

**THE ISLAMABAD CAPITAL TERRITORY
LOCAL GOVERNMENT ORDINANCE, 2002**

November 2002

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AN ORDINANCE

to provide for establishment of empowered local governments in Islamabad Capital Territory

WHEREAS it is expedient to provide for empowered local governments, devolve political power and decentralise administrative and financial authority thereto and regulate the administration of Federal Capital for effective delivery of services and transparent decision making through institutionalized participation of the people at grass root level;

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

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, the Provisional Constitution Order No.1 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make the following Ordinance:-

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.— (1) This Ordinance may be called the Islamabad Capital Territory Local Government Ordinance, 2002.

(2) It extends to the whole of the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions.— 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 a statement of estimated receipts and expenditures 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) 'Chief Executive of the Federal Capital' means the Federal Minister for Interior who will perform the functions of the Chief Executive of the Province equivalent;
- (vii) 'Capital Development Authority' means the Capital Development Authority constituted under the Capital Development Authority Ordinance, 1960 (XXIII of 1960);
- (viii) 'Council' means the Zila Council, or as the case may be, a Union Council, a Village Council and a Neighbourhood Council;
- (ix) 'District' means the Islamabad City District;
- (x) 'decentralise' or 'decentralised' means conferment by the Federal Government under this Ordinance of its administrative and financial authority for the management of specified offices of the Federal Government to the local governments;
- (xi) 'dependent' means wholly or partially dependent parents, spouse, guardians, children, step and adopted children;
- (xii) 'disaster' includes famine, flood, cyclone, fire, earthquake, drought, and damages caused by *force majeure*;
- (xiii) 'drain' includes a sewer, a house drain or a drain of any other description, used for carrying sullage or rain water;
- (xiv) 'elector' means a person whose name appears on the electoral rolls prepared for Islamabad City District by the Election Commission of Pakistan under the Islamabad Capital Territory Local Government Election Order, 2001 (Chief Executive's Order No.10 of 2001);
- (xv) 'Government' means the Government of Pakistan in the Ministry of Interior;
- (xvi) 'Islamabad Capital Territory' means the Federal Capital as determined under the Capital of the Republic (Determination of Area) Ordinance, 1963 (VI of 1963);
- (xvii) '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);

- (xviii) 'local area' means an area specified in section 5 of this Ordinance;
- (xix) 'local government' includes—
 - (a) the City District Government and the Zila Council in Islamabad City District; and
 - (b) Union Administration and Union Council in each Union;
- (xx) '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) based on irrelevant grounds,
 - (b) neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities or delivery of civic and municipal services under this Ordinance or any other law for the time being in force;
- (xxi) 'market' means a place notified as market under this Ordinance or any other law for the time being in force;
- (xxii) 'member' means an elected member of a Council;
- (xxiii) '*mauziat*' means revenue estates declared as such under the Land Revenue Act, 1967 (W.P. Act XVII of 1967), adopted in the Islamabad Capital Territory;
- (xxiv) 'municipal services' include 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 street lighting, public parks, gardens, arboriculture, landscaping, billboards, hoardings, fire fighting, land use control, zoning, master planning, classification, declassification or reclassification of commercial or residential areas; markets, housing, urban or rural infrastructure, environment and construction, maintenance or development thereof and enforcement of any law or rule relating thereto;
- (xxv) 'Naib Nazim' means a Naib Zila Nazim or a Naib Union Nazim;
- (xxvi) 'Nazim' means Zila Nazim or a Union Nazim;

- (xxvii) 'Neighbourhood' means a *Mohallah*, a group of streets, lanes or roads, designated by City District Government to be the Neighbourhood;
- (xxviii) 'peasant' means a person who is a landless farm worker or, one who during the period of five years preceding the year in which local government election is held, has been the owner of not more than five acres of land and depends directly on it for subsistence living;
- (xxix) 'prescribed' means prescribed by rules made under this Ordinance;
- (xxx) 'public place' means any building, premise or place to which the public have access;
- (xxxi) '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;
- (xxxii) 'street line' means a line dividing the land and forming part of a street from adjoining land;
- (xxxiii) 'tax' includes any cess, fee, rate, toll or other impost leviable under this Ordinance;
- (xxxiv) 'Union' means a local area notified under section 6 to be a Union under this Ordinance;
- (xxxv) 'Union Administration' includes the Union Nazim, Naib Union Nazim, Union Secretaries, