluka Nazim, Town Nazim or, as the case may be, Union Nazim**;**

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

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

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

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

(xxix) 'rent' means whatever is lawfully payable in money or kind by a tenant or lessee on account of the occupation of any building or land 1[or use of any machinery, equipment or vehicle;]

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

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

(xxxii) 'Taluka' means a Taluka notified under the Sindh Land Revenue Act, 1967 (W.P. Act XVII of 1967);

(xxxiii) 'Taluka Municipal Administration' includes the Taluka Nazim and the officials and employees of the Taluka Municipal Administration specified in section 49;

(xxxiv) 'town' means an area notified by the Government under section 9 to be a town in a City District;

(xxxv) 'Town Municipal Administration' includes the Town Nazim and the officials and employees of the Town Municipal administration specified in section 50;

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

(xxxvii) 'Union Administration' includes the Union Nazim, Union Naib Nazim, the Union Secretaries, and other Union employees;

(xxxviii) 'Village' means an integrated and contiguous human habitation commonly identified by a name and includes a *dhok, chak, killi, goth, gaown, basti* or any other comparable habitation;

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

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

(xli) 'worker' means a person directly engaged in work, or is dependent on personal labour, for subsistence living and includes a worker as defined in the Industrial Relations Ordinance, 1969 (XXIII of 1969).

Ordinance to over-ride other laws

3. The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

Local Governments to work within Provincial framework

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

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

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CHAPTER II
LOCAL AREAS AND LOCAL GOVERNMENTS

Composition of local areas

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

(i) Union;
(ii) Taluka;
(iii) Town; and
(iv) District and City District.

Delimitation of Unions

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

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

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

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

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

Delimitation of Talukas and districts

7. The Government shall, by notification in the official Gazette, declare Talukas and districts notified under the Sindh Land Revenue Act, 1967 (W.P.Act XVII of 1967), to be Talukas or, as the case may be, districts under this Ordinance.

Creation of a City District

8. In addition to the Provincial headquarters notified by the Government as City District of Karachi, the Government may, by notification in the official Gazette, declare a Taluka or Talukas within one or more adjoining districts as a City District if-

(a) the population of urban settlement therein or of proximate settlement exceeds one million people;

(b) the economy thereof is largely oriented to commercial, industrial, and services sectors, and, according to the last preceding census, the labour force employed in such sectors or in non- agricultural sectors is more than sixty six percent; and

(c) the existing administrative and municipal infrastructure therein have become inadequate for efficient service delivery and require integrated development and management.

Setting up of a town

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

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

Local areas under previous law to continue

10. Unless varied under this Ordinance, any local area declared or notified by the Government under the Sindh Local Government Election Ordinance, 2000 (X of 2000), as union, Taluka (taluqa), town, district or City District shall continue to retain such status and shall be deemed to have been notified as such under this Ordinance.

Alteration of local areas

11. (1) Any two or more adjoining Unions within a Taluka or adjoining Talukas within a district may, after having invited public objections through a resolution, during the third year of their being in office, passed by two-third majority of the total membership

of each of the relevant Union Councils, or as the case may be, Taluka Councils, make a proposal to the Government for a change in their respective boundaries subject to the conditions that no revenue estate shall be divided and the size of population in the Unions shall, as far as possible, be close to the average population of Unions within a district.

(2) The Government may, subject to previous publication, notify the change in the boundaries of the Unions, Talukas or towns:

Provided that such change shall come into force on the announcement of next local governments elections

Local governments for local areas

12. (1) For each local area, there shall be a local government comprising-

(a) District Government and Zila Council in a district or a City District;

(b) Taluka Municipal Administration and Taluka Council in a Taluka;

(c) Town Municipal Administration and Town Council in a town; and

(d) Union Administration and Union Council in a Union.

(2) In case of a district consisting of a single Taluka, the Government may dispense with setting up of Taluka Council and holding of election of Taluka Nazim and Naib Taluka Nazim in such Taluka and in that case the Taluka Municipal Administration shall function directly under Zila Nazim and the functions of Taluka Council shall be performed by the Zila Council.

(3) In case of a Taluka consisting of a single Union, the Government may dispense with setting up of Taluka Council and holding of election of Taluka Nazim and Taluka Naib Nazim in such Taluka and in that case the functions of the Taluka Municipal Administration shall be performed by the Union Administration.

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CHAPTER III
DISTRICT GOVERNMENT

Composition of District Government

13. (1) The District Government shall consist of Zila Nazim and District Administration.

(2) The District Government shall be competent to acquire, hold or transfer any property, movable and immovable, to enter into contract and to sue or be sued in its name, through District Coordination Officer.

Decentralised offices and grouping of offices

14. (1) On the commencement of this Ordinance, the administrative and financial authority for the management of the offices of the Government specified in Part-A of the First Schedule set up in a district shall stand decentralised to the District Government of that district:

Provided that where there is no office of the Government in a district specified in Part-A of the First Schedule and the Government sets up an office on a subsequent date, such office shall be decentralised to the District Government from that date:

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

(3) The offices decentralised to the District Governments and offices set up by the Government shall be grouped in various groups specified in Part-C of the First Schedule:

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

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

Entrustment of certain decentralised offices to Taluka Municipal Administration

15. Subject to section 14 and section 52, on commencement of this Ordinance, the administrative and financial management of the offices of Local Government and Rural Development Department, Public Health Engineering Department and Housing and Physical Planning Department which were providing services at the regional, zonal, circle, divisional, district and Taluka levels shall stand entrusted to respective Taluka Municipal Administration or Town Municipal Administration, as the case may be, along with the employees working in such offices:

Provided that the Government may direct for retention of certain components of Housing and Physical Planning Department with the District Government along with the officers and members of staff working therein.

Authority and responsibility of District Government

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

(2) Every order in the District Government shall be expressed to be made in the name of the District Government and shall be executed by an officer or authority of the District Government duly authorized.

(3) The District Government shall be responsible to the people and the Government for improvement of governance and delivery of services within the ambit of the authority decentralised to it under this Ordinance.

The Zila Nazim.

17. (1) Zila Nazim shall head the District Government and perform such functions and exercise such powers as have been assigned to him under this Ordinance and be assisted by the District Coordination Officer.

(2) The Zila Nazim shall ensure that the business of the District Government is carried out in accordance with the provisions of this Ordinance and other laws for the time being in force.

Functions and powers of the Zila Nazim

18. (1) The functions and powers of the Zila Nazim shall be to-

(a) provide vision for the district-wide development, leadership and direction for efficient functioning of the District Government;

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

(c) perform functions relating to law and order in the district;

(d) ensure implementation of the functions decentralised to the District Government;

(e) oversee formulation and execution of the annual development plan, delivery of services and functioning of the District Government;

(f) present proposal to the Zila Council forapproval of budget for District Government, Zila Council and intra-district fiscal transfers;

(g) maintain administrative and financial discipline in the District Government;

(h) present tax proposals to the Zila Council;

(i) present report on the performance of the District Government in person to the Zila Council at least twice a year;

(j) preside over the meetings of the Zila Mushawarat Committee;

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

(l) authorise officers of the District Government to sign documents on its behalf;

(m) initiate inspections of Taluka Municipal Administration, Town Municipal Administration and Union Administration in the district pursuant to section 135;

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

(o) issue executive orders to the District Coordination Officer and Executive District Officers for discharge of the functions decentralised to the District Government;

(p) to represent District Government on public and ceremonial occasions; and

(q) perform any other function as may be assigned to him by the Government.

(2) The Zila Nazim shall not employ any advisor, special assistant or a political secretary other than support staff allocated to his office from amongst the officials available in the district:

Right of the Zila Nazim to take part in Council's meetings.

19. The Zila Nazim shall have the right to speak and otherwise take part in the proceedings of the Zila Council, but shall not be entitled to vote.

Personal responsibility of Zila Nazim

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

Resignation of Zila Nazim

21. The Zila Nazim may resign from office by tendering resignation in writing addressed to the Chief Executive of the Province.

Vacancy in the Office of Zila Nazim

22. (1) In case the office of Zila Nazim falls vacant for reason of his death, resignation, removal or suspension or, where in the opinion of the Zila Council, he has become incapable to perform his functions on account of mental or physical incapacity, the Naib Zila Nazim shall act as Zila Nazim till an officiating Nazim is appointed under sub-section (6) of section 156 or a new Zila Nazim is elected under sub- section (5) of that section:

Provided that the officiating Zila Nazim shall not be a candidate in the election for Zila Nazim.

(2) Where a Zila Nazim is unable to perform his functions for reason of his temporary absence, he may authorise Naib Zila Nazim, in writing, to act on his behalf till he resumes his duties.

External recall of Zila Nazim

23. (1) If in the opinion of the Chief Executive of the Province, the continuance in office of a Zila Nazim is against the public policy or interest of the people or he is guilty of misconduct, the Chief Executive of the Province may move a motion in the Provincial Assembly stating the grounds for the recall of Zila Nazim.

(2) Where the motion referred to in sub-section (1) is approved through a resolution passed by a simple majority of total membership of the Provincial Assembly, the Zila Nazim shall cease to hold office immediately on passing of such resolution:

Provided that the Zila Nazim shall be provided an opportunity of being heard by the Provincial Assembly.

(3) The result of the approval of the resolution of the Provincial Assembly referred to in sub-section (1) shall be notified by the Government in the official Gazette.

(4) Nothing contained in sub-sections (1) and (2) shall affect the provisions of section 161 in respect of removal of Zila Nazim by the Chief Election Commissioner.

Internal recall of a Zila Nazim

24. (1) If in the opinion of a member of the Zila Council, there is a reason to believe that the Zila Nazim is acting against the public policy or the interest of the people or is negligent or is responsible for loss of opportunity for improvement in governance and service delivery to the people within the ambit of his responsibilities, he may, seconded by another member of the Council, give notice to move a motion in the Zila Council through Naib Zila Nazim for recall of the Zila Nazim.

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

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

(4) If the motion referred to in sub-section (1) is approved by majority of the votes of its total membership through a secret ballot, the Election Authority shall cause a vote to be cast by the members of Union Councils in the district.

(5) Where the motion is approved by simple majority of the total number of members of the Union Councils in the district, the Zila Nazim shall cease to hold office from the date of notification issued in this behalf by the Election Authority.

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

(7) The Zila Nazim shall have the right to appear before the Zila Council and address it in his defence before approval or rejection of motion referred to in sub- section (5).

(8) No motion for recall of Zila Nazim shall be moved during the first six months of assumption of office of Zila Nazim nor shall such motion be repeated before the expiry of twelve months from the rejection of previous motion.

Explanation.- for the purpose of this section and other provisions of the Ordinance, the expression "Election Authority" shall mean the authority nominated by Government for causing voting of the members of Union Councils, Village Councils, Neighbourhood Councils, whenever so required for recall of Zila Nazim, Taluka Nazim, Town Nazim or, as the case may be, Union Nazim.

Setting aside an order of Zila Nazim by Chief Executive of the Province

25. (1) The Local Government Commission may, on its own accord or on receipt of an information or on an application, take notice of an order or decision of general application passed by a Zila Nazim and recommend to the Chief Executive of the Province for its quashment, if in the opinion of the Commission such order or decision of the Zila Nazim is against the public policy or interest of the people:

Provided that the Zila Nazim may be given an opportunity of being heard before making recommendation to the Chief Executive of the Province.

(2) The quashment of the order or decision referred to in sub-section (1) shall be notified by the Local Government Commission in the official gazette.

Structure of District Administration

26. The District Administration shall comprise the district offices, including sub-offices of the Departments of the Government decentralised to the District Government and other offices set up by the District Government and grouped under the Executive District Officers and coordinated by the District Coordination Officer.

Heads of offices and groups.-

27. (1) The District Coordination Group of Offices shall be headed by the District Coordination Officer.

(2) A group of offices, other than the District Coordination Group of Offices, shall be headed by an Executive District Officer.

(3) The District Officers shall head the district offices.

(4) The Government shall setup sub-offices of the offices decentralised to district government in every Taluka or town in a city district depending upon the needs of such Taluka or, as the case may be, town for such sub- office:

Provided that where any sub-office exists or is set up in a Taluka or town in a City District the Deputy District Officer shall head such sub-office.

District Coordination Officer

28. In every district, the Government shall appoint a District Coordination Officer who shall be a civil servant of the Federation or of the Province, as far as possible in Basic Scale 20:

Provided that in a City District, the District Coordination Officer may be a civil servant of the Federation or Province in Basic Scale 21.

(2) The District Coordination Officer shall be coordinating head of the District Administration and shall-

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

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

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

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

(e) act as Principal Accounting Officer of District Government and be responsible to the Public Accounts Committee of the Provincial Assembly;

(f) act and perform functions of Collector under sections 54, 68, 70(2), 71, 72, 92, 93, rule 18 of Order XXI, Order XL and for similar other provisions of the Code of Civil Procedure, 1908(Act V of 1908);

(g) assist the Zila Nazim in accomplishment of administrative and financial discipline and efficiency in the discharge of the functions assigned to District Administration;

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

(i) initiate the performance evaluation reports of the Executive District Officers and shall be countersigning officer of such reports of the District Officers initiated by the Executive District Officers.

Explanation.- For the purpose of this section, the expression 'coordinating head' means the authority to call for review and assess the performance of the groups of offices, individually or collectively, and give directions for taking actions or measures for improving efficiency, service delivery and achievement of goals assigned in the approved plans of the District Government.

(3) Where in the opinion of a District Coordination Officer an order of the Zila Nazim is motivated or unlawful, he may seek recourse in writing to the Local Government Commission with a copy thereof to the Zila Nazim, and the decision of the Commission in the matter shall be final and binding.

Functions and powers of Executive District Officer.-

29. The functions and powers of the Executive District Officer shall be to-

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

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

(c) supply information to the Monitoring Committees of the Zila Council and Union Councils;

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

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

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

(g) implement approved plans and policies;

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

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

(j) propose relevant bye laws on service delivery to the District Coordination Officer; and

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

District administration working

30. (1) In matters of policy and important decisions, the District Coordination Officer shall obtain approval of Zila Nazim before communicating such matters and decisions to the Government.

(2) The Government shall appoint all officers and officials to the district offices, groups of offices or other offices in the district specified in the First Schedule.

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

(4) Where the performance of a District Co-ordination Officer is not satisfactory, the Zila Nazim may request the Government for his transfer in writing, with a copy to the District Coordination Officer, stating reasons therefor and the Government shall accede to the request of the Zila Nazim within seven days and the Government may refer the matter to the Local Government Commission.

(5) The Local Government Commission shall inquire into the matter referred to in sub-section (4) and place the findings and recommendations before the Chief Executive of the Province for such action as he may deem necessary.

(6) Where the performance of an Executive District Officer is not satisfactory, the Zila Nazim may, in consultation with the District Coordination Officer, request the Government to transfer such officer from the district stating reasons therefor.

Rules of Business for disposal of work.

31. For smooth and efficient disposal of official work, the Government shall make District Government Rules of Business.

Assignment of work to Taluka Municipal Administration

32. A District Government may assign any of its functions to a Taluka Municipal Administration or Union Administration, on such terms and conditions as may mutually be agreed:

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

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

Disposal of Government's work.

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

Performance evaluation

34. The annual performance reports of the officers posted in the district shall be initiated by-

(a) the Zila Nazim in respect of the District Co-ordination Officer:

Provided that the first countersigning officer shall be the Chief Secretary, and the Chief Minister shall be the second countersigning authority;

(b) the Zila Nazim in respect of the officer in- charge of district police concerning the maintenance of law and order in the district:

Provided that the first countersigning officer shall be the Inspector General of Police and Chief Executive of the Province shall be the second countersigning officer;

(c) the District Co-ordination Officer in respect of the Executive District Officers and Zila Nazim shall be the countersigning officer;

(d) the Executive District Officer in respect of the District Officers:

Provided that the District Coordination Officer shall be the countersigning Officer and head of the concerned department of the Government shall be the Technical Reporting Officer; and

(e) the District Officer in respect of the Deputy District Officers and the Executive District Officers shall be the countersigning officer.

Offices of the City District.

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

Integrated management of services in City District.

36. On creation of a City District under section 8, the organizations and authorities providing municipal services and facilities and the offices decentralised or set up in a Taluka or Talukas or districts notified to be City District shall come under the administrative and financial control of the City District Government.

CHAPTER IV
ZILA COUNCIL

Composition of Zila Council

37. (1) A Zila Council shall consist of all Union Nazims in the district and following members elected on the reserved seats namely:-

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

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

(iii) such number of persons from minority communities so as to represent five percent of the total number of the Unions in the district, subject to a minimum of one seat.

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

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

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

Secretariat of the Council

38. The Zila Council shall have its Secretariat under the Naib Zila Nazim and shall have a separate budget allocation.

Functions and powers of Zila Council

39. The functions and powers of a Zila Council shall be to-

(a) approve bye-laws proposed by the District Government under this Ordinance;

(b) approve taxes proposed by the District Government on the subjects specified in Part-I of the Second Schedule.

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

(d) approve annual budget of the Zila Council;

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

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

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

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

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

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

(k) elect the members of the Zila Council for representation in the District Public Safety Commission;

(l) elect a Zila Accounts Committee;

(m) constitute Farm Produce Market Committee under the relevant law;

(n) approve the proposals of the District Government for changes in the number of posts of officials and employees of the decentralised offices of District Administration and Taluka Municipal Administration and Town Municipal Administration as part of the budget statement;

(o) approve posts for the office staff of Zila Nazim and staff of Zila Council subject to the restriction imposed under sub-section (11) of section 109:

Provided that no post of advisor, special assistant, press or political secretary to the Zila Nazim shall be sanctioned or approved:

(p) make recommendations to the District Government for enhancement of the care of disabled persons, paupers, aged, sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug dependants, abused children, needy and disadvantaged persons;

(q) authorise Zila Nazim, Naib Zila Nazim, Taluka Nazim, Naib Taluka Nazim, Town Nazim, Naib Town Nazim, Union Nazim, Naib Union Nazim and members of the Councils to receive honorarium, travelling and daily allowances from respective local funds:

Provided that the honorarium and rates of travelling and daily allowances shall be fixed with the approval of the Government and any change thereof authorised by the Zila Council shall be applicable to the succeeding Nazims, Naib Nazims and members of the Councils:

Provided further that the claims for travelling and daily allowances of Naib Zila Nazims shall be sanctioned by the Zila Nazim;

(r) review the performance reports of the District Government presented by Zila Nazim;

(s) review the audit reports of the Zila Accounts Committee;

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

(u) require the District Government to undertake measures for good governance and improvement in the delivery of services.

Functions of Zila Council in a City District

40. In addition to the functions specified in section 39, the Zila Council in a City District shall perform the following functions, namely:-

(a) approve master plans, zoning, land use plans, including classification and reclassification of land, environment control, urban design, urban renewal and ecological balances;

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

(c) approve proposals of the District Government for public transport and mass transit systems, construction of express-ways, fly-overs, bridges, roads, under passes, and inter-town streets;

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

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

Zila Council to approve certain plans for towns

41. In the case of a town in a City District, the Zila Council shall perform the functions of approval of such macro municipal plans as may be notified by the City District Government.

Conduct of the business of Zila Council

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

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

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

(4) The Naib Zila Nazim shall be the Convener of the Zila Council and shall preside its meetings.

(5) In its first session, the Zila Council shall elect a panel of presiding officers, in order of precedence, of not less than three members who shall, in the absence of, or in the case where a motion for recall of Naib Zila Nazim has been moved, preside over the meetings of the Zila Council.

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

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

(8) The minutes of the meetings of Zila Council shall be recorded and maintained by the Secretariat of the Zila Council.

Address of Zila Nazim

43. (1) At the commencement of first session of the Zila Council after its election and on commencement of first session of every year, the Zila Nazim shall address the Zila Council and shall inform the Council of his plans and programmes for the said year and, as the case may be, the performance of the District Government during the preceding year.

(2) Notwithstanding anything contained in sub-section (1), the Zila Nazim may address the Zila Council, whenever he may deem necessary, to associate the Zila Council in the functioning of the District Government.

Joint Committee of Councils

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

Setting aside a resolution of Zila Council

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

(2) The result of the resolution of the Provincial Assembly referred to in sub-section (1) shall be notified by the Government in the official Gazette.

Resignation of Naib Zila Nazim

46. The Naib Zila Nazim may resign from office by tendering resignation in writing addressed to the Zila Nazim.

Recall of a Naib Zila Nazim

47. (1) If in the opinion of a member of Zila Council, there is a reason to believe that the Naib Zila Nazim is acting against the public policy or the interest of the people, or for any other reason, he may, seconded by another member of the Council, give a notice to move a motion in the Zila Council through its senior-most presiding officer for recall of Naib Zila Nazim.

(2) On receipt of notice referred to in sub-section (1), the senior-most presiding officer in the panel referred to in sub-section (5) of section 42 shall summon a session of Zila Council not earlier than three days or not later than seven days, if the Zila Council is not already in session.

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

(4) If the motion referred to in sub-section (1) is approved by majority of the votes of its total membership through a secret ballot, the Election Authority shall cause a vote to be cast by the members of Union Councils in the district.

(5) Where the motion is approved by simple majority of the members of the Union Councils in the district present and voting, the Naib Zila Nazim shall cease to hold office from the date of notification to be issued in this behalf by the Election Authority.

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

(7) The Naib Zila Nazim shall have the right to appear before the Zila Council and address it in his defence.

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

Recall of a Naib Zila Nazim

48. (1) In case the office of Zila Nazim falls vacant by reason of his death, resignation or removal, the Zila Council shall elect one of its members to be the officiating Zila Nazim till a new Zila Nazim is elected under the provisions of section 156:

Provided that Naib Zila Nazim shall convene the meeting of the Zila Council for the election of officiating Zila Nazim within ten days from the death, resignation or removal of Zila Nazim, as the case may be:

Provided further that the officiating Nazim shall not be a candidate for the office of Zila Nazim in the election for Zila Nazim.

THE SINDH LOCAL GOVERNMENT ORDINANCE 2001

SINDH ORDINANCE NO.XXVII OF 2001

CHAPTER V
TALUKA AND TOWN MUNICIPAL ADMINISTRATION

Composition of Taluka Municipal Administration

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

Town Municipal Administration

50. (1) In every town in a City District there shall be a Town Municipal Administration which shall be a body corporate and consist of the Town Nazim, Town Municipal Officer, Town Officers, Chief Officers and other officials of the Local Council Service and officials of the offices entrusted to the Taluka Municipal Administration.

EXPLANATION.- For the purpose of sections 49 and 50, the expression 'Chief Officers' refers to Chief Officers of the dissolved Local Councils established under Sindh Local Government Ordinance, 1979 (XII of 1979).

Provisions relating to Talukas apply to towns

51. The provisions relating to Taluka Municipal Administration shall, 1[subject to Section 33 and 36,] *mutatis mutand*, apply to Town Municipal Administration and, in their application to the town in a City District, shall have effect as if references therein to the Taluka Municipal Administration, Taluka Nazim, Taluka Council, Village Council and Village were references, respectively, to the Town Municipal Administration, Town Nazim, Town Council, Neighbourhood Council and Neighbourhood under this Ordinance.

Entrustment of certain decentralised offices to Taluka Municipal Administration

52. On commencement of this Ordinance, the functions, administration and financial management of the offices of Local Government and Rural Development Department, Public Health Engineering Department and Housing and Physical Planning Department at the regional, zonal, circle, divisional, district, Taluka and lower levels shall stand entrusted to the Taluka Municipal Administration, along with the employees working in these offices:

Provided that the Government may direct for retention of a nucleus office of Housing and Physical Planning Department with the District Government for intra-district coordination of Taluka spatial plan:

Provided further that Water and Sanitation Agencies coming under the control of District Government under sub-section (3) of section 182 functioning in a Taluka shall further be decentralized to the concerned Taluka Municipal Administration.

Provided also that Water and Sanitation Agency or similar agencies functioning in a City District and coming under the control of City District under sub-section (3) of section182 may further be decentralised to the City District Administration or, according to requirements of service delivery, may be decentralised to towns in a City District.

Structure of the Taluka Municipal Administration

53. (1) The Taluka Nazim shall head the Taluka Municipal Administration.

(2) The Taluka Municipal Administration shall include the offices and sub-offices of the Urban Local Councils established under the Sindh Local Government Ordinance, 1979 (XII of 1979), offices and sub-offices of Local Government and Rural Development Department, Public Health Engineering Department and Housing and Physical Planning Department entrusted to it under section 52 for administrative and financial management thereof and sub-offices and other offices set-up by it under this Ordinance and grouped under the Taluka Municipal Officer.

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

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

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

(iii) Taluka Officer (Planning) who shall be responsible for spatial planning and land use control; building control; and coordination of development plans and

projects with Union Administration, Village Councils and other local governments.

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

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

(5) Notwithstanding the dissolution of Town Committees, Municipal Committees and Municipal Corporations under this Ordinance, 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 Committees and Corporations shall remain intact and continue providing municipal services and the officers and staff working therein shall come under the executive control of the Taluka Nazim through the Taluka Municipal Officer:

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

Functions and powers of the Taluka Municipal Administration

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

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

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

(c) execute and manage development plans;

(d) exercise control over land-use, land- subdivision, land development and zoning by public and private sectors

for any purpose, including for agriculture, industry, commerce, markets, shopping and other employment centres; residential, recreation, parks, entertainment; passenger and freight transport and transit stations;

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

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

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

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

(f) prevent encroachments;

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

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

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

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

(iii) storm water drainage;

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

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

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

(vii) street lighting

(viii) fire fighting;

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

(x) slaughter houses;

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

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

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

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

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

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

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

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

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

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

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

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

(u) maintain municipal records and archives; and

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

(2) The Taluka Municipal Administration may,-

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

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

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

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

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

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

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

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

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

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

Fiscal transfer to Taluka Municipal Administration.

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

Taluka Nazim

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

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

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

Functions of Taluka Nazim

57 . The functions of Taluka Nazim shall be-

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

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

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

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

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

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

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

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

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

Taluka Municipal Officer.-

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

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

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

(2) The Taluka Municipal Officer shall-

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

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

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

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

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

Personal responsibility of Taluka Nazim.

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

Resignation of Taluka Nazim

60. The Taluka Nazim may resign from office by tendering resignation in writing addressed to the Chief Executive of the Province.

Vacancy of the Office of Taluka Nazim

61. (1) In case the office of Taluka Nazim falls vacant for reason of his death, resignation or removal or, where in the opinion of the Taluka Council, he has become incapable to perform his functions on account of mental or physical incapacity, the Naib Taluka Nazim shall act as Taluka Nazim till an officiating Nazim is appointed under sub- section (6) of section 156 or a new Taluka Nazim is elected under sub-section (5) of that section:

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

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

External recall of Taluka Nazim

62. (1) If in the opinion of the Zila Nazim, the continuance in office of a Taluka Nazim is against the public policy or interest of the people or he is guilty of misconduct, the Zila Nazim may move a motion in the Zila Council stating the grounds for the recall of Taluka Nazim.

(2) Where the motion referred to in sub-section (1) is approved through a resolution passed by a simple majority of the total membership of the Zila Council, the Election Authority shall cause such resolution to be voted upon by the members of the Union Councils in the Taluka.

(3) Where the motion referred to in sub-section (1) is approved by a simple majority of the total membership of the Union Councils in the Taluka, the Taluka Nazim shall cease to hold office from the date of the notification issued by the District Government under sub-section (4).

(4) The result of the approval of the resolution of the Zila Council referred to in sub-section (2) and approval of motion referred to in sub-section (3) by the members of the Union Councils in the Taluka shall immediately be notified by the District Government in the official Gazette.

(5) Nothing contained in sub-sections (1) and (2) shall affect the provisions of section 161 in respect of removal of Taluka Nazim by the Chief Election Commissioner.

Internal recall of a Taluka Nazim

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

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

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

(4) If the motion referred to in sub-section (1) is approved by majority of the votes of its total membership through a secret ballot, the Election Authority shall cause a vote to be cast by the members of Union Councils in the district.

(5) Where the motion is approved by a simple majority of the total members of Union Councils of the Taluka, Taluka Nazim shall cease to hold office from the date of notification to be issued in this behalf by the Election Authority.

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

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

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

Setting aside an order of Taluka Nazim

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

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

CHAPTER VI

TALUKA AND TOWN COUNCILS

Composition of Taluka and Town Councils

65. (1) There shall be a Taluka Council in a Taluka and a Town Council in a town in a City District and shall consist of Naib Nazims of all Union Councils in the Taluka or town, as the case may be, and the following members elected on reserved seats, namely:-

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

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

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

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

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

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

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

(4) The Taluka Council and Town Council shall have their offices under the Naib Taluka Nazim or Naib Town Nazim, as the case may be, and shall have separate budget allocations.

Provisions of Taluka Council apply to Town Council

66. The provisions relating to Taluka Council shall, *mutatis mutandis*, apply to Town Council and any reference in these provisions to Taluka Nazim, Naib Taluka Nazim or Taluka Municipal Administration shall, respectively, be read as reference to Town Nazim, Naib Town Nazim and Town Municipal Administration.

Functions and powers of the Taluka Council

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

(i) to approve taxes, cess, rates, rents, fees, user-charges, tolls, levies, fines and penalties proposed by Taluka Municipal Administration specified in 3[Part-III] of the Second Schedule;

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

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

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

(v) to approve posts of personal staff for the office of Taluka Nazim and the terms and conditions of their service:

Provided that no post of advisor, special assistant, press or political secretary to the Taluka Nazim shall be sanctioned or approved.

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

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

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

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

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

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

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

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

(xiv) to authorise the Taluka Municipal Administration, subject to applicable laws and with the prior permission of the Government through District Government, for floating municipal bonds for raising funds for financing municipal projects; and

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

Power to appoint officiating Taluka Nazim.-

68. Where the office of Taluka Nazim falls vacant by reason of his death, resignation or removal, the Taluka Council shall, from amongst its members, elect an officiating Taluka Nazim, till a new Taluka Nazim is elected under the provisions of sub-section (5) of section 156:

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

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

Conduct of the business of Taluka Council.

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

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

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

(4) All meetings of the Taluka Council shall be presided over by the Naib Taluka Nazim.

(5) In its first session, the Taluka Council shall elect a panel of presiding officers, in order of precedence, of not less than three members who shall, in the absence, of or in the case where a motion for recall of Naib Taluka Nazim has been moved, preside over the meetings of the Taluka Council.

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

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

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

Address of Taluka Nazim

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

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

Resignation of Naib Taluka Nazim.

71. The Naib Taluka Nazim may resign from office by tendering resignation in writing addressed to the Taluka Nazim.

Recall of a Naib Taluka Nazim.-

72. (1) If in the opinion of a member of Taluka Council, there is a reason to believe that the Naib Taluka Nazim is acting against the public policy or the interest of the people or for any other reason, he may, seconded by another member of the Council, give a notice to the Taluka Council for moving a motion for recall of Naib Taluka Nazim.

(2) On receipt of notice referred to in sub-section (1), the senior-most presiding officer in the panel referred to in sub-section (5) of section 69 shall summon a session of Taluka Council not earlier than three days but not later than seven days, if the Taluka Council is not already in session.

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

(4) If the motion referred to in sub-section (1) is approved by majority of the votes of its total membership through a secret ballot, the Election Authority shall cause a vote to be cast by the members of Union Councils in the Taluka.

(5) Where the motion is approved by a simple majority of the members of the Union Councils of the Taluka present and voting, the Naib Taluka Nazim shall cease to hold office from the date of notification to be issued in this behalf by the Election Authority.

(6) Where the motion fails in the Taluka Council, the proposer and seconder of such motion shall lose their seats both as Naib Union Nazims of respective Union Councils and as members of Taluka Council.

(7) The Naib Taluka Nazim shall have the right to appear before the Taluka Council and address it in his defence.

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

Joint Committees of Councils

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

CHAPTER VII
UNION ADMINISTRATION

Composition of Union Administration

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

Structure of Union Administration

75. (1) The Union Nazim shall be the head of the Union Administration.

(2) The Naib Union Nazim shall deputise the Union Nazim during his temporary absence.

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

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

Functions of the Union Administration

76. The functions of Union Administration shall be-

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

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

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

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

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

(f) to establish and maintain libraries;

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

(h) to organize cattle fairs and cattle markets;

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

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

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

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

(m) to arrange facilities for the handicapped, destitute and poor;

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

(o) to regulate grazing areas;

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

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

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

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

Assignment of functions to Village Council

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

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

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

Entrustment of functions by District Government, etc

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

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

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

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

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

Government to prescribe powers of Union Administration.

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

Functions of Union Nazim

80. A Union Nazim shall-

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

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

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

(d) constitute Musalihat Anjuman;

(e) dispose of the business of Union Administration; and

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

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

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

(iii) environmental and health hazards;

(iv) adulteration of articles of food; and

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

Personal responsibility of Union Nazim

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

Setting aside decisions of Union Nazim

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

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

Resignation by Union Nazim

83. The Union Nazim may resign from his office by tendering resignation in writing addressed to Naib Zila Nazim.

External Recall of Union Nazim

84. (1) If there is reason to believe that a Union Nazim is working against the public policy or the interest of the people, the Zila Nazim may move a resolution in the Zila Council to recall the Union Nazim.

(2) If a resolution is passed by a majority of the total membership of the Zila Council, the Election Authority shall cause the resolution referred to in sub-section (1) to be voted upon by the members of the Union Councils, Village Councils and Neighbourhood Councils in the Union.

(3) Where the Union Councils, Village Councils and Neighbourhood Councils approve the resolution referred to in subsection (2) by a simple majority of their total membership, the

Union Nazim against whom the resolution is approved shall cease to hold office from the date of approval of such resolution.

(4) Nothing contained in sub-sections (1) and (2) shall affect the provisions of section 161 in respect of recall of Union Nazim.

Internal recall of Union Nazim

85. (1) If in the opinion of a member of Union Council, there is a reason to believe that the Union Nazim is acting against the public policy or the interest of the people or on the ground of inaction or neglect to serve the needs of the people, he may, seconded by another member of the Council, give a notice to move a motion in the Union Council for recall of Union Nazim.

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

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

(4) If the motion referred to in sub-section (1) is approved by majority of the votes of the total membership of the Union Council through a secret ballot, such motion shall be caused by the Election Authority to be voted upon by the members of the village Councils and Neighbourhood Councils in the Union and if such motion is approved by the simple majority of the total members of the Village Councils and Neighbourhood Councils, the Union Nazim shall cease to ho0ld office from the date of notification to be issued by the District Government under sub-section (6).

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

(6) The District Government shall notify the result of the approval of the motion.

(7) The Union Nazim shall have the right to appear before the Union Council and address it in his defence.

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

Joint Committees of Councils

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

CHAPTER VIII
UNION COUNCIL

Composition of the Union Council

87. (1) There shall a Union Council in each Union comprising twenty- one following members elected directly in accordance with section 148-

(a) twelve Muslim members, elected to general seats, including four reserved for women;

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

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

(d) Union Nazim and Naib Union Nazim elected as joint candidates:

Provided that in a Union where the population of minorities is in excess of ten percent of the total population of the Union, reserved seats for minorities communities mentioned in clause (c) shall be allocated in the manner prescribed by the Government.

Functions of the Union Council

88. (1) The functions of the Union Council shall be to-

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

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

(c) facilitate the formation and functioning of Citizen Community Boards;

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

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

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

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

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

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

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

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

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

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

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

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

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

Conduct of the business of Union Council

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

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

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

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

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

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

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

Address of Union Nazim

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

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

Resignation by Naib Union Nazim

91. The Naib Union Nazim may resign from his office by tendering resignation in writing addressed to Zila Nazim.

Recall of Naib Union Nazim

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

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

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

(4) If the motion referred to in sub-section (1) is approved by a majority of the votes of its total membership through a secret ballot, the Naib Union Nazim shall cease to hold office on approval of the motion by the Union Council.

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

(6) The District Government shall notify the result of the approval of the motion by the Union Council.

(7) The Naib Union Nazim shall have the right to appear before the Union Council and address it in his defence.

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

CHAPTER IX
VILLAGE AND NEIGHBOURHOOD COUNCILS

Declaration of Village and Neighbourhood Councils

93. Within ninety days of the assumption of office, upon a proposal of the Taluka Municipal Administration or Town Municipal Administration, as the case may be,-

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

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

Composition of Village Council and Neighbourhood Council

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

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

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

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

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

Election of Village Council and Neighbourhood Council

95. (1) The Taluka Municipal Administration and Town Municipal Administration shall, within ninety days after declaration of Villages and Neighbourhoods conduct the elections of Village Councils and Neighbourhood Councils as may be prescribed.

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

(3) Where a Taluka Council or Town Council does not make declaration referred to in section 93 or where a Taluka Municipal Administration or, as the case may be, Town Municipal Administration fails to conduct elections of Village Councils or

Neighbourhood Councils within ninety days referred to in sub-section (1), the District Government shall make such declaration or, as the case may be, conduct the elections of the Village Councils and Neighbourhood Councils within thirty days from the declaration made by it.

(4) The vacancies of the members of the Village Council or, as the case may be, Neighbourhood Council referred to in section 93 shall be filled in by the persons securing highest number of votes.

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

Function of Village Council and Neighbourhood Council.

96. (1) The functions of the Village and Neighbourhood Councils shall be to-

(a) develop and improve water supply sources;

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

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

(d) take measures to prevent contamination of water;

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

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

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

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

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

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

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

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

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

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

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

(c) identifying encroachments;

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

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

(f) collecting land revenue and other taxes.

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

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

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

Village Council and Neighbourhood Council to develop facilities

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

(2) Village Council and Neighbourhood Council shall facilitate creation of the Citizen Community Boards for development and maintenance of municipal and community welfare facilities.

CHAPTER X
CITIZEN COMMUNITY BOARD

Composition of Citizen Community Board

98. (1) In every local area, groups of non-elected citizens may, for development and improvement in service delivery, set up a Citizen Community Board and through voluntary, protective and self-help initiative take up-

(a) improvement of delivery of service by a public facility;

(b) development and management of a new public facility;

(c) welfare of the handicapped, destitute, widows and families in extreme poverty;

(d) establishment of framing, marketing and consumers' cooperatives;

(e) identification of development and municipal needs and mobilization of resources;

(f) formation of stakeholder associations for community involvement in the improvement and maintenance of specific facilities; and

(g) reinforcing the capacity of specific Monitoring Committee at the behest of the concerned Council;

Explanation.- For the purpose of this section, the expression 'stockholder association', means voluntary association, such as parent-teacher association patient-hospital management association, school management association or farm water association or citizen-police liaison association.

(2) In carrying out its purposes, a Citizen Community Board may interact with voluntary organizations for community welfare.

(3) The Citizen Community Board shall be registered with the registration authority as may be prescribed.

(4) The Citizen Community Board shall have a general body of its members who shall elect a Chairman, Executive Committee and a Secretary of the Board for carrying out its functions.

(5) The term of office of the Chairman, members of the Executive Committee and Secretary of the Citizen Community Board shall be two years extendable through election for a similar term or terms by the general body.

Conduct of Business

99. (1) All business of the Citizen Community Board shall be disposed of in its meetings which shall be presided over by the Chairman.

(2) The Executive Committee of the Citizen Community Board shall hold its meetings at least once in every three months.

(3) The quorum of the meetings of the Executive Committee of the Citizen Community Board shall be forty per centum of the total membership of the Executive Committee.

(4) The quorum of the meetings of the general body of the Citizen Community Board shall be one fourth of its total membership.

(5) The Secretary of the Citizen Community Board shall be responsible for recording the proceedings of the meetings and maintaining financial and accounting record.

(6) The Secretary shall present the annual statement of accounts in the annual meeting of the Citizen Community Board and after its approval the statement shall be submitted to the registration authority within thirty days.

(7) The Citizen Community Board may, in its general meeting, remove any office bearer or member by a resolution on account of unsatisfactory performance or misconduct.

(8) The Chairman and Secretary shall be responsible for safe custody and management of property and assets of the Citizen Community Board.

(9) All funds of the Citizen Community Board shall be kept in a bank or post office and all transactions shall be made through cheques.

(10) The accounts of the Citizen Community Board shall be operated jointly by the Chairman and the Secretary.

(11) The accounts of the Citizen Community Board shall be maintained by the Secretary.

Raising of funds by Citizen Community Board

100. (1) A Citizen Community Board may raise funds through voluntary contributions, gifts, donations, grants and endowments for its declared purposes without compromising the larger interest of the community.

(2) A Citizen Community Board may also receive project-based cost sharing support from any local government in accordance with the provisions of this Ordinance.

Citizen Community Board to be a non-profit organization

101. (1) A Citizen Community Board shall be a non-profit organization and its income and assets shall be used solely for the attainment of its objectives, and no portion of the income shall be paid by way of dividend, profit or bonus to any of its members or contributors:

(2) In case of dissolution or de-registration of a Citizen Community Board, its assets shall, where a local government has contributed towards creation of any assets or funds, pass on the such local government and the assets or funds, pass on to such local government through any of its agency or any other Citizen Community Board.

(3) The accounts of the Citizen Community Board shall be subject to audit as may be prescribed.

CHAPTER XI
MUSALIHAT ANJUMAN

Constitution of Musalihat Anjuman

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

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

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

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

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

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

Encouragement for amicable settlement of disputes

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

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

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

Courts may refer cases to Musalihat Anjuman

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

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

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

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

Appointment of Musleh (Conciliator) for individual cases

105. Where in a dispute the parties request for appointment of a person other than the Musaleheen (Conciliators) in the panel referred to in section 102 in a particular case as a Musleh (Conciliator), the Union Nazim may, in consultation with the Insaf Committee, appoint such person as Musleh (Conciliator) for that case.

Procedure of settlement of disputes

106. (1) The Convener of the Musalihat Anjuman selected under section 102 shall-

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

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

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

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

THE SINDH LOCAL GOVERNMENT ORDINANCE 2001

SINDH ORDINANCE NO.XXVII OF 2001

CHAPTER XII
LOCAL GOVERNMENT FINANCE

Establishment of Funds and Public Accounts:

107. (1) There shall be established-

(a) a local fund for every District Government, Taluka Municipal Administration, Town Municipal Administration and Union Administration.;

(b) a District Provincial Account for every District Government;

(c) a Taluka Provincial Account for every Taluka Municipal Administration; and

(d) a Town Provincial Account for every Town Municipal Administration;

(2) On the commencement of this Ordinance, the following sums shall be placed at the credit of the Local Fund of a local government-

(a) the funds of Metropolitan Corporation, Municipal Corporation, District Council, Municipal Committee, Town Committee and Union Council transferred to a local government as its successor under section 180;

(b) monies transferred by another local government under this Ordinance;

(c) grants made or monies received by a local government from Government or other authorities;

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

(d) the proceeds of taxes or charges levied by a local government under this Ordinance;

(e) rents and profits payable or accruing to a local government from immovable property vested in or managed by a local government;

(g) interest or profit from trusts administered or managed by a local government;

(h) gifts, grants or contributions to a local government by individuals or institution;

(i) income accruing form markets regulated by a local government;

(j) fines paid with respect to offences under this Ordinance or by-laws or under any other law for the time being inforce in which provision is made for the fines to be credited to the Local Fund established under this Ordinance, committed in the local area of a local government;

(k) refundable deposits received by a local government in respect of a local fund;

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

(m) any other sum received by or on behalf of a local government under this Ordinance or any other law for the time being in force.

(3) There shall be placed-

(a) to the credit of the District Provincial Account of a District Government, by monthly instalments, all monies budgeted for offices and functions decentralised to District Governments from the Provincial Consolidated Fund, other than the sums for the payment of the establishment costs of the employees of the Government offices decentralised to District Governments, but includes all Octroi and Zila grants from the Government; and

(b) to the credit of the Taluka Provincial Account or the Town Provincial Accounts, monies transferred to the concerned Taluka Municipal Administration or, as the case may be, Town Municipal Administration by the District Government from the District Provincial Account, except Octroi grants.

108. Custody of Local Funds and Provincial Accounts: (1) Monies credited to a Local Fund shall be kept in the government treasury, a post office or a bank in such manner as shall be specified by the Government from time to time.

(2) Monies credited to a District Provincial Account shall be kept in the State Bank of Pakistan or treasury and shall be operated through the concerned District Accounts Office.

(3) Monies credited to a Taluka Provincial Account or Town Provincial Accounts, shall be kept in the State Bank of Pakistan or treasury and shall be operated in the prescribed manner through the concerned District Accounts Office as notified by the Government.

Application of Funds

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

(2) A District Government shall transfer from its District Provincial Account, by monthly installments, to the Local Fund of Taluka Municipal Administrations or Town Municipal Administrations, as the case may be monies equivalent to the total of the annual Octroi grants made to the Urban Local Councils within the local area of the Taluka Municipal Administration or Town Municipal Administrations as existed, immediately before the commencement of this Ordinance.

(3) A District Government may transfer monies to a Taluka Municipal Administration monies additional to those referred to in subsection (2) as given in the approved budget of the District Government:

Provided that-

(a) such monies transferred from its District Provincial Account shall be transferred to the Taluka Provincial Account or the Town Provincial Account, as the case may be;

(b) such monies transferred from the Local Fund of the District Government shall be transferred to the Local Fund of the Taluka Municipal Administration or Town Municipal Administration.

(4) The District Government shall transfer, by monthly installments, from its District Provincial Account to the Local Fund of each Union Administration in its local area, an equivalent amount of the total Zila Tax grant for the district to each Union Local Fund.

(5) A local government may subject to sub-section (3), transfer approved budget amounts to any local government, Village Council or Neighbourhood Council or Citizen Community Board, within its local area, for expenditure for carrying out a project, service or activity transferred to, or managed by, the recipient local government, Village Council, Neighbourhood Council or Citizen Community Board.

(6) No Local government shall transfer monies to a higher level of local government except by way of repayment of debts.

(7) Monies credited to a District Provincial Account or a Taluka Provincial Account or a Town Provincial Account shall not be used for payment of salaries.

(8) The monies transferred under sub-section (2) and (4) shall be charged on the District Provincial Account.

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

(10) The application of a Local fund of shall as provided in the budget approved by a council shall be subject to budgetary constraints by ratio to be prescribed for development works and expenditure on establishment.

(11) Where expenditure from a Local Fund on development is less then fifty percent of the Local Fund, the development component shall increase, in equal successive increments over three years, from its current level so as to ensure a fifty percent development expenditure by the end of the said three years.

(12) The development budget shall be prioritized in accordance with the bottom up planning system as laid down in section 119.

Provided that-

(a) not less than fifty percent of the development budget shall be set apart for utilization in accordance with the provisions of Section 119 and

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

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

Budget of Zila Council

110. The Zila Council budget will be charged on the District Local Fund.

Budget Preparation

111. (1) The budget for each District Government, Taluka Municipal Administration or Town Municipal Administration shall contain-

(a) amount credited to the District Provincial Account, Taluka Provincial Account or Town Provincial Account, as the case may be; and

(b) amounts available in the respective Local Fund.

(2) To facilitate the budget preparation by the District Government, Taluka Municipal Administration and Town Municipal Administration, the Government shall, before the beginning of each financial year, notify the provisional amount which may be credited to the District Provincial Accounts or Taluka and Town Provincial Accounts other than the salaries specified in sub-section (3) of section 107.

(3) The Government shall provide details of the amounts in the prescribed chart of classifications to be credited to the District Provincial Accounts, Taluka Provincial Account and Town Provincial Account.

(4) The District Government and Taluka Municipal Administration or Town Municipal Administration may, re-appropriate expenditure inter and intra departmentally.

Provided that every re-appropriation shall be approved by the respective Council.

(5) Upon notification of the budget estimates for the year by the Government for the District Provincial Account, the District Government shall notify the estimates to be transferred to-

(a) the Taluka Municipal Administration or Town Municipal Administration for the Taluka Local Fund or, as the case may be, Town Local Fund; and

(b) the Union Administration for the Union Local Fund.

(6) Before the beginning of a financial year, every Zila Nazim, Taluka Nazim or Town Nazim shall present a statement of re-appropriations of the respective Provincial Accounts to the respective Councils, for approval of the expenditure:

Provided that such statement shall be prepared in accordance with the budget format showing the existing and re-appropriated amounts:

Provided further that any re-appropriation during the year shall be approved by the respective Council.

(7) Before the commencement of each financial year, the District Government, Taluka Municipal Administration, Town Municipal Administration and Union Administration shall, for respective Local Funds, prepare in the prescribed manner, a budget for that year, in conformity with the provision of section 119.

Approval of Budget

112. (1) Before the commencement of the next financial year, every Nazim shall, after the laying of the budget by the Provincial Government, within the prescribed period, present the budget for approval by the respective Council before the beginning of such financial year:

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

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

(3) The Budget of a District Government, Taluka Municipal Administration, Town Municipal Administration and Union

Administration shall be approved by simple majority of the total membership of the respective Councils.

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

(5) In case a budget is not approved by a Council before the commencement of the financial year to which it relates, the concerned Local Government shall spend money under various heads on pro rata basis in accordance with the budgetary provisions of the preceding financial year for a period not exceeding fourteen days.

(6) At any time before the expiry of the financial year to which a budget relates, a revised budget for the year may, if necessary, be prepared by the District Government, Taluka Municipal Administration, Town Municipal Administration and Union Administration and approved by the respective Council.

(7) A budget shall not be approved if-

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

(b) the constraints specified in section (10) and (11) of section 109 and section 119 have not been complied with.

Honouraria and Allowances

113. The District Government, Taluka Municipal Administration, Town Municipal Administration and Union Administration shall make budgetary provisions for honoraria and allowances of the Nazims, Naib Nazims, and members of the Council concerned.

Accounts

114. (1) The accounts of the receipts and expenditure of District Government, Taluka Municipal Administration, Town Municipal Administration and Union Administration shall be kept in such manner and in such form and registers as may be prescribed:

Provided that until and new procedure for keeping the accounts is provided-

(a) the District Accounts Officer shall maintain the accounts of each District Provincial Account;

(b) the Accounts Officer notified for maintaining the Taluka Provincial Accounts or Town Provincial Account shall keep the accounts of the Taluka Provincial Accounts or, as the case may be, Town Provincial Accounts; and

(c) the accounts of Local Funds shall be maintained as may be prescribed.

(2) The District Accounts Officer shall provide information, necessary to compile the Provincial Consolidated Accounts.

(3) A statement of accounts shall include such statement for the respective District Provincial Account, Taluka Provincial Account, Taluka Provincial Account and Town Provincial Account, and such statement from the respective Local Fund accounts for each Local Fund and a copy thereof and other statements as may be prescribed, shall be placed at a conspicuous place for public information.

(4) The statement referred to in sub-section (3) shall be affixed at a conspicuous place for information of the public.

(5) The respective Accounts Committees of the Council shall hold office public hearings in which objections for review of statement of accounts referred to in sub-section (3).

(6) The respective Council may, on presentation of statement of accounts, discuss such statement and forward the same to the Director of Local Fund Audit and Director-General Audit of the Province alongwith its observation and recommendations.

Audit

115. (1) The Director Local Fund Audit shall conduct regular annual audit of the Local Funds and the Director-General Audit of the Province shall undertake audit of the District, Taluka and Town Provincial Accounts during a financial year.

(2) Upon request of a Nazim, the Provincial Director, Local Fund Audit, shall cause to be conducted an audit of the respective Local Fund.

(3) Upon request of a Zila Nazim, Taluka Nazim or Town Nazim the Director-General Audit of the Province shall cause the audit of District Provincial Accounts, Taluka Provincial Account or, as the case may be, Town Provincial Account and shall forward his report to the concerned Nazim and Council.

(4) The report of the Local Fund Audit shall be placed before the concerned Nazims and the Accounts Committee of the respective Councils for necessary action.

(5) The Provincial Director-General Audit shall conduct the external audit of each District Government, Taluka Municipal Administration, Town Municipal Administration and Union Administration, in the prescribed manner once in a financial year and place the report before the Public Accounts Committee of the Provincial Assembly and the Accounts Committee of the respective Council.

(6) The Local Government Commission of a Province may cause for a special audit of the accounts of a local government as provided for in section 132.

(7) The Provincial Director-General Audit or an officer appointed by him, or Director, Local Fund Audit for conducting an audit of a local government and shall have access to all the books and documents pertaining to the accounts and may also examine any member, servant or premises of the local government concerned.

Taxes to be Levied

116. (1) A Zila Council, Town Council or Union Council may levy taxes, cess, fees, rates, rents, tolls, charge, surcharges and levies specified in the Second Schedule by notification in the official Gazette.

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

(3) A Council may, levying a tax, increase, reduce suspend, abolish or exempt the levy of any tax for such period as may be specified.

Rating Areas and Property Tax.

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

(2) The Taluka Council or Town Council shall, subject to the approval of the Zila Council, determine the rate of property Tax in an area within the Taluka or as the case may be, town:

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

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

Explanation*:* For the purpose of this Section the "rate" shall mean the tax leviable under the Sindh Urban Immovable Property Tax Act 1958 (W.P. Act V of 1958).

Collection of Taxes

118. (1) All taxes levied under this Ordinance shall be assessed, regulated and collected in the prescribe manner.

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

Bottom up Planning and the Ownership Incentive System

119. (1) The Citizen Community Boards may receive from a local government matching grants up to fifty percent of the budget amounts of an approved development scheme in the manner prescribed.

(2) A Local Government may grant to the Citizen Community Boards within the local areas, up to eighty percent of an approved development scheme in the manner prescribed:

Provided that a scheme shall be deemed to be an approved scheme if:

(i) the prescribed departmental procedure for estimating the cost of the scheme has been followed;

(ii) the Citizen Community Board has deposited its share of the cost of the development scheme in the scheme prescribed for the purpose, and

(iii) the complete departmental estimates and the proof of deposit of the Citizen Community Board's contribution are attached.

(2) The matching grants referred to in sub-section (1) shall be spend from the reserved fifty percent of the development budget as provided in section 109.

(3) A cut off date, not less than thirty days before the presentation of the budget, shall be announced by each local government for registration of all scheme proposals from Citizen Community Boards with District Municipal Administration or Union Administration, as the case may be.

(4) The authorized officer of the respective level of local government shall draw up a statement specifying the schemes in sub-section (3) by classification including the total amount of contributions for a particular classification of scheme.

(5) A second statement shall determine contributions amounts for a particular classification of schemes as a ratio of the total contributions for all schemes registered with a particular Local Government for that year and the statement shall be used to determine amounts of allocations for a classification of schemes from the budget reserved for the purpose.

(6) A third statement shall be drawn up which shall identify the number of schemes registered in a particular classification, beginning with the scheme containing the highest contribution by the Citizen Community Board in a classification until all the schemes in the classification are selected or the funds allocated for the particular classification in the amount determined in subsection (5) are exhausted.

(7) The statement referred to in sub-section (6) shall be appended to the budget of the District Government, Taluka Municipal Administration, Town Municipal Administration or Union Administration, as the case may be, for approval as part of the budget by the respective Council.

(8) The schemes approved by the respective Councils shall be carried out as prescribed by the Government.

Local Governments not to Incur Debt

120. (1) No Local Government shall incur any debt except in the manner provided in this Ordinance.

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

CHAPTER XIII
LOCAL GOVERNMENT PROPERTY

Ownership of immovable property

121. (1) Subject to any reservations made, or any conditions imposed by the Government, the property specified hereunder shall vest in the respective local government if it is-

(a) vested in a local government through succession as provided in section 180.

(b) transferred to the local government by the Government or any other authority, organisation or an individual; and

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

(2) The properties of the Government in possession of the local councils established under Sindh Local Government Ordinance, 1979 (XII of 1979) shall pass on to their successors as provided in section 180 till varied by the Government.

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

Transfer of Property by the Government

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

Stock taking by the Nazim

123. (1) Every Zila Nazim, Taluka Nazim, Town Nazim and Union Nazim shall, on assumption of his office and thereafter, once in every year on a date fixed by him, take the physical stock of movable and immovable properties of the concerned local government and submit a report to the concerned Council.

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

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

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

(c) particulars of unserviceable articles;

(d) particulars of losses, if any; and

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

Use and disposal of properties of local governments

124. (1) Properties of local governments shall be used only for public purposes.

(2) Immovable properties of local governments shall, subject to section 125, not be sold or permanently alienated:

Provided that such properties may be given on lease through competitive bidding by public auction for periods not exceeding five years at a time.

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

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

Acquisition of immovable property

125. Whenever any local government considers it necessary or expedient it may acquire or purchase any immovable property for public purposes:

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

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

Loss of property of local government

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

CHAPTER XIV
GOVERNMENT- LOCAL GOVERNMENTS RELATIONS

Relations of Government with the District Government

127. (1) The District Government shall carry out its decentralised functions in accordance with the provisions of this Ordinance and the rules made thereunder.

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

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

Directions by Chief Executive of the Province

128. (1) The Chief Executive of the Province may, by himself or through any officer specifically authorized by him, issue directions to the District Government through the concerned Zila Nazim for the purpose of-

(a) preventing any grave threat to public peace and order;

(b) handling emergencies and providing relief therefor; and

(c) protection and security of the people and the security and integrity of the State or any part thereof.

(2) Where the situation demands immediate action and the Zila Nazim fails to comply with the directions given to him under sub-section (1), the Chief Executive of the Province may require the Chief Secretary to direct the Inspector General Police and the District Coordination Officer concerned to take such actions as the situation may necessitate.

Suspension of Zila Nazim

129. (1) Where in the opinion of the Chief Executive of the Province the Zila Nazim deliberately avoiding or failing to comply with the directions given by the Chief Executive of the Province under section 128, the Chief Executive of the Province may suspend the Zila Nazim.

(2) The suspension of the Zila Nazim under sub- section (1), shall be subject to ratification by the Provincial Assembly within thirty days.

(3) If the Provincial Assembly by a simple majority of its total membership ratifies the suspension of the Zila Nazim, he shall stand removed from his office:

Provided that the Zila Nazim shall be provided with an opportunity of being heard by the Provincial Assembly.

(4) If the Provincial Assembly does not ratify the suspension of the Zila Nazim, the orders of the Chief Executive of the Province shall cease to have effect.

(5) During the period of suspension of a Zila Nazim, the Naib Zila Nazim shall act as Zila Nazim in accordance with the provisions of section 22.

Entrustment of certain functions to District Government

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

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

(3) The Government may, with the agreement of the District Government, decentralise any of its office other than the offices decentralised to the District Government under section 15 or entrust any of its functions to the District Government.

(4) The Government shall provide technical and administrative support and fiscal resources as may be determined by the Government.

Provincial Local Government Commission.-

131. (1) The Government shall appoint a Provincial Local Government Commission which shall consist of persons of integrity and good track record of public service-

(a) the Minister for Local Government shall be the Chairman ;

(b) two members from the civil society, one each nominated by the leader of the House and leader of the Opposition of the Provincial Assembly;

(c) two eminently qualified and experienced technocrat members selected by the Government; and

(d) Secretary, Local Government and Rural Development Department, shall be ex- officio member and secretary of the Commission.

Provided that in case of equality of vote, the Chairman shall have a casting vote.

(2) The Provincial Local Government Commission may, for the performance of its functions, co-opt any official of the Government for any specific assignment.

(3) The tenure of the Chairman and members of the Provincial Local Government Commission, other than Secretary, Local Government Department, shall be four years.

(4) The Local Government Department shall provide secretarial support to the Local Government Commission and the Department shall render assistance in the functioning of the Commission.

(5) No act or proceedings of the Provincial Local Government Commission shall be invalid by reason or existence of any vacancy in, or defect in the constitution of the Commission.

(6) The Government shall provide funds for the Provincial Local Government Commission in the annual budget.

Functions of the Provincial Local Government Commission.

132. The functions of the Provincial Local Government Commission shall be as, otherwise, provided in this Ordinance and, in particular, it shall-

(a) conduct annual and special inspections of the local governments and submit reports to the Chief Executive of the Province;

(b) conduct, on its own initiative or, whenever, so directed by the Chief Executive of the Province, an inquiry by itself or through District Government into any matter concerning a local government;

(c) cause, on its own initiative or, whenever, so directed by the Chief Executive of the Province, a special audit by itself or direct a District Government to arrange a special audit, of any local government;

(d) resolve disputes between any Department of the Government and District Government or between two District Governments:

Provided that if the Local Government Commission fails to settle the dispute, the aggrieved party may move the Chief Executive of the Province for resolution thereof;

(e) enquire into the matters referred to it by the District Coordination Officer under the provisions of sub-section (3) of section 28 and by the Government under sub-section (4) of section 30 and give its decision thereon or, as the case may be, make report to the competent authority; and

(f) submit to the Chief Executive of the Province an annual report on the over-all performance of the district and Taluka level local governments.

Responsibility of the Provincial Local Government Commission.

133. The Provincial Local Government Commission shall be responsible to the Chief Executive of the Province.

Zila Mohtasib

134. (1) Without prejudice to the provisions as contained in the Sindh enactment regarding Provincial Mohtasib, in every district there shall be a Zila Mohtasib.

(2) The Zila Mohtasib shall redress citizens' complaints against mal-administration of the holders of public offices in the local governments within the district.

Explanation.- For the purpose of this section, the expression 'holders of public office' includes all functionaries of the District Government, Taluka Municipal Administration, Union Administration, Nazims, Naib Nazims, District Police Officers and officials, members of the Councils and all officials of the Council.

(3) All holders of public offices shall aid and assist the Zila Mohtasib in exercise of his functions.

(4) The Zila Mohtasib shall hold office for a term of four years and shall be eligible for reappointment for a similar term.

(5) The Zila Mohtasib may resign his office by writing under his hand addressed to the Zila Council through Naib Zila Nazim.

(6) The manner of selection, appointment, removal, terms and conditions of service, functions, and powers of the Zila Mohtasib and procedures relating thereto shall be as given in the Third Schedule.

CHAPTER XV
INTERNAL CONTROLS

Inspection and supervision

135. (1) The Zila Nazim may designate inspecting officers to objectively examine the performance of a Taluka Municipal Administration, Town Municipal Administration and Union Administration in relation to service delivery as may be prescribed.

(2) The inspection reports shall be prepared on the specified format and forwarded to the Zila Nazim within the time fixed by him.

(3) Zila Nazim shall advise the concerned Nazim to take appropriate action on the report and inform the respective Council about the action taken thereon within thirty days.

(4) If any action is required to be taken against the concerned Nazim, the Zila Nazim may initiate proceedings for recall against such Nazim as provided in sections 62 and 64.

Enquiries

136. (1) The Zila Nazim may require any Taluka Nazim, Town Nazim or Union Nazim in the district to conduct an enquiry into any matter concerning respective local government and submit the report along with the proceedings of the enquiry to the Zila Nazim.

(2) On the basis of the findings of the enquiry, the Zila Nazim shall advise the concerned Nazim to take appropriate action on the report within thirty days and place it before the respective Council for information.

Transparency

137. (1) Every citizen shall have the right to information about any office of the District Government, Taluka Municipal Administration and Union Administration.

(2) Every office shall provide requisite information, if not restricted under any law for the time being in force, on the prescribed forms and on payment of such fee as may be prescribed.

(3) Information about the staffing and the performance of the office of a local government during the preceding month shall, as far as possible, be displayed at a prominent place within the premises of the office for access by the citizens.

Monitoring by committees

138. (1) The Monitoring Committees elected by the Zila Council shall be responsible for monitoring the functioning of the offices of the District Government and preparing quarterly evaluation reports on the prescribed format.

(2) The Monitoring Committees of Taluka Council and Town Council shall be responsible for monitoring the functioning of the offices of the Taluka Municipal Administration or Town Municipal Administration and preparing quarterly evaluation reports on the prescribed format.

(3) The Monitoring Committees of Union Council shall be responsible for monitoring the functioning of all offices of the District Government, Taluka Municipal Administration, Town Municipal Administration and Union Administration for delivery of services within its area and preparing quarterly evaluation reports on the prescribed format.

(4) The reports referred to in sub-sections (1) to (3) shall, in particular, contain evaluation of the performance of each office in relation to –

(a) achievement of its targets;
(b) responsiveness to citizens' difficulties;
(c) efficiency in the delivery of services; and
(d) transparent functioning.

(5) The Monitoring Committees shall submit their quarterly reports to the respective Councils which may through a resolution require the respective Nazim to take necessary action.

(6) The Monitoring Committees shall function without intruding and interfering in the day to day working of the offices of the local governments and shall not cause any harassment to the functionaries thereof, nor shall assume command and control of such offices.

(7) Notwithstanding any punishment provided in any law for the time being in force, any member of the Monitoring Committee violating the provisions of sub- sections (5) and sub-section (6) shall be removed from the Monitoring Committee by the respective Council.

(8) Any functionary being aggrieved of any misbehaviour, undue interference, harassment or misconduct by a member or members of a Monitoring Committee may report to the Ethics Committee of the concerned Council and may invoke disqualification proceedings against such member or members.

(9) The concerned Monitoring Committee may recommend to the competent authority the payment of bonuses or performance pay to the functionaries of the local governments in recognition of their efficient performance, subject to availability of funds for this purpose.

(10) The Monitoring Committee may identify inefficiency or corruption of functionaries of local governments and report to the concerned Nazim for appropriate action and remedial measures and the Nazim shall inform the concerned Council within thirty days of the action taken by him.

Ethics Committees (Code of Conduct Committees) of the Councils

139. (1) There shall be an Ethics Committee in each Council consisting of such number of members as the Council may determine.

(2) The Ethics Committee shall ensure adherence of all members of the Councils, Nazims and Naib Nazims to the prescribed code of ethics for promoting their honest, responsible and efficient functioning and behaviour;

(3) The Ethics Committee shall monitor the conduct of the elected representatives and report to the concerned Council the incidents of inefficiency and corruption.

(4) On receipt of a report under sub-section (3), a Council may, by resolution of the majority of its members, invoke proceedings of disqualification against such member.

Zila Mushavirat Committee

140. (1) There shall be constituted a Zila Mushavirat Committee consisting of the Zila Nazim, Naib Zila Nazim and all Taluka Nazims and Town Nazims in the district.

(2) The Zila Nazim shall be the Chairman of the Zila Mushavirat Committee and the Zila Coordination Officer shall act as its Secretary.

(3) The Zila Mushavirat Committee shall meet at least once in every three months or as and when called into meeting by the Zila Nazim or on the request of any two members of the Committee.

(4) The functions of the Zila Mushavirat Committee shall be-

(a) to crystallise vision for integrated development of the district.

(b) to prioritise and co-ordinate inter-Taluka development plans;

(c) to resolve intra-district disputes;

(d) to muster resources for crisis management; and

(e) to set directions for realizing economic potential of the district.

THE SINDH LOCAL GOVERNMENT ORDINANCE 2001

SINDH ORDINANCE NO.XXVII OF 2001

CHAPTER XVI
PENALTIES AND LEGAL PROCEEDINGS

Offences

141. An act or omission specified in the Fourth Schedule shall be an offence liable to punishment by way of imprisonment or penalty under this Ordinance.

Notices and authorisation

142. Each Nazim shall authorise an officer or officers under his administrative control --

(a) to issue legal notices on behalf of the respective Administration for violation or commission of any offence under this Ordinance, rules or bye-laws;

(a) to take such measures and actions for compliance of directions contained in the notices issued restraining violations or commission of any offence under this Ordinance, rules or bye-laws; and

(b) to initiate legal proceedings, defend any legal proceedings initiated against the local government, attend court proceedings and represent the concerned local government.

Cognizance of offences

143. (1) No court shall take cognizance of any offence under this Ordinance except on a complaint in writing received from the Nazim, or an officer or a person generally or specially authorized by the local government or on a complaint made by an affected citizen if no action is taken on the complaint made by him under sub-section (2).

(2) The Nazim or an officer or any other person generally or specially authorised by him may, on his own motion, or on the complaint of any affected citizen, institute any suit or initiate prosecution or any other legal action against a person committing an offence under this Ordinance.

Summary disposal of cases.-

144. Except the offences specified in Part-I of the Fourth Schedule, a court taking cognisance of the offences punishable under this Ordinance shall try such offences in a summary manner in accordance with the provisions of the Code of Criminal Procedure 1898 (Act V of 1898).

Punishments and Penalties

145. (1) Whoever commits any of the offences specified in Part-I of the Fourth Schedule shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both and, if the offence is continued, with a further fine which may extend to one thousand 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 offence specified in Part-II of the Fourth Schedule shall be punishable with imprisonment which may extend to six months and with fine which may extend to five thousand rupees and, if the offence is continued, with a further fine which may extend to two hundred rupees for every day after the date of first commission during which period the offender has persisted in the offence.

(3) Whoever commits any of the offence specified in Part-III of the Fourth Schedule shall be punishable with imprisonment which may extend to one month, or with fine which may extend up to five thousand rupees, or with both and, if the offence is continued, with a further fine which may extend up to one hundred rupees for every day after the date of first commission during which period the offender has persisted in the offence.

Punishments and Penalties

145. (1) Whoever commits any of the offences specified in Part-I of the Fourth Schedule shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both and, if the offence is continued, with a further fine which may extend to one thousand 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 offence specified in Part-II of the Fourth Schedule shall be punishable with imprisonment which may extend to six months and with fine which may extend to five thousand rupees and, if the offence is continued, with a further fine which may extend to two hundred rupees for every day after the date of first commission during which period the offender has persisted in the offence.

(3) Whoever commits any of the offence specified in Part-III of the Fourth Schedule shall be punishable with imprisonment which may extend to one month, or with fine which may extend up to five thousand rupees, or with both and, if the

offence is continued, with a further fine which may extend up to one hundred rupees for every day after the date of first commission during which period the offender has persisted in the offence.

Compounding of offences.

146. Subject to provision of section 345 of the Code of Criminal Procedure 1898 (Act V of 1898), except as otherwise provided, the Nazim or an officer or any other person generally or specially authorised by the local government in this behalf, may, at any time or after the commission of the offence but before the conclusion of proceedings in the court, compound any offence under this Ordinance.

Rights of Citizen not affected.-

147. Nothing contained in Section 143 shall restrict or limit the rights of the citizens or residents of a local area to bring any suit or other legal proceedings against any local government, its officers or other functionaries violating his rights available to him under any law for the time being in force.

CHAPTER XVII
LOCAL GOVERNMENT ELECTIONS

Franchise

148. (1) Members of a Union Council including Union Nazim and Naib Union Nazim shall be elected through elections based on adult franchise and on the basis of separate electorate.

(2) The Electoral College for the election of Zila Nazim and Naib Zila Nazim, and reserved seats of women, peasants and workers, and minorities in the Zila Council shall be all the members of Union Councils in the district, including Union Nazims and Naib Union Nazims.

(3) The electoral college for the election of a Taluka Nazim, Town Nazim, Taluka Naib Nazim, Town Naib Nazim and reserved seats of women, peasants and workers, and minorities in the Taluka Council and Town Council shall be all the members of the Union Councils in the Taluka or, as the case may be, town, including Union Nazims and Naib Union Nazims:

Provided that for the election for reserved seats for women in Zila Council proportionately divided among Talukas or towns shall be all members of the Union Councils in a Taluka or, as the case may be, town.

Explanation: For the purpose of this section, all members of Union Councils notified as returned candidates in the elections held under this Ordinance shall be deemed to be members of the electoral college.

Manifesto.

149. (1) The candidates for the seat of a Zila Nazim, Taluka Nazim and Town Nazim shall, before the election to such office, make public a manifesto containing the policies and programmes they propose to pursue and implement, if elected.

(2) The manifesto prepared under sub-section (1) shall be attached to the nomination papers.

Authority for local government elections

150. (1) The local government elections under this Ordinance shall be conducted by the Chief Election Commissioner in pursuance of the Local Government Elections Order, 2000 (Order No.8 of 2000).

(2) The Chief Election Commissioner may require any person or authority to perform such functions or, render such assistance for the purpose of elections, including preparation of electoral rolls under this Ordinance as deemed fit.

(3) The Chief Election Commissioner may authorise any of his officers to exercise any of his powers and to perform any of his functions under this Ordinance.

(4) The elections to the local governments shall be held every three years so as to enable their installation on the 14th day of August of the year in which elections are held.

Delimitation of electoral wards

151. (1) The electoral ward for the election of a Zila Nazim and Naib Zila Nazim shall be a district; for a Taluka Nazim and Naib Taluka Nazim, a Taluka; for a Town Nazim and Naib Town Nazim, a town; and for a Union Nazim and Naib Union Nazim, a Union.

(2) The Union shall be a multi-member ward for election of members of a Union Council.

Delimitation of electoral wards

152. (1) A person shall qualify to be elected or to hold an elective office or membership of a local government, if he-

(a) is a citizen of Pakistan;

(b) is at least twenty five years of age;

(c) is enrolled as a voter in the electoral rolls of the relevant ward;

(d) is of good character and is not commonly known as one who violates Islamic injunctions; has adequate knowledge of Islamic teachings and practices, obligatory duties prescribed by Islam as well as abstains from major sins; provided that these qualifications shall not apply to a person who is a non-Muslim, but such a person shall have a good reputation;

(e) has academic qualifications of not less than matriculation or secondary school certificate or equivalent from a recognized institution, for contesting the election of a Nazim or a Naib Nazim;

(f) has not been declared by a competent court to be of unsound mind;

(g) is not in the service of the Federal, a provincial or a local government or, any statutory body or a body which is controlled by any such government or, in which any of such government has a controlling share or interest, except the holders of elected public office and part-time officials remunerated either by salary or fee; provided that in case of a person who has resigned or retired from such service, a period of not less than six months has elapsed since his retirement;

(h) has not been dismissed, removed or compulsorily retired from public service on the grounds of moral turpitude;

(i) does not possess assets which are inconsistent with his declaration of assets or justifiable means, whether held in his own name or of the dependents or any other person or corporate body in whose name assets are held in trust or under any other formal or informal arrangement whereby the de-facto control of such assets including their sale, transfer or pecuniary interest, is retained by him;

(j) has not been adjudged a wilful defaulter of any tax or other financial dues owed to the federal, a provincial, or a local government or any financial institution, including utility bills outstanding for six months or more;

(k) has not been convicted by a court of competent jurisdiction on a charge of corrupt practice involving moral turpitude or misuse of power or authority under any law for the time being in force;

(l) has not been sentenced to imprisonment for more than three months for an offence under any law and, a period of not less than five years has elapsed since his release; and in case of a member or a holder of a public office, has not been sentenced to imprisonment;

(m) has not failed to file the required return of election expenses or is not convicted for exceeding the limits of election expenses prescribed under the electoral laws;

(n) has not been declared an un- discharged insolvent by any court;

(o) does not engage in any transaction involving pecuniary interest with the local government of which he is a member;

(p) does not absent himself without reasonable cause from three consecutive meetings of the council of which he is a member; provided that a member shall not be disqualified if the absence was necessitated by a national emergency or force majeure;

(q) does not fail to attend a training course as required under section 189 of this Ordinance;

(r) has not been and is not involved, in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society; and

(s) has not used, directly or indirectly, for his election the platform, flag, symbol, affiliation and financial or material resources or support of a political, religious, ethnic or sectarian party, formation or organization.

(2) Whoever-

(a) is found by the Chief Election Commissioner to have contravened the provisions of sub-section (1) shall stand disqualified from being a candidate for election to any office of the local governments for a period of four years; or

(b) having been elected as a member of a local government or is a holder of an elective office of the local government is found by the Chief Election Commissioner to have contravened the provisions of sub- section (1) shall cease forthwith to be an elected member or to hold the office of such member and stand disqualified from being a candidate for election to a local government for a period of four years.

Non-party elections

153. Local government elections shall be held on non-party basis.

Joint candidacy and elections

154. (1) A Zila Nazim and Naib Zila Nazim, a Taluka Nazim and Naib Taluka Nazim, a Town Nazim and Naib Town Nazim and a Union Nazim and Naib Union Nazim shall contest election in their respective electoral wards as joint candidates:

Provided that, on occurrence of a casual vacancy, a candidate for the office of a Nazim or Naib Nazim shall contest the election for such office in his individual capacity.

(2) Union Nazim and Naib Union Nazim securing the highest number of votes as joint candidates shall be declared elected.

(3) The Zila Nazim and Naib Zila Nazim, a Taluka Nazim and Naib Taluka Nazim, and a Town Nazim and Naib Town Nazim securing as joint candidates more than fifty percent of votes shall be declared elected.

(4) In case a Zila Nazim or Naib Zila Nazim, or a Taluka Nazim and Naib Taluka Nazim, or a Town Nazim and Naib Town Nazim do not secure more than fifty percent of the total votes of the

members of the Union Councils in the respective district, Taluka or, as the case may be, town there shall be held a fresh election within one week of the first election for which the joint candidates securing the highest and the second highest number votes in the first election shall be contestants, and the joint candidates securing the highest number of votes in the fresh elections shall be declared elected.

Allocation of reserved seats

155. (1) Reserved seats for women in the Zila Council shall be divided among the Talukas and towns in the City District in proportion to the number of Unions in such Talukas or, as the case may be, towns.

(2) A Taluka and town in the City District shall be a multi-member ward for the reserved seats for women in the Zila Council, Taluka Council and Town Council.

(3) A district shall be a multi-member ward for the reserved seats for peasants and workers, and minority population in the Zila Council.

Election to vacant seats

156. (1) If a seat of a member becomes vacant during the term of office of a Council, a new member shall be elected through by-election and the member elected in by-election shall hold office for the remaining portion of the term of the Council.

(2) If any seat reserved for women remains vacant, the same shall be filled through by-elections and the elected women member shall hold office for the remaining portion of the term of the Council.

(3) All by-elections shall be held once a year on a date or dates fixed by the Chief Election Commissioner.

(4) A vacancy of Union Nazim or Naib Union Nazim shall be filled through by-election within sixty days of the occurrence of vacancy as provided in sub-section (1) of section 148.

(5) A vacancy of Zila Nazim, Naib Zila Nazim, Taluka Nazim or Town Nazim shall be filled through by-election within thirty days of the occurrence of vacancy as provided in sub-sections (2) and (3) of section 148.

(6) When the office of a Zila Nazim, Taluka Nazim or Town Nazim falls vacant, the members of the concerned Council shall by a majority vote elect an officiating Nazim from amongst its members

as provided in section 48 and 68 respectively, and the person so elected shall continue to retain his office as a member also:

Provided that the officiating Nazim shall not be a candidate in the by-election held for election of the Nazim.

(7) When the office of a Union Nazim, falls vacant, the members of the concerned Council shall by a majority vote elect an officiating Union Nazim from amongst its members and the person so elected shall continue to retain his office as a member also:

Provided that the officiating Nazim shall not be a candidate in the by-election held for election of the Union Nazim.

Electoral rolls

157. (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 Chief Election Commissioner may specify.

(2) The electoral rolls for the local government elections shall be prepared by the Chief Election Commissioner in the manner as he may deem appropriate and the electoral rolls shall not be invalid by reason of any erroneous description therein of any person listed or of an omission of the name of any person entitled to be enrolled or of inclusion of the name of any person not so entitled.

Bar against dual membership

158. The holder of an elective office may contest election for any other political office, provided that he resigns before filing his nomination papers for election to the new office.

Term of office

159. (1) The term of office of a local government shall be three years commencing on the 14th day of August of the year in which elections are held:

Provided that a local government, notwithstanding the expiry of its term of office, shall continue to hold office until the successor local government assumes office.

(2) The Government shall notify the assumption of offices by Nazims, Naib Nazims and members of the local governments.

(3) A Zila Nazim, Naib Zila Nazim, Taluka Nazim, Naib Taluka Nazim, Town Nazim, Naib Town Nazim, Union Nazim or a Naib Union Nazim shall not hold the same office for more than two terms.

Oath of office

160. (1) The elected Nazims, Naib Nazims and members shall take oath before assuming the charge of their respective offices.

(2) A Zila Nazim, Naib Zila Nazim and the members of Zila Council shall be administered oath of office by the concerned District and Sessions Judge.

(3) A Taluka Nazim, Naib Taluka Nazim, Town Nazim, Naib Town Nazim and members of the Taluka Council and Town Council shall be administered oath of office by an Additional District and Sessions Judge designated by the District and Sessions Judge of the concerned district.

(4) A Union Nazim, Union Naib Nazim and members of a Union Council shall be administered oath of office by a judicial officer designated by the District and Sessions Judge of the concerned district.

Removals

161. (1) Where proceedings of disqualification under section 152 have been initiated by any person against a member, Nazim or Naib Nazim, the Election Commission or any authority authorised by it may issue a notice to show cause to a member, Nazim or, as the case may be, Naib Nazim, within a specified period as to why proceedings against him may not be taken for his removal for breach of any of the provisions of section 152.

(2) Where the Election Commission or an authority authorised by it is not satisfied with the reply to the notice to show cause referred to in subsection (1) or any reply to the said notice is not filed within the period fixed by him, he may order for an enquiry in the matter and for that purpose appoint an enquiry officer.

(3) On the basis of enquiry held under sub-section (2), the Election Commission or an authority authorised by it may order the removal of a member, Nazim or, as the case may be, Naib Nazim:

Provided that before an order of removal is passed, the member, Nazim or, as the case may be, Naib Nazim against whom enquiry proceedings are carried out shall be afforded a reasonable opportunity of being heard, including personal hearing if so requested.

Resignations

162. (1) A member of the Council may resign from his office by writing under his hand addressed to the Naib Nazim of the concerned Council, whereupon the resignation shall be deemed to have been accepted and effective forthwith.

(2) Copies of all resignations shall be forwarded to the Election Commission and the Government.

(3) Notwithstanding the resignation of a member any proceeding for removal under section 161, if already initiated, shall not abate.

Ineligibility for re-election

163. Where a member or a Nazim or a Naib Nazim has been removed or recalled he shall not be eligible for re-election to any office of local government for a period of four years.

Notifications to be issued

164. The Chief Election Commissioner shall notify every election, by-election and result of such elections and resignation, removal or recall of a member, Nazim or Naib Nazim, as the case may be.

Corrupt practice

165. 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.

Bribery

166. 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 retried 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.

Personating

167. A person is guilty of personating, if he votes or applies for a ballot paper for voting as some other person whether that other person is living or dead or fictitious.

Undue influence

168. A person is guilty of undue influence, if he-

(a) in order to compel any person to vote, refrain from voting, or to induce or compel any person to withdraw his candidature at an election, directly or indirectly, by himself or by any other person on his behalf-

(i) makes or threatens to make use of any force, violence or restraint;
(ii) inflicts or threatens to inflict any injury, damage, harm or loss; or
(iii) uses any official influence or Governmental patronage; or

(b) on account of any person having voted or refrained from voting, or having withdrawn his candidature, does any of the acts specified in clause (a); or

(c) by abduction, duress or any fraudulent device or contrivance-

(i) impedes or prevents the free exercise of the franchise by a voter; or

(ii) compels, induces or prevails upon any voter to refrain from voting or compels any voter to vote.

Explanation.- In this section, 'harm' includes social ostracism or ex-communication or expulsion from any caste or community.

Illegal practice

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

(a) obtains or procures, or attempts to obtain or procure, the assistance of any officer or official of the Federal Government, a Provincial Government or a local government or authority to further or hinder the election of a candidate;

(b) votes or applies for a ballot paper for voting at an election knowing that he is not qualified for voting or is disqualified from voting.;

(c) votes or applies for a ballot paper for voting more than once at any polling station;

(d) removes a ballot paper or a ballot box from a polling station or destroys, damages or tampers with the ballot-box used at a polling station;

(e) knowingly induces or procures any person to do any of the aforesaid acts; or

(f) fails to provide statement of election expenses as required under this Ordinance.

(g) makes or publishes a false statement-

(i) concerning the personal character of a candidate or his relation calculated to

adversely affect the election of such candidate or, for the purpose of promoting or procuring the election of another candidate, unless he proves that he had reasonable ground for believing, and did believe, the statement to be true;

(ii) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate; or

(iii) regarding the withdrawal of a candidate;

(h) knowingly, in order to support or oppose a candidate, lets, lends, employs, hires, borrows or uses any vehicle or vessel for the purpose of conveying voters to or from the polling station, except when a person conveys himself or any member of the household to which he belongs, to or from the polling station;

(i) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting.

Prohibition of canvassing

170. A person is guilty of an offence punishable with fine which may extend to two thousand rupees, if he, on the polling day in connection with the election-

(a) convenes, calls or organises within a ward any meeting; or

(b) within a radius of two hundred meters of the polling station-

(i) canvasses for votes;

(ii) solicits vote of any voter;

(iii) persuades any voter not to vote at the election or for a particular candidate; or

(iv) exhibits, except with the permission of the returning officer and at a place reserved for the candidate or his polling agent beyond the

radius of one hundred meters of the polling station, any notice, sign, banner or flag designed to encourage the voters to vote, or discourage the voters from voting, for any contesting candidate.

Disorderly conduct near polling station

171. A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to three thousand rupees, or with both, if he-

(a) uses, in such manner as to be audible within the polling station any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds; or

(b) persistently shouts in such manner as to be audible within the polling station; or

(c) does any act which—

(i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting; or

(ii) interferes with the performance of the duty of a presiding officer, polling officer or any other person performing any duty at a polling station; or

(d) abets the doing of any of the aforesaid acts.

Tampering with papers

172. A person is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both, if he;

(a) fraudulently defaces or destroys any nomination paper or ballot paper;

(b) fraudulently takes out of the polling station any ballot paper or puts into any ballot box any ballot paper other than the ballot paper he is authorized under the rules to put in;

(c) without due authority-

(i) supplies any ballot paper to any person;

(ii) destroys, takes, opens or otherwise interferes with any ballot box or packet or ballot papers in use for the purpose of election; or

(iii) breaks any seal affixed in accordance with the provisions of the rules; or

(d) causes any delay or interruption in the beginning, conduct or completion of the procedure required to be immediately carried out on the close of the poll; or

(e) fraudulently or without due authority attempts to do any of the aforesaid acts.

Interference with the secrecy of voting

173. A person is guilty of an offence punishable with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both, if he:

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

(2) in any manner obtains or attempts to obtain, in a polling station, information as to the candidate for whom a voter in that station is about to vote or has voted, or

(3) communicates at any time any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted.

174. 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-

(a) fails to maintain or aid in maintaining the secrecy of voting; or

(b) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

175. Conduct of officials.- A presiding officer, polling officer or any other officer or clerk performing a duty in connection with an election, or any member of a police force, is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, if he, during the conduct or management of an election or maintenance of order at the polling station:

(a) persuades any person to give his vote;

(b) dissuades any person from giving his vote;

(c) influences in any manner the voting of any person;

(d) does any other act calculated to further or hinder the election of a candidate;

(e) fails to maintain or aid in maintaining the secrecy of voting;

(f) communicates, except for any purpose 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

(g) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

Breach of official duty

176. A presiding officer or any other person employed by any such officer in connection with his official duties imposed by or under this Ordinance, is guilty of an offence punishable with fine which may extend to five thousand rupees, if he, without reasonable cause, does or omits to do an act in breach of any official duty.

Assistance by government servants

177. A person in the service of the Federal Government, a Provincial Government, a local government, or a body owned or controlled by the Federal or a Provincial Government is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both if he, in any manner, gives any assistance calculated to further or hinder the election of a candidate.

Summary trial

178. All offences under this Ordinance except the offences under sections 165 to 168 shall be tried summarily under the provisions of the Code of Criminal Procedure 1898 (Act V of 1898).

Cognizance

179. No court shall take cognizance of the offences under sections 175 and 176 except on the complaint in writing of the returning officer concerned.

CHAPTER XVIII
MANAGING TRANSITION

Succession of the properties, assets and liabilities

180. Subject to section 123, on commencement of this Ordinance, the properties, assets and liabilities of the Local Councils, namely, Metropolitan Corporations, Municipal Corporations, District Councils, Municipal Committees, Town Committees, Union Councils under the Sindh Local Government Ordinance, 1979 (XII of 1979), shall be succeeded by the following local governments under this Ordinance: -

(a) City District Government in the case of Metropolitan Corporation or Municipal Corporation in the concerned City District, as the case may be;

(b) District Government in the case of District Council;

(c) Taluka Municipal Administration in the case of Municipal Corporations, Municipal Committees and Town Committees in the Taluka, as the case may be; and

(d) Union Administration in the case of Union Councils:

Provided that the liabilities of the predecessor local governments shall be discharged in accordance with the existing arrangements:

Provided further that the discharge of liabilities of the decentralised offices shall remain with the Government.

First Nazims and Councils.

181. (1) The first local governments under this Ordinance shall be established on the 14th day of August, 2001.

(2) The Zila Nazims shall assume the office of the head of respective District Governments under this Ordinance on the 14th day of August, 2001, and the Government shall issue notification of the assumption of their office.

(3) The Taluka Nazims and Town Nazims shall assume the office of the head of Taluka Municipal Administration and Town Municipal Administration, as the case may be, under this Ordinance on the 14th day of August, 2001, and the Government shall issue notification of the assumption of their offices.

(4) The Union Nazims shall assume the office of the head of the Union Administration under this Ordinance on the 14th day of August, 2001, and the Government shall issue notification of the assumption of their offices.

(5) The Government shall make arrangements of accommodation for the offices of the local governments and, as far as possible, for that purpose the existing infrastructure shall be utilized.

Administrative Transition

182. (1) On coming into force of this Ordinance, any office, authority or municipal body set up or controlled by the Government shall continue providing services without any interruption during the decentralization process or its entrustment to any local government under this Ordinance.

(2) All functionaries of the Metropolitan Corporations, Municipal Corporations, Zila Councils, Municipal Committees, Town Committees and Union Councils set up under the Sindh Local Government Ordinance, 1979 (XII of 1979), shall continue to perform their respective duties and responsibilities with the successor local government under this Ordinance, until transferred to any other local government.

(3) Subject to the provisions of sub-sections (1) and (2), the control of the development authorities, water and sanitation

agencies and solid waste management bodies shall vest in the following local governments-:

Authority/Agency	Local Government
(a) Development Authorities, Water and Sanitation Agencies or Board, and Solid Waste Management Bodies;	City District Government
(b) Development Authorities	District Government
(c) Water and Sanitation Agencies/Board and Solid Water and Management Bodies.	District Government

(4) The Government shall commence closing down the operations of divisional offices and, where applicable, regional, circle and zonal offices on the coming into force of this Ordinance, provided that such offices shall cease to function on 31st day of December, 2001.

(5) The Government shall, on the commencement of this Ordinance, decentralise administrative, financial and appellate powers of the divisional, regional and zonal officers to the Deputy District Officers, District Officers, Executive District Officers and District Coordination Officers, as the case may be.

(6) The District Governments shall appropriately re- organize the authorities, agencies and bodies referred to in sub-section (3) and decentralise such authorities, agencies and bodies to the Taluka Municipal Administration or, as the case may be, Town Municipal Administration in accordance with section 52.

Employees salaries not to be reduced on transfer, etc.

183. (1) On allocation, re-allocation or transfer of the employees of the Government, Metropolitan, Corporations, Municipal Corporations, District Councils, Municipal Committees, Town Committees and Union Councils or any other authority, agency or body to any local government established under this Ordinance, the salaries, emoluments and pensions of such employees shall not be reduced on such allocation, re-allocation or transfer.

(2) The Government shall ensure the payment of salaries, emoluments and pensions of the employees referred to in sub-section (1), including the employees of the Local Council Service and the servants of Local Councils set up under the Sindh Local Government Ordinance, 1979 (XII of 1979) during the financial year 2001-2002 or till such time as Government may deem appropriate.

Bar on recruitments

184. (1) During the transition period specified in section 187 and till the adjustment for optimal utilization of all employees of the Government, Local Council Service and Servants of Local Councils, no fresh recruitment shall be made to fill any vacancy in the local governments set up under this Ordinance, except with the express sanction of the Government;

(2) The Government shall make available the services of the employees placed in its surplus pool for utilization in the offices decentralised to the District Government, Taluka Municipal Administration, Town Municipal Administration and Union Administration.

(3) The local governments shall utilize the services of the employees of the Local Councils set up under the repealed Sindh Local Government Ordinance, 1979 (XIIof 1979) for meeting the shortfall in the offices of the Zila Councils, Zila Nazims, Taluka Councils, Taluka Municipal Administrations, Town Councils, Town Municipal Administrations, Taluka Nazims, Town Nazims and Union Administrations.

Financial transition

185. Financial transition.- (1) All taxes, cess, fees, rates, rents, tolls and charges which were being charged, levied and collected by any office of the Government, development authority, water and sanitation agency, board or solid waste management body or any Local Council, shall continue to be charged, levied and collected under this Ordinance by the successor local governments and every person liable to pay such taxes, cess, fees, rates, rents, tolls, charges and accumulated arrears and receivables shall continue to make payment thereof until revised, withdrawn or varied under this Ordinance.

(2) Where any Local Council established under the repealed Sindh Local Government Ordinance, 1979 (XII of 1979), was receiving any grant or any compensation in lieu of octroi, toll tax, export tax, or any other tax, the successor local government under this Ordinance shall continue to receive such grant or compensation.

Electoral Transition

186. (1) Notwithstanding anything contained herein before, the first Zila Councils, Taluka Councils, Town Councils and Union Councils constituted under this Ordinance shall be deemed to be validly constituted if sixty percent seats thereof are filled in the elections held under the Sindh Local Government Elections Ordinance, 2000 (X of 2000).

(2) In any local area in which this Ordinance is in force but a relevant local government is not validly constituted due to a natural calamity or conditions beyond human control, the Government, may empower any person or persons to perform all or any of the functions of that local government under this Ordinance till the elected government assumes the charge of the office.

Transitional timeframe

187. All actions required for giving effect to the provisions of this Ordinance and transition to the local government systems set up thereunder shall be completed by the 30th day of June, 2002.

CHAPTER XIX
MISCELLANEOUS

Complaint Cell

188. Every District Government, Taluka Municipal Administration, Town Municipal Administration and Union Administration shall set up a complaint cell for redressal of grievances within the ambit of their responsibilities under this Ordinance.

Training

189. The Nazims, Naib Nazims and members of the Councils shall attend training courses for such periods and in such manner and at such places as may be prescribed by the Government from time to time.

Appeals

190. Any person aggrieved by any order passed by a local government or its functionaries, in pursuance of this Ordinance or the rules or bye-laws made thereunder may appeal to such authority, in such manner and within such period as may be prescribed.

Rules

191. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the fore-going power, such rules may provide for all or any of the matters specified in Part-I of Fifth Schedule.

(3) The rules made under sub-section (1) shall be subject to previous publication in the official Gazette and shall meet the following considerations:-

(a) consistency with democratic decentralisation and subsidiarity;

(b) enhancement of welfare of the people;

(c) fairness and clarity; and

(d) natural justice and due process of law.

Bye-laws

192. (1) A Zila Council, Taluka Council, Town Council and Union Council may, in their ambit of responsibilities, make bye-laws to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the fore-going power, such bye-laws may provide for all or any of the matters specified in Part-II of the Fifth Schedule.

Members and servants to be public servants

193. All Nazims, Naib Nazims, members of the Councils, functionaries of the local government and every other person duly authorised to act on behalf of the local governments shall be public servants within the meanings of section 21 of the Pakistan Penal Code (Act XIV of 1860).

Action taken in good faith

194. No suit, prosecution, or other legal proceedings shall lie against any public servant serving in local governments for anything done in good faith under this Ordinance.

General powers of local governments

195. (1) Notwithstanding any specific provisions, every local government, the Village Council and Neighbourhood Council shall perform functions conferred by or under this Ordinance and in performance of such functions shall exercise such powers which are necessary and appropriate ancillary and incidental thereto.

(2) Until different provisions, rules or bye-laws are made, the respective local governments shall exercise such powers as are specified in the Sixth Schedule.

196. (1) On commencement of this Ordinance,- **Repeal and Savings.**

(i) the Sindh Local Government Ordinance, 1979 (XII of 1979), shall be repealed;

(ii) the Sindh Local Government Elections Ordinance, 2000 (X of 2000), shall be repealed; and

(iii) all Metropolitan Corporation, Municipal Corporations, District Councils, Municipal Committees, Town Committees and Union Councils created under the Sindh Local Government Ordinance, 1979 (XII of 1979) shall stand dissolved.

(2) Notwithstanding the repeal of Sindh Local Government Ordinance, 1979 (XII of 1979), and dissolution of all Metropolitan Corporations, Municipal Corporations, District Councils, Municipal Committees, Town Committees and Union Councils creted under the Sindh Local Government Ordinanc, 1979 (XII of 1979), under subsection (1), subject to sections 4 and 23 of the Sindh General Clauses Act, 1956 (W.P. Act VI of 1956), all rules, regulations and bye-laws made under the repealed Sindh Local Government Ordinance, 1979, so far those are not inconsistent with the provisions of this Ordinance shall continue to be in force until amended or varied by the competent authority.

Provided that, until otherwise decided by the Government, the Local Government Boards established under the Sindh Local Government Ordinance, 1979 (XII of 1979), for the administration of officers and officials of the Local Council Service shall continue to function.

(3) Notwithstanding the repeal of Sindh Local Government Elections Ordinance, 2000 (X of 2000), all Nazims, Naib Nazims, and members of the local governments elected under the said Ordinance shall be deemed to have been elected under this Ordinance and shall continue to hold their respective offices till the completion of their terms, unless earlier removed, resigned or recalled under this Ordinance.

197. The Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Ordinance. **Removal of difficulty**

THE SINDH LOCAL GOVERNMENT ORDINANCE 2001

SINDH ORDINANCE NO.XXVII OF 2001

FIRST SCHEDULE
[See sections 14 and 35)]

Part-A Decentralised Offices

(i) Civil Defence
(ii) Agriculture (Extension)
(iii) Livestock
(iv) On-Farm Water Management
(v) Soil Conservation
(vi) Soil Fertility
(vii) Fisheries
(viii) Forests
(ix) Labour
(x) Social Welfare
(xi) Sports and Culture
(xii) Cooperatives
(xiii) Boys Schools
(xiv) Girls Schools
(xv) Technical Education
(xvi) Colleges, (other than professional)
(xvii) Sports
(xviii) Special Education
(xix) Accounts, (excluding District Accounts Offices)
(xx) Basic & Rural Health
(xxi) Child & Woman Health
(xxii) Population Welfare
(xxiii) Hospitals
(xxiv) Environment
(xxv) Executive Magistracy (excluding for trial functions)
(xxvi) Land Revenue, Estate,
(xxvii) Excise and Taxation
xxviii) Housing Urban and Physical Planning and Public Health Engineering
xxix) Local Government & Rural Development
xxix) District Roads and Buildings
xxx) Transport.

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Part-B

Other Offices

(i) Coordination
(ii) Human Resource Management
(iii) Community Organization
(iv) Registration Office
(v) Enterprise and Investment Promotion.
(vi) Legal advice and drafting
(vii) Planning & Development
(viii) Public Health
(ix) Information Technology Development
(x) Information Technology Promotion
(xi) Database
(xii) Literacy Campaigns
(xiii) Continuing Education
(xiv) Vocational Education
(xv) Energy (Micro energy development / generation projects for use at local community level)
(xvi) Finance & Budget

Part-C

Groups of Offices

(i) District Coordination: Coordination, Human Resource Management and Civil Defence.

(ii) Agriculture: Agriculture (Extension), Livestock, Farm Water Management, Soil Conservation, Soil Fertility, Fisheries, and Forests.

(iii) Community Development: Community Organization, Labour, Social Welfare, Sports and Culture, Cooperatives, and Registration office.

(iv) Education: Boys Schools, Girls Schools, Technical Education, Colleges, (other than professional) Sports (Education) and Special Education.

(v) Finance and Planning: Finance & Budget, Planning & Development, Accounts, Enterprise and Investment Promotion.

(vi) Health: Public Health, Basic & Rural Health, Child & Woman Health, Population Welfare, District and Taluka (Hqrs.) hospitals.

(vii) Information Technology: Information Technology Development, Information Technology Promotion, and Database.

(viii) Law: Legal advice and drafting, and Environment.

(ix) Literacy: Literacy Campaigns, Continuing Education, and Vocational Education.

(x) Executive Magistracy (excluding for trial functions).

(xi) Revenue: Land Revenue & Estate and Excise and Taxation.

(xii) Works and Services: Spatial Planning and Development, District Roads and Buildings, Energy and Transport.

Part D

Group of Offices	Offices
(i) Public Transport	Public transportation and
	Passenger and freight transit Terminals
	Traffic planning, engineering and parking
(ii) Enterprise and Investment Promotion	Industrial estates and techno-logical parks.
	Cottage, small and medium seized enterprise promotion.
	Investment promotion and Protection.

(iii) Depending upon the economies of scale and nature of infrastructure the City District Government may vary grouping of offices contained in Part-C and set up district municipal offices for integrated development and management of the following services:

a . Water sources development and management, storage, treatment plants and macro-distribution.

b . Sewage tertiary and secondary network, treatment plants, and disposal.

c. Storm water drainage network and disposal.

d. Flood control protection and rapid response contingency plans.

e. Natural disaster and civil defence planning.

f. Solid waste management, treatment and disposal, including land fill cities and recycling plants.

g. Industrial and hospital hazardous and toxic waste treatment and disposal.

h. Environmental control, including control of air, water, and soil pollution in accordance with federal and provincial laws and standards.

i. Master planning, land use, zoning and classification, reclassification.

j. Urban design and urban renewal programme; promulgation of building rules and planning standards.

k. Parks, forests, play grounds, sporting, and other recreational facilities.

l. Museums, art galleries, libraries, community and cultural centres.

m. Conservation of historical and cultural assets n. Landscape, monuments, and municipal ornamentation.

o. Urban and housing development, including urban improvement and upgrading, and urban renewal and redevelopment, with care being taken to preserve historical and cultural monuments.

p. Regional markets and city-wide commercial centres.

THE SINDH LOCAL GOVERNMENT ORDINANCE 2001

SINDH ORDINANCE NO.XXVII OF 2001

SECOND SCHEDULE

[See Sections 39(b), *54(1),* 67(i) & 88(b)]

Part-I

Zila Council

1. Education tax.
2. Health tax.
3. Tax on vehicles other than motor vehicles.
4. Any other tax authorized by the Government.
5. Local rate on lands assessable to land revenue.
6. Fees in respect of educational and health facilities established or maintained by the District Government.
7. Fee for licenses granted by District Government.
8. Fees for specific services rendered by a District Government.
9. Collection charges for recovery of tax on behalf of the Government, as prescribed.
10. Toll on new roads, bridges, ferries within the limits of a District, other than national and provincial highways and roads.

Part-II

Taluka and Town Councils

1. Local tax on services.
2. Tax on the transfer of immovable property.
3. Property Tax on annual rental value of buildings and lands.
4. Fee on advertisement other than on radio, television and billboards.
5. Fee for fairs, agricultural shows, cattle fairs, industrial exhibition, tournaments and other public events.
6. Fee for approval of building plans and erection and re-erection of buildings.
7. Fee for licenses or permits and penalties or fines for violations.
8. Charges for execution and maintenance of works of public utility like lighting of public places, drainages, conservancy, and water supply.
9. Fee on cinemas, dramatical, theatrical shows and tickets thereof and other entertainment.
10. Collection charges for recovery of any tax on behalf of the Government, District Government, Union Administration or any statutory authority as prescribed

THE SINDH LOCAL GOVERNMENT ORDINANCE 2001

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Part-III

Union Council

1. Fees for licensing of professions and vocations.
2. Fee on sale of animals in cattle markets.
3. Market fees.
4. Fees for certification of births, marriages and deaths.
5. Charges for specific services rendered by the Union Council.
6. Rate for remuneration of Village and Neighbourhood guards.
7. Rate for the execution or maintenance of any work of public utility like lighting of public spaces, drainage, conservancy and water supply.

THIRD SCHEDULE

[See section 134(6)]

ORGANISATION, DUTIES AND POWERS OF ZILA MOHTASIB

1. **Selection**:

(1) The Government shall constitute a selection committee comprising the following three members :-

(i) a Judge of the High Court nominated by the Chief Justice of the High Court.

(ii) a member of Public Service Commission.

(iii) the provincial mohtasib.

(2) The selection committee shall advertise the position specifying the criteria of qualifications and experience for the appointment of Mohtasib.

(3) A person selected by the selection committee to be a Zila Mohtasib shall be appointed through a notification by the Zila Council.

(4) The Mohtasib shall take oath before the Zila council.

2. **Mohtasib not to hold any other office of profit, etc**. The Mohtasib shall not hold any other office of profit in the service of Pakistan; or, occupy any other position carrying the right to remuneration for rendering of services.

3. **Terms and conditions of service**:

(1) The Mohtasib shall be entitled to such salary, allowances and privileges and other terms and conditions of service as the Government may determine.

(2) The Mohtasib shall not be governed by the Civil Servants (Efficiency & Discipline) Rules.

(3) The Mohtasib may be removed from office by the Zila Council on ground of physical or mental incapacity only.

(4) A Mohtasib removed from office on the ground under sub-section (3) shall not be eligible to hold any office of profit in the service of local government in the district.

4. **Jurisdiction, functions, and powers of the Mohtasib**.

(1) The Zila Mohtasib shall, on a complaint by any aggrieved person or of his own motion, undertake any investigation into any allegation of mal-administration on the part of any office or local government or any of its officers or employees.

(2) The Zila Mohtasib shall, on a complaint by an official employed at any level of local government, under take investigation into allegation of an unlawful or motivated order passed by a Nazim, Naib Nazim or any superior or supervisory officer.

Provided that the Mohtasib shall not have any jurisdiction to investigate or inquire into any matter which:

(3) is *sub judice* before a court of competent jurisdiction or tribunal or board in Pakistan on the date of the receipt of a complaint, reference or motion by him; or,

(4) relates to any matter outside the purview of the local government.

(5) Notwithstanding anything contained in sub- clause (1), the Mohtasib shall not accept for investigation any complaint by or on behalf of a public servant or functionary concerning any matters relating to the department in which he is, or has been, working in respect of any personal grievance relating to his service therein.

5. **Procedure and Evidence**.

(1) A complaint shall be made on solemn affirmation in writing addressed to the Zila Mohtasib by the person aggrieved or, in the case of his death, by his legal representative.

(2) No anonymous or pseudonymous complaints shall be entertained.

(3) A complaint shall be made not later than six months from the date on which the person aggrieved first had the notice of the matter alleged in the complaint, but the Mohtasib may conduct any investigation pursuant to a complaint which is not within time if he considers that there are special circumstances which make it proper for him to do so.

(4) On acceptance of a complaint, the Mohtasib shall issue to the Executive District Officer of the office concerned, and any other person who is alleged in the complaint, a notice to rebut or redress the complaint.

Provided that the Mohtasib may proceed with the investigation if no response to the notice is received within thirty days of the receipt of the notice or, extension as may be allowed by the Mohtasib.

(5) The Mohtasib may adopt any lawful procedure he considers appropriate for investigation.

(6) A person shall be entitled to appear in person or be represented before the Mohtasib.

(7) The conduct of an investigation shall not affect any action taken by the department concerned, or any power or duty of that department to take further action with respect to any matter subject to the investigation.

(8) For the purposes of an investigation, the Mohtasib may require any officer or member of the office concerned to furnish any information or to produce any document, which is considered relevant and helpful in the investigation.

Provided that the Mohtasib may, in his discretion, on grounds of its being a secret, allow claim of privilege with respect to any information or document.

(9) In any case where the Mohtasib decides not to conduct an investigation, he shall send to the complainant a statement of his reasons for not conducting the investigation.

(10) The Mohtasib shall regulate the procedure for the conduct of business or the exercise of powers subject to this Ordinance.

6. **Recommendations for implementation**:

(1) After having considered a matter, on his own motion, or on a complaint or on a reference by the Zila Nazim, the Zila council, or on a motion by the district judge, as the case may be, if the Mohtasib determines that it amounts to mal-administration, he shall specify a corrective/ redressal measure and communicate his recommendation to the office concerned along with a copy to the complainant or the office making a reference to:

(a) consider the matter further,
(b) modify or cancel the decision, process or recommendation,
(c) explain more carefully the act or decision in question,

(d) take disciplinary action against any public servant of any office under the relevant laws applicable to him,

(e) dispose of the matter or case within a specified time,

(f) implement his recommendations to improve the working and efficiency of the office, within a specified time; or

(g) take any other step as deemed appropriate by the Mohtasib.

(2) The office concerned shall, within such time as may be specified by the Mohtasib, inform him about the implementation of his recommendations or the reasons for not complying with the same.

7. **Non-compliance of recommendation**.

(1) In case of 'Non-compliance' of his recommendations, the Mohtasib may refer the matter to the Zila Nazim who shall direct the office concerned to implement the Mohtasib's recommendations within the specified time limit and inform the Mohtasib accordingly.

(2) In case the Zila Nazim believes that implementation of the Mohtasib's recommendation is not in the public interest, he shall refer the matter to the Mohtasib for reconsideration stating the reasons for non-implementation.

(3) If the Mohtasib reaffirms his earlier recommendation, the Zila Nazim may refer the matter to the Chairman, Local Government Commission stating the grounds for not implementing the Mohtasib's recommendation in a particular case.

(4) The Chairman, Local Government Commission's decision on a reference by Zila Nazim under sub-section (4), shall be dispositive.

8. **Punitive action on reference by Mohtasib**:

(1) Where the Mohtasib is satisfied that any public servant is guilty of mal-administration, he may also recommend initiation of disciplinary action against the concerned official.

(2) In case the Mohtasib has reason to believe that any public servant has committed an offence, he may ask the concerned authority to institute criminal proceedings against such official.

9. **Powers of the Mohtasib**:

(1) The Mohtasib shall, for the purposes of this Ordinance, have the same powers as are vested in a Civil court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;
(b) compelling the production of documents;
(c) receiving evidence on affidavits; and
(d) issuing commission for the examination of witnesses.

(2) The Mohtasib shall have the power to require any person to furnish information on such points or matters as, in the opinion of the Mohtasib, may be useful for, or relevant to, the subject matter of any inspection or investigation.

(3) The powers referred to in sub-clause (1) may be exercised by the Mohtasib or any person authorised in writing by the Mohtasib.

(4) Where the Mohtasib finds a complaint or reference to be false, frivolous, vexatious or *mala fide*, he may award reasonable compensation to the office, public servant or other functionary against whom the complaint was made; and the amount of such compensation shall be recoverable from the complainant as arrears of land revenue.

Provided that the award of compensation under this clause shall not debar the aggrieved person from seeking civil and criminal remedy.

(5) If any office, public servant or other functionary fails to comply with a direction of the Mohtasib, he may, in addition to taking other

actions under this Ordinance, refer the matter to the appropriate authority for taking disciplinary action against the person who disregarded the direction of the Mohtasib.

10. Power to inspect:

Subject to the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), the Mohtasib or any official authorised by him may:

(1) inspect any article, book of accounts or other documents;

(2) take extract or copies of such books of accounts and documents;

(3) impound or seal any articles, books of accounts and documents.

11. Award of costs, compensation and refunds of amounts:

The Mohtasib may, where he deems necessary, call upon a public servant, or any office to show cause why compensation be not awarded to an aggrieved party for any loss or damage suffered by him on account of any mal-administration committed by such public servant or office, and after hearing such public servant or office, may award reasonable costs or compensation to the aggrieved person from the public servant or office or may withdraw the show cause notice.

12. Assistance and advice to Mohtasib:

(1) The Local Government and its officials shall provide assistance to the Mohtasib in the performance of his functions under this Ordinance.

(2) All officers of any office and any person whose assistance has been sought by the Mohtasib in the performance of his functions shall render such assistance to the extent it is within their power or capacity.

(3) No statement made by a person or authority in the course of giving evidence before the Mohtasib or his staff shall subject him to, or by used against him in any civil or criminal proceedings except for prosecution of such person for giving false evidence.

13. Conduct of business:

(1) The Mohtasib shall be the executive head of his office.

(2) The district government shall provide budgetary allocation for the office of the Mohtasib.

(3) The Mohtasib shall be the Principal Accounting Officer of the office in respect of the expenditure incurred against budget grant or grants controlled by the Mohtasib and shall, for this purpose, exercise all the financial and administrative powers delegated to the district coordination officer.

14. Affidavits:

The Mohtasib may require any complainant or any party connected or concerned with a complaint or with any inquiry or reference, to submit affidavit attested or notarised before any competent authority in that behalf within the time specified by the Mohtasib or his staff.

15. Mohtasib and staff to be public servants:

The Mohtasib, the employees, officers and all other staff of the office shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

16. Annual and other reports:

(1) Within three months of conclusion of the calendar year to which the report pertains, the Mohtasib shall present an annual report to the Zila council stating the objectives achieved during a year including the relief provided to the complainants having grievance against maladministration by the district government, and to the Taluka/Town Council, in relation to redressal of

grievances in respect of maladministration by Taluka/Town or union municipal administration.

(2) Simultaneously, reports referred to in sub- section (1) shall be released for publication and copies thereof shall be provided to the public at reasonable cost.

(3) The Mohtasib may also, from time to time, make public any of his studies, research, conclusions, recommendations, ideas or suggestions in respect of any matters being dealt with by the office.

17. **Bar of jurisdiction**:
No court or other authority shall have jurisdiction to grant an injunction or stay or to make any interim order in relation to any proceeding *sub judice* before the Mohtasib.

18. Limited immunity:
No suit, prosecution or other legal proceeding shall lie against the Mohtasib, his staff, nominees, or any person authorised by the Mohtasib for any action or decision taken in good faith to carry out his duties and responsibilities.

19. **Informal resolution of disputes**: Notwithstanding any thing contained in the Ordinance, the Mohtasib and a member of the staff shall have the authority to informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievance without written memorandum and without the necessity of docketing any complaint or issuing any official notice.

FOURTH Schedule

[See section 141, 144 and 145]

PART-I

1. Immovable encroachment in or on or under any property or any open space or land vested in or managed, maintained or controlled by a local government.

2. Without license from relevant authority manufacturing, storing, trading or carrying fire crackers, fire balloons or detonators or any dangerous chemical, inflammable, hazardous or offensive article or material.

3. Discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain, or public water course or public land in such manner as causes or is likely to cause danger to persons passing by or living or working in neighbourhood, or risk or injury to property.

4. Overcharging or illegally charging any tax, fee, fine, charge or rate by an employee of a local government or a contractor or his staff without the authority of a local government.

5. Preparing or using counterfeit or prescribed forms of the local government for recovery of taxes.

6. Erection or re-erection of building over set back area or parking area or building line area required to be left open under the rules for using such space for any purpose which is not approved.

7. Changing or converting into any other use any portion of a commercial building or area specified or earmarked for public parking.

8. Failure to demolish or otherwise secure a building declared by the local government to be dangerous building.

9. Failure of industrial or commercial concerns to provide adequate and safe disposal of affluent or prevention of their mixing up with the water supply or sewerage system.

10. Establishing any parking stand on any property or on any open space and public park or land vested in or managed, maintained or controlled by a local government on or under a street, road, graveyard or a drain without the sanction of the relevant local government.

11. Supplying or marketing drinking water for human consumption in any form, from any source which is contaminated or suspected to be dangerous to public health, or its use has been prohibited by a local government on the ground of being unsafe for human consumption, or whose quality and suitability for human consumption has not been ascertained and certified by a laboratory authorized by the Government.

12. Cultivation of agriculture produce or crop, for supply or sale to public using such manure, or irrigating it with sewer water or any such liquid as may be injurious to public health or offensive to the neighbourhood.

13. 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 neighbourhood.

14. Erection or re-erection of a building without the sanction required under this Ordinance or using a building for a purpose which may endanger the security of people.

15. Dyeing or tanning skins within such distance of any commercial or residential areas as may be specified by the local government.

16. Violation of the prohibitions provided in the Master Plan, the sanctioned Site Development Schemes under this Ordinance, Cities Acts, or any other law for the time being in force including the plans and schemes sanctioned under the repealed enactments.

17. Adulteration of any eatable or drinkable or consumable item sold or supplied to the public.

18. Neglect in safe storage of eatable, drinkable and other consumable items sold or supplied to the public.

19. Manufacturing, trading, storing or supplying any eatable or drinkable item and other items unsafe for human consumption or public health.

20. Contravention of the prohibition or attempt or abetment of any of the offences in this Part.

Part – II

21. Willfully obstructing any officer or servant of a local government or any person authorized the exercise of power conferred under this Ordinance.

22. Establishing any cattle market or *bakar mandi* without permission of the local government.

23. Failure to deliver back possession of property to the local government on cancellation and expiration of lease.

24. Establishing any bus, wagon, taxi or other commercial motorized or non-motorized vehicle stand for the purpose of plying them on different routes on any road, street, footpath, public place or any other property vested or managed or controlled or maintained by a local government without its permission.

25. Establishing or running any restaurant or vending stalls for eatables on any road, street, footpath, public place, over a drain, or any other property vesting in or managed or controlled or maintained by a local government without its permission.

26. Fixing of wooden *khokhas,* plying of handcarts for the sale of goods and temporary shops or extension thereof on footpaths or beyond the street line.

27. Establishing a brick kiln and lime kiln within such distance of a residential area as may be specified by the local government.

28. Failure by the owner or occupier of any land to clear away and remove any vegetation declared by a local government to be injurious to health or offensive to neighbourhoods.

29. Slaughtering of animals for the sale of meat at a place other than the place set apart for the purpose.

30. Cutting down of any tree, or cutting of a branch of any tree, or erection or demolition of any building or part of a building where such action is declared under this Ordinance to be a cause of danger or annoyance to the public.

31. Stocking or collecting timber, wood, dry grass, straw or other inflammable material or fuels, adjacent to commercial buildings or residential houses.

32. Without the permission of the local governments causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, or drain or to be put upon any street, or

public place, or into irrigation channel or any sewer or drain not set apart for the purpose.

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 the Ordinance or the rules or bye-laws.

34. Manufacturing, keeping, storing or selling wire thread or any other material meant for kite flying or in the manner causing danger to the human life or the electric installations or disruption in electric supply.

35. Keeping or maintaining any cattle in any part of the 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 65.

36. Keeping ferocious dogs or other animals in residential areas or taking such animals to public places without leash.

37. Obstructing or tampering with any road, street, drain or pavement.

38. Obstructing or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or sewerage system.

39. Evasion of payment of tax or other impost lawfully levied by a local council.

40. Preparation and sale of article or articles of food or drink by a person apparently suffering from any infectious or contagious disease that may endanger the health of people.

41. Attempts and abetments of any of the offences as aforesaid.

42. Contravention of the prohibition or attempt or abetment of any of the offences in this part.

PART-III

43. Laying out a drain or altering any drain in a street or road without the sanction required under this Ordinance.

44. Connecting any house drain with a drain in a public street without the permission required under this Ordinance.

45. Excavation of earth, stone or any other material within such distance of the residential area as specified by the local government.

46. Burying 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 government.

47. Failure to furnish, on requisition, information in respect of any matter which a local government is authorised to call for under any of the provisions of the Ordinance, rules or bye-laws or furnishing wrong information.

48. Obstructing lawful seizure of animals liable to be impounded on the ground of violations of rules or by-laws governing the picketing, tethering, keeping, milching or slaughter of animals or their trespass of private or public property.

49. Picketing, parking animals or collecting carts or vehicles on any street, using any street as a halting place for vehicle or animals or as a place encampment without the permission of the local council concerned.

50. Causing or permitting animals to stray or keeping, tethering, stalling, feeding or gazing 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.

51. Disposal of carcasses of animals within prohibited distance.

52. Failure to dispose of offal, fat or any organ or part of a dead animal in a place set apart for the purpose by the local government.

53. Throwing or placing any refuse, litter or garbage on any street, or in any place, not provided or appointed for the purpose by a local government.

54. Failure to provide for disposal of litter or garbage inside or outside a shop by its owner.

55. Failure to maintain clean premises of the area in front of a shop, office or factory up to the public street or road serving this facility.

56. Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.

57. 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 government.

58. Drawing off, diverting or taking any water except with the permission required under this Ordinance.

59. Failure to 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 by an owner of a house, shop, office, industry or premises.

60. Failure to clean the premises, houses, shops and cultivated lands of plastic bags and other non perishable materials.

61. Damaging or polluting physical environment, inside or outside private or public premises, in a manner to endanger public health.

62. 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.

63. 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 Ordinance to be injurious to health or offensive to the neighbourhood.

64. Failure to stop leakages of water pipes, faucets and sanitary fittings resulting in dirty water pools affecting physical environments and breeding of mosquitoes.

65. 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.

66. Feeding or allowing to be fed an animal meant for dairy or meat purposes, on deleterious substance, filth or refuse of any kind which is dangerous to health of consumers.

67. Defacing or disturbing any direction-post, lamp post or lamp extinguishing or any light arranged by a local government without due authority.

68. Fixing any bill, notice, play card, poster or other paper or means of advertisement against or upon any private or public building or place other than the places fixed for the purpose by a local government.

69. Exhibiting any obscene advertisement.

70. Loud playing of music or radio, beating of drum or tom-tom, blowing a horn or beating or sounding any brass or other instruments or utensils in contravention of any general or special prohibition issued by a local government or a hospital or an educational institution.

71. Loud shouting in abusive language causing distress to the inhabitants of a neighbourhood or village or any other public place.

72. Using or allowing the use for human habitation of a building declared by a local government to be unfit for human habitation.

73. Failure to lime-wash or repair a building if so required by local government.

74. Begging importunately for alms by exposing any deformity or disease or any offensive sore or wound to solicit charity.

75. Failure of the head of family to report the birth or death to a local government or a person appoint in this behalf within a reasonable time.

76. Causing or permitting to be caused by any owner or keeper of an animal who through neglect or other wise damage of any land or crop or produce of land, or any public road, by allowing such animal to trespass thereon.

77. Selling cattle and animals in contravention of any law, rule or by-laws of a local government.

78. Kite flying in contravention of any general or specific prohibition issued by local governments.

79. Keeping pigeon or other birds in a manner causing danger to air traffic.

80. Contravention of the prohibition or attempt or abetment of any of the offences in this part.

FIFTH SCHEDULE

[See sections 191(2) and 192(2)]

Part - I (Rules)

1. Local government (Conduct of elections);
2. Local government (Conduct of business of the Local Councils).
3. Local government (Taxation);
4. Local government (Servants);
5. Local government (Budget and accounts);
6. Local government (Contracts);
7. Local government (Works);
8. Local government (Development authorities);
9. Local government (Regulation of site development schemes);
10. Local government (Forestry excluding guzara forests, protected forests and water shed management);
11. Local government (Monitoring);
12. Local government (Provision of information and transparency);
13. Local government (Internal Audit);
14. Local government (Employees Performance Bonuses and Incentive);
15. Local government (Public Private Partnership);
16. Local government (Conduct of Inspections).

17. Local government (Elected Officials Conduct);
18. Any other set of rules necessary for implementation of this Ordinance.

Part-II (Bye-laws)

1. Conduct of meetings.
2. Registration of births, death and marriages.
3. Zoning, master planning, and buildings.
4. Dangerous buildings and structures.
5. Prevention of encroachments.
6. Local government (Elective officials remuneration and allowances)
7. Local government (Agricultural development)
8. Local government (Community development).
9. Local government (Citizen Community Boards).
10. Registration of sale and control of cattle and animals.
11. Registration, management and regulation of orphanages, widow homes, senior citizens homes, homes for the mentally ill, and women in distress.
12. Regulation of burial and cremation places.
13. Slaughter of animals and maintenance of slaughterhouses.
14. Prevention of adulteration of foodstuffs.
15. Animal husbandry and milk supply.
16. Prevention and abatement of nuisances.
17. Dangerous and offensive trades and articles.
18. Regulation of traffic.
19. Organization and regulation of fairs, shows, tournaments and other public gatherings.
20. Prevention of beggary, juvenile delinquency and other social evils.
21. Licensing.
22. Markets.
23. Libraries.
24. Parks and open places.
25. Prevention of air, water, noise, and soil pollution.
26. Forests and plantations.
27. Local government property.
28. Farm produce markets.

29. Delegation of powers, duties, and functions of the sub-committees of farm produce market committees if any.
30. Encroachment on any public road, public street, or public place.
31. Picketing, parking animals or collecting carts or vehicles on any street.
32. Throwing or placing any refuse on any street, or in any place not provided or appointed for the purpose.
33. Dyeing or tanning animal skins.
34. Tampering with any main, pipe, or any apparatus or appliance for the supply of water.
35. Excavation of earth, stone or any other material.
36. Disposing of carcasses of animals.
37. Use of sewer water for farming.
38. Flow or drain to be put upon any street, or public place, or into an irrigation channel or any sewer or drain not set apart for the purpose.
39. 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 the local government.
40. Fixing of wooden khokhas, plying of handcarts for the sale of goods, and temporary or permanent shops or extensions thereof on footpaths or beyond the street line.
41. Pollution of air, water or soil.
42. Watering cattle or animals, or bathing or washing at, or, near a well or other source of drinking water for the public.
43. Other matters as in the opinion of the Zila council are necessary or expedient to be provided for in the by-laws.

SIXTH SCHEDULE

[See Sections 195].

Animals

1. Prohibition of picketing or tethering in streets.— No animal shall be picketed to tethered in such streets or places as may be specified by the concerned local government and any animal found picketed or tethered in any such street or place shall be liable to seizure and impounding.

THE SINDH LOCAL GOVERNMENT ORDINANCE 2001

SINDH ORDINANCE NO.XXVII OF 2001

2. Prohibition against keeping and maintaining cattle.— (1) Notwithstanding anything to 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 concerned local government may declare any part of its local area as a prohibited zone.

(2) At any time after declaration under sub- paragraph (1) has been made, the local government may, by general or special notice, prohibit the keeping and maintaining the cattle by any person in the prohibited zone.

(3) No person shall, after the expiry of the period fixed under sub-paragraph (2), keep or maintain cattle in any part of the prohibited zone:

Provided that the prohibition shall not apply to --

(i) cattle kept bona fide for sacrificial purpose;

(ii) cattle kept for drawing carts or use in mills, with the permission of the local government 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 local government for the purpose of sale; and

(v) cattle brought to a slaughterhouse or kept by butchers for the purpose of slaughter within the area demarcated by the local government.

(4) Persons affected by the prohibition order under sub-paragraph (2) to meet their genuine needs may be allowed to keep and maintain their cattle at the places earmarked as “cattle colonies” by the local government on such terms and conditions as it may impose.

3. Dangerous animals.— A concerned council may, by by-law, 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 by-laws, among other matters, may provide for the detention, destruction or disposal otherwise of such animals.

4. Disposal of 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 person shall either-

(a) convey the carcasses within twenty-four hours to a place, if any, fixed by the concerned local government for the disposal of the dead bodies of animals or to a place beyond the limits of its local area, not being a place within two kilometres of such limits; or

(b) give notice of the death to the local government whereupon the local government shall cause the carcass to be disposed of and charge such fees from the person concerned as the by- laws may provide.

5. Animal husbandry.— (1) A concerned local government may provide for the establishment, maintenance and management of veterinary hospitals and dispensaries and by by-laws regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries.

(2) A council may, by by-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.

6. Animal farms.— A concerned local government may establish, maintain and manage cattle farms and poultry farms, and such farms shall be managed and administered in such manner as the by-laws may provide.

7. Registration of the sale of cattle.— A concerned local government may, by by-laws, require that sale of such of the animals as may be specified shall be registered with the concerned local government in such manner and subject to the payment of such fees as the by-laws may provide.

8. Cattle shows, zoo, etc.— (1) A concerned local government shall not hold cattle shows and fairs within the limits of its local area, but may hold bakar mandies for sale of cattle meant for slaughter and charge such fee per cattle head sold as the by-laws may provide:

Provided that where urban local council was holding cattle shows and fairs before 17th January, 1980 within the limits of its local area the successor local government may continue holding such cattle shows and fairs and charge such fees from the people attending such shows or fairs, as the by-laws may provide.

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

9. Registration and control of dogs.- (1) A local council may make bye-laws to provide for the registration of all dogs kept within such area or areas within its local area as may be specified.

(2) Such bye-laws shall—

(a) require the registration, by the concerned local government of all dogs kept within the area or areas specified or any part thereof.

(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority of the concerned local government and fix the fee payable for the issue thereof;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and

(d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week, and may provide for such other mattes as the concerned local government thinks fit.

(3) A local government may –

(a) cause to be destroyed, or to be confined for such period as it may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;

(b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners if any may be destroyed, and cause them to be destroyed accordingly.

(4) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this paragraph.

(5) Whoever, being the owner or person in charge of any dog, neglects to restraint it so that it shall not be at large in any street without being muzzled and without being secured by a chain lead in any case in which—

(a) he knows that the dog is likely to annoy or intimidate any person, or

(b) the concerned local government has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads, shall be punishable with fine as may be prescribed.

(6) Whoever—

(a) allows any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or

(b) sets on or urges any dog or other animal to attack, worry or intimidate any person, or

(c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, neglects to give immediate information of the fact to the concerned local government or gives information which is false, shall be punishable with fine which may extend to two hundred rupees.

Animal Trespass

10. Power to seize.— (1) A cultivator, tenant, occupier, vendee or mortgagee of any land or crop or produce or any part thereof or any person who has advanced cash for the cultivation

of crop may seize or cause to be seized any animal trespassing on such land and doing damage thereto, or any crop or produce thereon, to send them or cause them to be sent within twenty-four hours to a pound established under this Ordinance.

(2) Persons in charge of public roads, pleasure grounds, plantations, canals, drainage works, embankments and the like, and the officers of police, may seize or cause to be seized any animals doing damage thereto, and shall send them or cause them to sent, within twenty-four hours of the seizure, to the nearest animal pound.

11. Pounds.— A concerned local government may establish such number of animal pounds as may be necessary and may fix, from time to time, the location of the animal pounds, the rate of feeding, watering and accommodating the impounded animals.

12. Pound keepers.— The local government may appoint pound-keepers on whole-time or part-time basis on such terms and conditions as may be fixed.

13. Registers and returns.— (1) A pound-keeper shall keep such registers and furnish such returns as may be required by the concerned local government.

(2) When animals are brought to the pounds, the pound-keeper shall enter in the register the number and description of animals, the day and hour on which they were so brought, the name and residence of the seizurer and that of the owner, if known, and shall give the seizurer or his agent a copy of such entry.

14. Possession and feeding.— The pound-keeper shall take charge of, feed and water the animals until they are disposed of as hereinafter provided.

15. Fines for impounded animals.— For every animal impounded under this Ordinance, the pound- keeper shall levy a fine in accordance with the scale fixed by the concerned local government and the fines so charged shall form part of and be credited to the local fund.

16. Delivery or sale of animals.— (1) If the owner of an impounded animal or his agent appears and claims the animal, the pound-keeper shall deliver it to him on payment of the fine and charges incurred in respect of such animal under proper receipt to be recorded by the owner or his agent in the register.

(2) If the animal is not claimed within seven days of impounding, the pound-keepers shall inform the officer in charge of the Police Station who shall thereupon display at a conspicuous place in his office a notice stating the number and description of animals and places of seizure and impounding. A similar notice shall be displayed at a conspicuous place in the office of the concerned local government.

(3) If the animal is not claimed within seven days of the notice it shall be sold by the local government by open auction after giving sufficient publicity in all the local area:

Provided that the person auctioning the animals or the pound-keeper or his relatives shall not bid for or purchase the impounded animals.

(4) The proceeds of the sale of the animal shall be paid to the owner if he appears within six months of the sale, after deduction of fines, feeding and other charges.

Arboriculture

17. Arboriculture.— A concerned local government shall plant trees on public streets and other public places within its local area and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

18. Forests.— A concerned local government may, in the manner prescribed, frame and enforce plans providing for the improvement, development and exploitation of forests and maintain, plan and work forests in accordance with such plans.

19. Nuisance pertaining to trees and plantations.—

(1) A council may, by by-laws, determine the pests of trees and plants and provide for their destruction.

(2) If any land or premised within the local area of a concerned local government is grown with rank or noxious vegetation, or under-growth, the local government may by notice require the owner or the 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 local government may have such vegetation or under-growth cleared and the cost incurred shall be deemed to be a tax levied on the owner or occupier under this Ordinance.

(3) A concerned local government may, in the manner provided in the by-laws, prohibit the cultivation of any crop which is considered dangerous to public health within such part of its local area as may be specified.

Boundaries and Tress

20. Boundary walls, hedges and fences.—(1) No boundary wall, hedge or fence of any material or description shall be erected in such parts of a local area as are specified by a local government without the permission in writing of the concerned local government.

(2) A local government may, by notice in writing, require the owner or lessee of any land in its local area.—

(a) to remove from the land any boundary wall, hedge or fence which is, in its opinion unsuitable, unsightly or otherwise objectionable; or

(b) to construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice; or

(c) to main the boundary walls, hedges or fences of such lands in good order.

Provided that, in the case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the concerned local government or which was in existence at the commencement of this Ordinance the concerned local government shall make compensation for any damage caused by the removal thereof.

(3) A local government may, by notice in writing, require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be specified in the notice.

21. Felling, lopping and trimming of trees.—(1) Where, in the opinion of a concerned local government the felling of any tree of mature growth standing in a private enclosure in its local area is necessary for any reason, the concerned local government may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.

(2) A local government may –

(a) cause to be lopped or trimmed any tree standing on land in its local area which belongs to the local government or the

(b) by public notice require all owners, lessees or occupiers of land in its local area or by notice in writing require the owner, lessee or occupier of any such land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

22. Digging of public land.—Whoever, without the permission in writing of a concerned local government digs up the surface of any open space in its local area, which is not private property, shall be punishable with fine as may be prescribed and, in the case of a continuing offence, with an additional fine for every day after the first during which the offence continues.

23. Improper use of land.—(1) If in the opinion of a local government the working of a quarry in its local area or the removal of stone, sand, earth or other material from the soil in any place in its local area is dangerous, to persons residing in or frequenting the neighbourhood of such quarry or place, or creates, or is likely to create, a nuisance, the concerned local government may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such working or removal, from continuing or permitting the working of such quarry or the moving of such material, or require him to take such steps in the matter as the local government may direct for the purpose of preventing danger or abating the nuisance or likely to arise therefrom.

(2) If, in any case referred to in sub- paragraph (1), the concerned local government is of the opinion that such a course is necessary in order to prevent imminent danger, it may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

Building and Land Use Control

24. Sanction for buildings.— No person shall erect or re-erect a building or commence to erect or re-erect a building on any land in a local area except with the previous sanction of the

concerned local government nor otherwise than in accordance with the provisions of this Ordinance and of the rules and bye-laws made under this Ordinance relating to the erection and re-erection of buildings.

Provided that a local government may, with the approval of the concerned local council, exempt any Union or a part thereof from application of any specific provisions of the building bye-laws or any matter provided for in paragraphs 25 to 34.

25. Notice of new buildings.--- (1) Whoever intends to erect or re-erect any building in a local area shall apply for sanction by giving notice in writing of his intention to the concerned local government.

(2) For the purposes of this Ordinance, person shall be deemed to erect or re-erect a building who---

(a) makes any material alteration of enlargement of any building, or

(b) converts into a place for human habitation any building not originally constructed for that purpose, or

(c) converts into more than one place for human habitation a building originally constructed as one such place, or

(d) converts two or more places of human habitation into one such place or into greater number of such places, or

(e) converts a building or a site or land meant for one particular use or in one particular zoning area into any other use or a use meant for another zoning area, or

(f) converts into a stable, cattle-shed or cow-house any building originally constructed for human habitation, or

(g) makes any alteration which there is reason to believe is likely to affect prejudicially the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene, or

(h) makes any alteration to any building which increases or diminishes the height of, or area converted by, or the cubic capacity of, the building, or which reduces the cubic capacity of any room in the building below the minimum prescribed by any bye-law made under this Ordinance.

26. Conditions of valid notice.---(1) A person giving the notice required by paragraph 25 shall specify the purpose for which it is intended to use the building to which such notice relates.

(2) Where a plan to re-lay a street has been approved by a concerned local government, 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 street line and for this purpose any space required to be left vacant shall vest in the local government.

(3) No notice shall be valid until it is made in the manner prescribed in the bye-laws made under this Ordinance along with plans and other information which may be required therein have been furnished to the satisfaction of the concerned local government along with the notice.

27. Power of 1[**Local Government**] **to sanction or refuse.—** (1) The concerned local government may for reasons to be recorded in writing, either refuse to sanction the erection or re-erection, as the case may be, of the building, or may sanction it either absolutely or subject to such directions as it thinks fit to make in writing in respect of all or any of the following matters, namely:--

(a) the free passage or way to be left in front of the building;

(b) the space to be left about the building;

(c) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the stories of which the building may consist;

(d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for wastes;

(e) the level and width of the foundation, the level of the lowest floor and the stability of the structure;

(f) the line of frontage with neighbouring buildings if the building abuts on a street;

(g) the means to be provided for egress from the building in case of fire;

(h) the materials and method of construction to be used for external and party walls for rooms, floors fire-places and chimneys;

(i) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on; and

(j) any other matter affecting the ventilation sanitation safety or environmental aspects of the buildings and its relationship to the surrounding buildings or areas;

and the person erecting or re-erecting the building shall obey all such written directions in every particular.

(2) A concerned local government may refuse to sanction the erection or re-erection of any building, either on grounds sufficient in the opinion of the concerned local government affecting the particular building, or in pursuance of a notified general scheme or plan of the concerned local government, restricting the erection or re-erection of buildings within specified limits or for any other public purpose.

(3) The concerned local government before sanctioning the erection or re-erection of a building on land which is under the management of the Federal or Provincial Government or any agency thereof, shall ascertain in writing within thirty days of application whether there is any objection on the part of the concerned Government to such erection or re-erection.

(4) The concerned local government may refuse to sanction the erection or re-erection of any building_____

(a) when the land on which it is proposed to erect or re-erect the building is held on a lease from the Federal or Provincial Government if, the erection or re-erection constitutes a breach of the terms of the lease, or

(b) when the land on which it is proposed to erect or re-erect the building is not held on a lease from the Government, if the right to build on such land is in dispute between the person applying for sanction and the Government.

(5) If the concerned local government decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom notice was given.

(6) Where the concerned local government neglects or omits, for forty five days after the receipt of a valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this paragraph, and such person thereafter by a written communication sent by registered post to the concerned local government calls the attention of the concerned local government to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication the concerned local government shall be deemed to have given sanction to the erection or re-erection, as the case may be unconditionally to the extent that it does not contravene the provisions of the building bye-laws and any notified general scheme for the area:

Provided that, in any case to which the provisions of sub-paragraph (3) apply, the period of forty five days herein specified shall be reckoned from the date on which the concerned local government has received the report referred to in that sub paragraph.

(7) The concerned local government may, after notice and for reasons to be recorded, cancel, modify or withdraw the sanction of a site plan at any time before construction has been commenced or made.

(8) Noting in this paragraph shall apply to any work, addition or alteration which the concerned council may, by by-laws, declare to be exempt.

28. Compensation.—(1) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the local government of sanction to the erection of any building or in respect of any direction issued by it under sub- paragraph (1) of paragraph 27.

(2) The concerned local government shall make compensation to the owner of any building for any actual damage or loss sustained by him in consequence of the prohibition of the re-erection of any building or of its requiring any land belonging to him to be added to the street:

Provided that the concerned local government shall not be liable to make any compensation in respect of the prohibition of the re-erection of any building which for a period of three years or more immediately preceding such refusal has not been in existence or has been unfit for human habitation.

29. Lapse of sanction.—Every sanction for the erection or re-erection of a building given or deemed to have been given by the concerned local government as herein before provided shall be available for one year from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or some one lawfully claiming under him within that period, it shall not thereafter be begun unless the concerned local government on application made therefor has allowed an extension of that period.

30. Period for completion of building.—A concerned local government, when sanctioning the erection or re- erection of a building as herein before provided, shall specify a reasonable period after the work has commenced within which the erection or re-erection is to be completed, and, if the erection or re-erection is not completed within the period so fixed, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the concerned local government on application made therefor has allowed an extension of that period:

Provided that not more than two such extensions shall be allowed by the concerned local government in any case.

31. Illegal erection and re-erection.—Whoever begins, continues or completes the erection or re-erection of a building—

(a) without having given a valid notice as required by paragraphs 25 and 26 or before the building has been sanctioned or is deemed to have been sanctioned, or

(b) without complying with any direction made under sub-paragraph (1) of paragraph 27, or

(c) when sanction has been refused, or has ceased to be available, or has been suspended by the concerned local government shall be punishable with fine as prescribed.

32. Power to stop erection or re-erection or to demolish.—(1) A local government may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in its local area to stop the erection or re-erection of a building in any case in which the concerned local government considers that such erection or re-erection is an offence under paragraph 31, and may in any such case or in any other case in which the concerned local government considers that the erection or re-erection of a building is an offence under paragraph 31 within twelve months of the competition of such erection or re-erection in like manner direct the alteration or demolition, as it thinks necessary, of the building, or any part thereof, so erected or re-erected:

Provided that the concerned local government may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable.

33. Completion of building or alteration of buildings.— (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 concerned local government.

(2) The concerned local government may cause to be inspected any building of which construction has begun or which has been erected or re-erected in violation or contravention of any provision of this Ordinance, rules or the by-laws or of the master plan or site development scheme, if any. The local government may require the alteration of the building so as to be in compliance therewith, and where such alteration is not possible, it may require the building or any part thereof to be demolished, or on the application of the owner of such building compound the offence on payment of such composition fee as may be deemed reasonable.

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

34. Regulation of buildings.— (1) Except with the prior sanction of concerned local government, no building shall be put to a use other than shown in the building plan according to which it was erected or re-erected:

Provided that the local government 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 concerned local government to be in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof or to passers-by, the local government 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 local government may take necessary action and the cost so incurred shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance.

(3) If a building is so ill constructed, or dilapidated or in dangerous condition or otherwise unfit for human habitation, the concerned local government may prohibit the occupation of such building till it has been suitably repaired to the satisfaction of the local government.

(4) If the building is in dangerous condition and declared unfit for human habitation, the concerned local government may for the purpose of demolition eject the owner or occupier from such building with such necessary force as may be required or in the manner laid down in paragraph 47.

(5) Where it appears to concerned local government that any block of buildings is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness or closeness of the street, or of the want of proper drainage or ventilation, or of the impracticability of cleansing the buildings or other similar cause, it may cause the block to be inspected by a committee consisting of such officials of the concerned local government as prescribed in the bye-laws

The committee shall make a report in writing to the concerned local government on the sanitary condition of the block, and if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighbourhood or

otherwise to endanger the public health it shall clearly indicate on a plan verified by a senior technical professional of the concerned local government the buildings which should in its opinion wholly or in part be removed in order to abate the unhealthy condition of the block.

If, upon receipt of such report, the concerned local government is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners, thereof to remove them:

Provided that the concerned local government shall make compensation to the owners for any buildings so removed which may have been erected under proper authority:

Provided, further, that the concerned local government may, if it considers it equitable in the circumstances so to do, pay to the owners such sum as it thinks fit as compensation for any buildings so removed which have not been erected under proper authority.

For the purposes of this sub-paragraph "buildings" includes enclosure walls and fences appertaining to buildings.

(6) Where it appears to a local government that any building or part of a building which is used as a dwelling house is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing require the owner or occupier of the building or part thereof, as the case may be, within such time not being less than one month as may be specified in the notice, to abate the overcrowding of the same by reducing the number of lodgers, tenants, or other inmates to such number as may be specified in the notice. Any person who fails, without reasonable cause, to comply with a requisition made upon him under this paragraph shall be punishable with such fine as may be prescribed by the concerned local government and in the case of a continuing offence, to an additional fine for every day after the first during which the failure has continued.

35. Projections and obstructions.—(1) No owner or occupier of any building in a local area shall, without the permission in writing of the concerned local government add to or place against or in front of the building any projection or structure overhanging, projecting into, or encroaching on, any street or any drain, sewer or aqueduct therein.

(2) The concerned local government may, by notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid:

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Ordinance the concerned local government shall make compensation for any damage caused by the removal or alteration.

36. Unauthorized buildings over drains, etc.—A local government may, by notice in writing, require any person who has, without its permission in writing, newly erected or re-erected any structure over any public sewer, drain, culvert, water-course or water-pipe in its local area to pull down or otherwise deal with the same as it thinks fit.

37. Drainage and sewer connections.--- (1) A local government may, by notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as the concerned local government thinks fit, to put up and keep in good condition proper troughs and pipes for receiving and carrying rain water from the building or land and for discharging the same or to establish and maintain any other connection or communication between such building or land and any drain or sewer.

(2) For the purpose of efficiently draining any building or land in its local area, the concerned local government may, by notice in writing, require the owner or lessee of the building or land.---

(a) to pave, with such materials and in such manner as it thinks fit, any courtyard, ally or passage between two or more buildings, or

b) to keep any such paving in proper repair.

38. Power to attach brackets for lamps.—A local government may attach to the outside of any building, or to any tree in its local area, brackets for lamps in such manner as not to occasion injury thereto or inconvenience.

39. Power to make bye-laws.—A local council may make bye-laws prescribing ---.

(a) the manner in which notice of the intention to erect or re-erect a building in its local area shall be given to the local government and the information and plans to be furnished with the notice;

(b) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected in its local area or any part thereof;

(c) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;

(d) the fees payable on provision by the concerned local government of plans or specifications of the type of buildings which may be erected in the 1[local area] or any part thereof;

(e) the circumstances in which a mosque, temple or church or other sacred building may be erected or re-erected; and

(f) any other matters which the concerned local government may consider necessary including any specific exemption from the application of the bye-laws.

Burial Places and Cremation

40. Power to call for information regarding burial and burning grounds.— (1) A concerned local government may, by notice in writing, require the owner or person in charge of any burial or burning ground within its area to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

(2) No place which has not been used as a burial or burning ground before the commencement of this Ordinance shall be so used without the permission in writing of the concerned local government.

(3) No new burial or burning place shall be established within the local area of a local government except under a licence granted by the local government and in conformity with the condition of such licence.

(4) A burial or burning place which is not administered by a local government shall be registered with the concerned local government and shall be subject to regulation, supervision and inspection by it in such manner as the by-laws may provide.

(5) The 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 a local government and thereupon such burial or burning shall vest in the local government and it shall take all measures necessary for the proper maintenance and administration thereof.

(6) A concerned local government may provide suitable places for the burial or burning of the dead, and shall take necessary measures for the proper maintenance and administration of such burial and burning places.

(a) Where a local government after making or causing to be made a local inquiry, is of opinion that any burial or burning ground in its local area has become offensive, to, or dangerous to, the health of, persons living in the neighbourhood, it may, by notice in writing, require the owner or person in charge of such ground to close the same from such as may be specified in the notice.

(b) Where such notice is issued, the concerned local government may provide at its the expense or, if the community concerned is willing to provide a new burial or burning ground, shall provide a grant to be made towards the cost of the same.

(7) No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this paragraph is for the time being in force.

Culture

41. Culture.— A concerned local government may—

(a) establish and maintain information centres for the furtherance of civic education and dissemination of information on such matters as community development and other matters of public interest;

(b) provide and maintain public halls and community centres;

(c) celebrate national occasions;

(d) encourage national and regional languages;

(e) promote physical culture and encourage public games and sports and organize rallies and tournaments.

(f) provide, promote or subsidise facilities for the recreation of the public.

42. Libraries.— A concerned local government may establish and maintain such libraries, reading rooms and circulation libraries as may be necessary for the use of the public.

43. Fairs and shows.— A concerned local government may make such arrangements on the occasion of any fairs, shows or public festivals within its local area as may be necessary for the public health, public safety and public convenience, and may levy fees on the persons attending such fairs, shows and festivals.

Dangerous Articles and Offensive Trades

44. Dangerous and Offensive Articles and Trades.— (1) The articles and trades specified in the Annex shall be deemed to be dangerous or offensive for the purpose of this paragraph.

(2) Except under and in conformity with the conditions of a licence granted by the concerned local government—

(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 articles for domestic use; or

(ii) any dangerous or offensive articles in excess of such limits and quantity as may be fixed by by-laws.

(3) Notwithstanding the grant of a licence under sub- paragraph (2), the concerned local government may, for reasons to be recorded, and after notice to the person affected, pass an order for the prohibition, closure or removal of any offensive and dangerous trade or article if such action is deemed expedient or necessary to implement the order.

Drainage and Sewerage

45. Drainage.— (1) The concerned local government shall provide an adequate system of public drains in its local area 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 local area of the concerned local government may, with its previous permission, and subject to such terms and conditions, including the payment of fees, as it 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 concerned local government.

(4) Subject to the provisions of any other law for the time being in force, the concerned local government may by notice direct a commercial or industrial concern to provide 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 a municipal offence.

(5) The concerned local government may, by notice, require the owner of any building, land or an industrial concern within its local area—

(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 other steps for the effective drainage of the building or land as may be specified.

(6) In case of failure of owner to comply with the requirements of notice under sub-paragraph (5), the concerned local government may itself cause such requirements to be carried out, 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 Ordinance.

46. Drainage and sewerage schemes for commercial and industrial area.— (1) The concerned local government may, by notice, require the owners, tenants and occupiers of commercial and industrial concerns in any area or areas within its local area to have at their own cost prepared a scheme for the adequate and safe drainage and disposal of their wastes and effluent of the quality permitted under the rule or the by-laws and submit it to the local government within the time specified in the notice:

Provided that the time limit may be extended by the local government 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 scheme as approved by the local government with modifications, 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 local government.

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

Encroachment

47. Encroachment and subsisting lease and licences.— (1) No person shall make an encroachment movable or immovable on an

open space or land vested in or managed, maintained or controlled by a local government, or on, over or under a street, road, graveyard, within its local area or a drain.

(2) The local government may, after such notice as may be considered reasonable, remove the encroachment mentioned in sub-paragraph (1) with such force as may be necessary.

(3) A person who trespasses into or is in wrongful occupation of a building or property which is vested in or is managed, maintained or controlled by a local government may, in addition to any other penalty to which he may be liable under the Ordinance or any other law for the time being in force, after such notice as may be considered reasonable by the local government, be ejected from such building or property by the local government with such force as may be necessary.

(4) Any person aggrieved by notice issued under sub- paragraph (3) may, within seven days, of the service of notice, appeal to such authority as may be prescribed in the bye-laws and its decision thereon shall be final.

(5) Notwithstanding anything contained in any other law, no compensation shall be payable for any encroachment removed or ejectment carried out under this paragraph.

(6) The cost of removal of encroachment or ejectment under this paragraph shall be payable to the local government by the encroacher or wrongful occupier, and if the cost is not paid on demand the local government may cause it to be recovered as arrears of land revenue or cause the materials or articles used by the encroacher or the wrongful occupier for encroachment or wrongful occupation to be sold in auction and if the proceeds of the sale are not sufficient to cover the cost the balance shall be recoverable as arrears of land revenue but if such proceeds exceed the cost of the excess shall paid to the encroacher or the wrongful occupier.

(7) In this paragraph, “encroacher” or “wrongful occupier” shall include a person who owns the materials or articles used for encroachment or wrongful occupation at the time of removal of encroachment or ejectment and also any person in possession thereof on his behalf or with his permission or connivance.

Environmental Protection

48. Environmental pollution.— (1) A concerned local government may prepare and implement schemes for the prevention of the pollution of air by gases, dust or other substances exhausted or emitted by automobile engine, factories, brick or lime kilns, crushing machines for grain, stone, salt or other materials and such other sources of air pollution as the by-laws may provide.

(2) A concerned local government may prepare and implement schemes for the prevention of the pollution of water or land from such sources and in such manner as the by-law may provide.

(3) A local government may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land in the area of the concerned local government or the lessee or the person claiming to be the lessee of any such land, which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has if the opinion of the concerned local government has become a sanitary or environmental hazard or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

Food and Markets

49. Public markets and slaughter-houses.—(1) A local government may provide and maintain within its own local area, public markets and public slaughter-houses, to such number as it thinks fit, together with stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and maintain in any such market buildings, places, machines, weights, scales and measures for the weighment or measurement of goods sold therein.

(2) The concerned local government may at any time, by public notice either close or relocate any public market or public slaughter-house or any part thereof.

50. Use of public markets.—(1) No person shall, without the general or special permission for sale by such person, may be summarily removed from the market by or under the orders of the concerned local government by any officer or servant of the concerned local government authorized by it in this behalf.

(2) Any person contravening the provisions of this paragraph and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the concerned local government by an officer or servant of the concerned local government authorized by it in this behalf.

51. Levy of stallages, rents and fees.—A local council may, in respect of pubic market and public slaughter houses:

(a) charge for the occupation or use of any stall, shop standing, shed or pen in a public market, or public slaughter-house; or for the right to expose goods for sale in a public market; or for weighing or measuring goods sold therein; or for the right to bring in goods on vehicles or animals or for animals brought for sale or sold; or for the right to slaughter animals in any public slaughter- house; such stallages, rents and fees as it thinks fit; including that from brokers commission agents, and other practicing their calling therein;

(b) or direct the concerned local government to receive such approved rents and fees leviable as aforesaid or any portion thereof for any period not exceeding one year at a time; or

(c) put up to public auctions or dispose off by private sale, the privilege of occupying or using any stall, shops, standing, shed or pen in a public market or public slaughter house for such term and on such conditions as it may approve.

52. Stallages, rents, etc. to be published.—A copy of the table of stallages, rents and fees, if any, leviable in any public market or public slaughter-house, and of the bye-laws made under this Ordinance for the purpose of regulating the use of such market or slaughter-house, printed in Urdu and in such other language or languages as the local council may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

53. Private markets and slaughter-houses.—(1) No place in a local area other than a public market shall be used as a market, and no place in a local area other than a public slaughter-house shall be used as a slaughter- house, unless such places has been licensed as a market or slaughter-house, as the case may be, by the concerned local government.

(2) Nothing in sub- paragraph (1) shall be deemed to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the concerned local government with the previous sanction of the local council may, by public or special notice, impose in this behalf.

(3) Whoever omits to comply with any conditions imposed by the concerned local government under sub- paragraph (2) shall be punishable with fine as prescribed and, in the case of a continuing offence, with an additional fine for every day after the first during which the offence is continued.

54. Conditions of grant of licence for private market or slaughter-house.—(1) A local government may charge such fees as approved by its local council for the grant of a licence to any person to open a private market or private slaughter-house and may grant such licence subject to such conditions, consistent with this Ordinance and any bye-laws made thereunder, as it thinks fit to impose.

(2) The concerned local government may refuse to grant any such licence for reasons to be recorded.

55. Penalty for keeping market or slaughter-house open without licence, etc.— (1) Any person who keeps open for public use any market or slaughter-house in respect of which a licence therefor is suspended, or after the same has been cancelled, shall be punishable with fine as prescribed and, in the case of a continuing offence, with an additional fine for every day after the first during which the offence is continued.

(2) When a licence to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the concerned local government shall cause a notice of the grant, refusal, suspension or cancellation to be posted in Urdu and in such other language or languages as it thinks necessary, in some conspicuous place near by the entrance to the place to which the notice relates.

56. Penalty for using unlicensed market or slaughter-houses.—Whoever, knowing that any market or slaughter-house has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Ordinance, or that the licence granted therefor is for the time being suspended or that it has been cancelled, sells or exposes for sale any

article in such market, or slaughters any animal in such slaughter-house, shall be punishable with fine as prescribed and in the case of a continuing offence, with an
additional fine for every day after the first during which the offence is continued.

57. Prohibition and restriction of use of slaughter- houses.— (1) Where, in the opinion of the concerned local government it is necessary on sanitary grounds so to do, it may, by public notice, prohibit for such period, not exceeding one month as may be specified in the notice, or for such further period, not exceeding one month, as it may specify by a like notice, the use of any private slaughter-house specified in the notice, or the slaughter therein of any animal of any description so specified.

(2) A copy of every notice issued under sub-paragraph (1) shall be conspicuously posted in the slaughter-house to which it relates.

58. Power to inspect slaughter-house.—(1) Any servant of a local government authorized by order in writing in this behalf by the concerned local government it may, if he has reason to believe that any animal has been, is being, or is about to be slaughtered in any place in contravention of the provisions of the Ordinance enter into an inspect any such place at any time, whether by day or by night.

(2) Every such order shall specify the place to be entered and the locality in which the same is situated and the period, which shall not exceed seven days, for which the order is to remain in force.

59. Power to make bye-laws.—A local government may make bye-laws consistent with this Ordinance to provide for all or any of the following matters, namely:-

(a) the days on, and the hours during, which any private market or private slaughter-houses may be kept open for use;

(b) the regulation of the design, ventilation and drainage of such markets and slaughter-houses, and the material to be used in the construction thereof;

(c) the keeping of such markets and slaughter-houses and lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same;

(d) the manner in which animals shall be stalled at a slaughter-house;

(e) the manner in which animals may be slaughtered;

(f) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption;

(g) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption.

(h) any other matters which the concerned local government may consider necessary including any specific exemptions from the application of the bye-laws

60. By-laws for articles of food and drink.— A concerned council may, by by-laws—

(a) prohibit the manufacture, sale or preparation or the exposure for sale of any specified articles of food or drink in any place or premises not licensed by the concerned local government;

(b) prohibit the import into its local area for sale or hawking for sale, of any specified article of food of drink by person not so licensed;

(c) prohibit the hawkings of specified articles of food and drink in such parts of its local area as may be specified;

(d) regulate the time and manner of transport within its local area of any specified articles of food or drink;

(e) regulate the grant and withdrawal of a licence under this paragraph and the levying of fees therefor; 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.

61. Milk supply.— (1) Except under a licence granted by the concerned local government and in conformity with the conditions of such licence, no person shall, unless exempted by the concerned local government, keep milch cattle for the sale of milk or sell milk or expose or import milk for sale or manufacture butter, ghee, or any other milk for sale or diary product, nor shall any premises be used for such purpose.

(2) A concerned local government may in the manner prescribed, may frame and enforce a milk supply scheme which may among other matters provide for the establishment of milkmen's colonies, the prohibition of the keeping of milk cattle in the local area 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.

62. Feeding animals on dirt, etc.—Whoever feeds or allows to be fed on filthy or deleterious substances any animal, which is kept for the purpose of supplying milk to, or which is intended to be used for human consumption or allows it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the local government, shall be punishable with fine as prescribed.

63. Powers of entry and seizure.--- An officer or servant of a local government authorized by it in writing in this behalf,--

(a) may at any time enter into any market, building, shop, stall or other place in the local area for the purpose of inspecting, and may inspect, any animals, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article, or thing, and may enter into and inspect any place used as a slaughter- house and may examine any animal or article therein;

(b) may seize any such animal, article or thing which appears to him to be diseased, or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a sate as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be.

(2) Any article seized under sub- paragraph (1) which is of a perishable nature may forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(3) Every animal, article, utensil, vessel or other thing seized under sub- paragraph (1) shall, if it is not destroyed under sub-paragraph (2), be taken before a competent court who shall give orders as to its disposal.

(4) The owner or person in possession, at the time of seizure under sub- paragraph (1), of any animal or carcass which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine, as the case may be, or is adulterated or is not what it is represented to be, or of any utensil or vessel which is of such kind or in such state as is described in clause (b) of sub-paragraph (1), shall be punishable with fine as described and the animal, article, utensil vessel or other thin shall be liable to be forfeited to the concerned local government or to be destroyed or to so disposed of as to prevent its being exposed for sale or used for the preparation of food, drink or medicine, as the case may be.

Explanation I.--- If any such article, having been exposed or stored in, or brought to, any place mentioned in sub- paragraph (1) for sale as asli (pure) ghee, contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this paragraph, to be an article which is not what it is represented to be.

Explanation II.— Meat subjected to the process of blowing shall be deemed to be unfit for human food.

Explanation III.--- The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health:

Provided that ----

(a) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight of measure of the food or drink or conceal the inferior quality thereof, or

(b) in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith, or

(c) the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added, or

(d) such owner or person has purchased that article with a written warranty that it was of a certain nature, substance and quality and had no reason to believe that it was not of such nature, substance and quality, and has exposed it or hawked it about or brought it for sale in the same state and by the same description as that in and by which he purchased it.

Lease and Licences for Land and Buildings

64. Lease and licences for land and buildings.— (1) A local government may grant a licence or lease in respect of any land, open space, building or property vested in it or managed, maintained or controlled by it on such terms and conditions as may be provided in by-laws.

(2) Notwithstanding anything contained in any other law or a subsisting lease or licence, the concerned local government may, after giving a reasonable notice to the person concerned, vary the terms and conditions of any lease or licence of land or buildings or any other property owned, managed, maintained or controlled by it, in such manner and to such extent, as it may deem fit, and may also cancel the lease or licence if the varied terms and conditions are not

acceptable to the lessee or the licensee.

(3) If, on the cancellation of any lease or licence under sub-paragraph (2) or on the expiry of the period of any lease or licence or on the determination or cancellation of a lease or licence on the breach of any of the terms and conditions thereof in respect of land or building or any property of which a local government is the lessor or licensor, any lessee or licensee holds on or continues in possession of such land, building or property or if in any case such land or building or property is required for any public purpose, the lessee or licensee on being required to hand over vacant possession within a specified time refuses or fails to vacate that land or building or property, the local government or an officer authorised by it in this behalf may enter upon and take possession of such land, building or other property, and may also demolish and remove the structures, if any, erected or built thereon.

(4) The cost of demolition and removal of structure under sub-paragraph (3) shall be payable to the local government by the lessee or licensee, as the case may be, and if the cost is not paid on demand, the local government may cause the material of the structures demolished and removed to be sold in auction, and if the proceeds of the sale are not sufficient to cover the cost, the balance shall be recoverable as arrears of land revenue, but if such proceeds exceed the cost, the excess shall be paid to the lessee or the licensee as the case may be.

(5) In sub-paragraphs (3) and (4) the lessee and the licensee shall be deemed to include a person who owns the structure at the time of removal or demolition and also any person in possession thereof on his account or with his permission or connivance.

(6) For the purpose of eviction of lessee or licensee under the provisions of this paragraph, an officer authorised by a local government in this behalf may use or cause to be used such force as may be necessary and may seek Magisterial or Police assistance.

(7) If any sum is payable by the lessee or licensee as rent or fee in respect of any land, building or other property on the day of recovery of possession thereof, the same shall be recoverable from him as arrears of land revenue.

Licensing: General Provisions

65. Power to vary licence.—If a local government is satisfied that any place used under a licence granted by it under this Ordinance is a nuisance or is likely to be dangerous to life, health or property, the concerned local government may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alterations, additions, or improvements as will, in the opinion of the concerned local government, render it no longer a nuisance or dangerous.

66. Carrying on trade, etc., without licence or in contravention of paragraph 65. Whoever carries on any trade, calling or occupation for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, and whoever, after receiving a notice under paragraph 65, uses or allow to be used any building or place in contravention thereof, shall be punishable with fine as prescribed and in the case of a continuing offence, with an additional fine for every day after the first during which the offence is continued.

Open Spaces

67. Gardens.— (1) A concerned local government may lay-out and maintain within its local area 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 by-laws, may provide.

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

68. Open spaces.— A concerned local government may provide and maintain within its local area such open spaces as may be necessary for the convenience of the public and such spaces shall be grasses, hedged, planted and equipped with such amenities and in such manner as the by-laws may provide

Planning

69. Spatial plan.— A concerned local government may draw up spatial (master) Plan for its local area which shall, among other matters, provide for—

(a) a survey of the its local area including its history, statistics, public service and other particulars;

(b) development, expansion and improvement of any area within the local area;

(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 local area; and

(d) such other matters as the concerned local government may require to be included in the plan.

70. Site development schemes.— (1) Where a Plan has been drawn up under paragraph 69 and such Plan has been approved, no owner of land exceeding such areas as may be specified in this behalf in the Plan so approved shall develop the site or erect or re-erect a building on any plot of land covered by the Plan, except in conformity with the provisions of a site development scheme sanctioned for the area in the manner prescribed.

(2) Where a Plan has not been drawn up under paragraph 69, 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 the site development scheme sanctioned by the concerned local government.

(3) An owner of land who desires to develop a plot or a piece of land belonging to him for which no sanctioned site development scheme exists, or where the proposed development is not in conformity with the existing development scheme, he may apply to the concerned local government for sanction of his development scheme and the local government may, on such terms and conditions and on payment of such fees or charges as may be laid down by it in its by-laws, sanction the same:

Provided further that the concerned local government may, after notice and for reasons to be recorded, cancel, modify or withdraw the sanction any time before construction in pursuance of the scheme has been commenced or made.

(4) Among other matters, the site development scheme shall provide for—

(a) the division of the site into plots;

(b) provision for streets, drains and open spaces;

(c) reservation of land for public utility services to be transferred to the concerned local government;

(d) provisions for acquisition of land by the local government, if any;

(e) the works that shall be executed at the cost of the owners of the site or sties; and

(f) the period during which the area shall be developed.

(5) The land reserved for public utility services in the Site Development Scheme shall be transferred, free of cost, by the owner or the owners to the local government before the sanction of the scheme. Such land shall not be converted or used for any purpose other than that shown in the same scheme.

71. Execution of site development schemes.— (1) The execution of site development scheme shall be subject to the inspection and control of the concerned local government and the local government may from time to time give such directions with regard to the execution of the scheme as may be deemed necessary.

(2) If any area is developed or otherwise dealt with in contravention of the provisions of the sanctioned scheme, the local government 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 local government may require and enforce the demolition of 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 scheme has been sanctioned is not developed within the period provided in the scheme and further extension is not allowed by the local government, or if the development is not in conformity with the terms of the site development scheme, the local government may take over the development of the scheme and execute the necessary works and the cost so incurred shall be deemed to be a tax levied on the owner or owners under this Ordinance.

THE SINDH LOCAL GOVERNMENT ORDINANCE 2001

SINDH ORDINANCE NO.XXVII OF 2001

Public Health and Sanitation

72. Unsanitary buildings and lands.— (1) A concerned local government may, by notice, require the owners or occupier of any building or land which is in unsanitary or unwholesome state—

(a) to clean or otherwise put in it in a proper state;

(b) to make arrangements to the satisfaction of the local government for its proper sanitation; and

(c) to lime wash the building and to make such essential repairs as may be specified in the notice.

(2) If in the opinion of a local government any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in a ruinous state or for want of sufficient repairs, protection or enclosure a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the concerned local government may by notice in writing may, require the owner or part-owner or person claiming to be the owner or part-owner thereof, or, failing any of them, the occupier thereof to remove the same, or may require him to repair, or to protect or enclose the same in such manner as it thinks necessary; and, if the danger is, in the opinion of the concerned local government imminent, it shall forthwith take such steps as it thinks necessary to avert the same.

73. Removal, collection and disposal of refuse.— (1) The concerned local government shall make adequate arrangements for the removal of refuse from all public roads and streets, public latrines, urinals, drains and all buildings and lands vested in the local government and for the collection and proper disposal of such refuse.

(2) The occupiers of all other buildings and lands within the local area of a local government shall be responsible for the removal of refuse from such buildings and land subject to the general control and supervision of the local government where relevant.

(3) The concerned local government shall cause public dustbins or other suitable receptacles to be provided at suitable places and where such dustbins or receptacles are provided, the concerned local government 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 dustbins or receptacles.

(4) All refuse removed and collected by the staff of a local government or under their control and supervision and all refuse deposited in the dustbins and other receptacles provided by the local government shall be property of the local government.

(5) The concerned local government may, by notice issue directions at which the manner in which and the conditions subject to which, any matter referred to in this paragraph may be carried out.

74. Latrines and urinals.— (1) The concerned local government 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 regularly and properly cleaned.

(2) A local government may, by notice in writing:--

(a) require any person having the control whether as owner, lessee or occupier of any land or building

i) to close any cesspool appertaining to the land or building which is, in the opinion of the concerned local government a nuisance, or

ii) to keep in a clean condition, in such manner as may be prescribed by the notice, any receptacle or filth or sewage accumulating on the land or in the building, or

iii) to prevent the water of any private latrine, urinal, sink or bath- room or any other offensive matter, from soaking, draining or flowing, or being put, from the land or building upon any street or other public place or into any water-course or other specified water body or into any drain not intended for the purpose; or

iv) to collect and deposit for removal by the conservancy establishment of the concerned local government within such time and in such receptacle or place, situated at not more than thirty five meters from the nearest boundary of the premises, as may be specified in the notice,

any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land; or

(c) require any person to desist from making or altering any drain leading into a public drain; or

(d) require any person having the control of a drain to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

(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 concerned local government may, by notice, require the owner or occupier of such premises—

(a) to provide such or such additional privy or urinal accommodation as may be 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.

(4) In case the owner or occupier of any building or land who has been served notice under sub-paragraph (3), fails to make arrangements to the satisfaction of the concerned local authority for the matter referred to in this paragraph, the concerned local government may undertake such roles and the cost so incurred shall be deemed to be a tax levied under this Ordinance on the owner or occupier.

75. Private latrines.—A concerned local government may, by notice in writing,--

(a) require the owner or other person having the control of any private latrine or urinal not to put the same to public use; or

(b) where any plan for the construction of private latrines or urinals has been approved by the concerned local government and copies thereof may be obtained free of charge on application,--

i) require any person repairing or constructing any private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the concerned local government and approved by it as conforming with such plan; or

ii) require any person having control of any private latrine or urinal to re-build or alter the same in accordance with such plan; or

(c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the concerned local government constitutes a nuisance, to remove the latrine or urinal; or

(d) require any person having the control whether as owner, lessee or occupier of any land or building

i) to have any latrines provided for the same out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or

ii) to keep such latrine or urinal in proper state to the satisfaction of the concerned local government and shall employ such staff for the purpose as may be necessary or as may be specified by the local government.

(e) require any person being the owner and having the control of any drain to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

76. Infectious diseases.— (1) The concerned local government shall adopt measures to prevent infectious diseases and to restrain infection within its local area.

(2) The concerned local government shall establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

77. Medical aid and relief and medical education.— A concerned local government may take such measures as may be necessary or as may be specified by the Government for—

(a) the provision, maintenance and management of First Aid Centres;

(b) the provision, maintenance and management of mobile medical aid units;

(c) the provision and encouragement of societies for the provisions of medical aid;

(d) the payment of grants to institutions for medical relief; and

(e) the medical inspection of school children.

78. Bathing and washing places.— (1) A concerned local government may from time to time—

(a) set apart suitable places for use by the public for bathing;

(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 the 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 concerned local government, and in conformity with the conditions and terms of such licence.

Public Safety

79. Fire-fighting.— (1) For the prevention and extinction of fires, the concerned local government 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 necessary.

(2) The concerned local government shall prepare fire- fighting plan and revise it at least once a year.

80. Civil defence.— The concerned local government shall be responsible for the civil defence of its local area, and shall in this behalf, perform such functions as may be specified by Government.

81. Floods.— For the fighting of floods, rescuing of people from the flood-affected areas, and affording relief to flood-stricken people, a concerned local government shall provide such boats, appliances and equipments as may be specified by Government.

Registration of Births and Deaths

82. Births and deaths.— A Union Administration shall register all births and deaths within the limits of its local area and information of such births and deaths shall be given by such persons or authorities, and shall be registered in such manner, as the by-laws may provide.

Social Welfare and Community Development

83. Social welfare.— (1) A concerned local government 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 its local area at its own expense;

(c) adopt such measures as may be specified by Government 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.

Street and Street Lighting

84. Public streets.— (1) A concerned local government shall provide and maintain such public streets and other means of public communications as may be necessary.

(2) A concerned local government shall, in the manner prescribed, prepare and execute a road maintenance and development programme.

85. Streets.— (1) No new street shall be laid out except with the previous sanction of the concerned local government 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 by-laws may provide.

(3) The concerned local government may, by notice, require that any street may be paved, metalled, drained, channelled, approved or lighted in such manner as may be specified and in the event of default, the local government may have the necessary work done through its agency and the cost so incurred shall be deemed to be a tax levied on the person concerned under this Ordinance.

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

86. Street lighting and electrification.— (1) The concerned local government shall take such measures as may be necessary for the proper lighting of the public streets and other public places vested in the local government by oil, gas, electricity or such other illuminant as the local government may determine.

(2) The local government shall also provide or cause to be provided electricity in coordination with the concerned department to its local area for public and private purposes.

(3) A concerned local government may frame and enforce a street lighting and electrification schemes.

87. Street watering.— The concerned local government 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.

Trades and Occupations

88. Provision of washing places.—(1) A local government may provide suitable places for the exercise by washer man of their calling, an may require payment of such fees as may be prescribed by the local council.

(2) Where the concerned local government has provided such places as aforesaid it may, by public notice, prohibit the washing of clothes by washer men at any other place within that part of the local area:

Provided that such prohibition shall not be deemed to apply to the washing by a washer man of his own clothes or of the clothes of any other person who is an occupier of the place at which they are washed.

(3) Whoever contravenes any prohibition contained in a notice issued under sub- paragraph (2) shall be punishable with fine as prescribed.

89. Licences required for carrying on of certain occupation.----
(1) No person of any of the following classes, namely:--

(a) butchers and vendors of poultry, game or fish;

(b) persons keeping milch cattle or milch goats for profit;

(c) persons keeping for profit any animals other than milch cattle or milch goats;

(d) dairymen, butter men and makers and vendors of ghee;

(e) vendors of fruit or vegetables;

(f) manufacturers of ice or ice-cream, and vendors of the same;

(g) vendors of any medicines, drugs or articles of food or drink for human consumption (other than milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable water or ice or ice-cream) which are of a perishable nature;

(h) vendors of water to be used for drinking purposes;

(i) washer men;

(j) persons carrying on any trade or occupation from which offensive or unwholesome smells arise;

(k) vendors of wheat, rice and other grain or of flour;

(l) makers and vendors of sweetmeats; and

(m) barbers and keepers of shaving saloons;

(n) any other trades and occupations specified in the bye-laws, or through public notice by local council from time to time.

shall carry on his trade, calling or occupation in such part of a local area as may be designated by the local council unless he has applied for and obtained a licence in this behalf from the concerned local government.

(2) A licence granted under sub- paragraph (1) shall be valid until the end of the year in which it is issued and the grant of such licence shall not be withheld by the concerned local government unless it has reason to believe that the business which it is intended to established or maintain would be offensive or dangerous to the public.

(3) Notwithstanding anything contained in sub- paragraph (1)---

(a) no person who was, at the commencement of this Ordinance carrying on his trade, calling or occupation in any part of a local area shall be bound to apply for a licence for carrying on such trade or occupation in that part until he has received from the concerned local government not less than 3 months' notice in writing of his obligation to do so, and if the concerned local government refuses to grant him a licence, it shall pay compensation for any loss incurred by reason of such refusal;

(b) no person shall be required to take out a licence for the sale or storage of petroleum or for the sale or possession for sale for poisons or white arsenic in any case in which he is required to take out a licence or such sale, storage or possession under any Federal or Provincial statutes.

(4) A local council may charge fees for the grant of licences under this paragraph.

90. Conditions which may be attached to licences.—A licence granted to any person under paragraph 89 shall specify the part of the local area in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the local area of any specified articles intended for human consumption and may contain any other conditions which concerned local government thinks fit to impose in accordance with bye-laws made under this ordinance.

Transport and Traffic

91. Traffic control.— (1) The concerned local government shall, by by-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 concerned local government may, provide for parking motors on such public places as may be determined by it.

92. Public vehicle.— (1) No person shall keep or let for hire or drive or propel, within the limits of the local area of a concerned local government, any public vehicle, other than a motor vehicle, except under a licence granted by the local government, and in conformity with the conditions of such licence.

(2) No horse or other animal shall be used for drawing a public vehicle within the local area of a concerned local government except under the licence granted by the local government and in conformity with the conditions of such licence.

(3) The concerned local government shall, in such manner as by-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 rate in excess thereof.

(4) In this paragraph, a "public vehicle" means any vehicle which ordinarily plies for hire.

93. Public ferries.— (1) A concerned local government may, by by-laws, provide for the licensing of boats and other vessels plying for hire in a public watercourse and may specify the terms and conditions for the grant of licences and the fees to be charged therefor.

(2) Government may declare any part of the public watercourse to be a public ferry and may entrust the management thereof to a concerned local government which shall manage and operate the public ferry in such manner and levy such toll as may be necessary.

Water Supply

94. Water supply.— (1) The concerned local government shall provide or cause to be provided to its local area a supply of wholesome water sufficient for public and private purposes.

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

95. Private source of water supply.— (1) All private sources of water supply within the local area of a concerned local government shall be subject to control, regulation and inspection by the local government.

(2) 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 concerned local government.

(3) A concerned local government 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 local government directs; and

(c) if the water therein is proved to satisfaction of the local government 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.

96. Public watercourses.— (1) A concerned local government may, with the previous sanction of the Government, declare any source of water, river, spring, tank, pond or public stream, or any part thereof within its local area, which is not private property, to be a public watercourse.

(2) A concerned local government may, in respect of any public watercourse, provide such amenities, make such arrangements for lifesaving, execute such works, and subject to the provisions of any law for the time being in force relating to irrigation, drainage and navigation, regulate the use thereof, as the by-laws may provide.

97. Tanks, ponds and low-lying areas.— A concerned local government may take such steps with regard to the excavation or re-excavation of tanks and ponds and the reclamation of low-lying areas as it thinks fit or, as the case may be, Government directs.

ANNEX

[see paragraph 44]

DANGEROUS AND OFFENSIVE ARTICLES AND TRADES

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, gum, cotton, saltpetre, nitro compounds, nitro mixtures, phosphorous or dynamite.

7. Cleaning, dying, preparing or manufacturing by any process whatever, cloth or yarn in indigo and other colours.

9. Storing, processing, cleaning, 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. Washings or drying wool or hair.

12. Making or manufacturing bricks, surkhi, tiles or earthenware pots, clay 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 of class of machinery.

15. Keeping animals likely to create nuisances.
16. Fellmongering.

17. Casting of heavy metals such as iron, lead, copper and brass.

18. Dealing in chemicals, liquid or otherwise.

19. Wholesale storing, cleaning, pounding and selling of tobacco except the storing of tobacco required for the preparation of biddies, cigars or cigarettes.

20. Operating or running tin factories.

21. Manufacture of safes, trunks and boxes.

22. Marble cutting and polishing.

23. Glass levelling 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 dammar, coconut, fibre, flax, hemp, rosin or spirit.

26. Tanning, pressing or packing hide or skins raw or dry.

27. Trade or operation of ferries.

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 firearms 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 or the concerned local government to be dangerous to life, health, or property or likely to cause nuisance either from its nature or by reason of the manner in which or the conditions under which, the same may be processed or carried on.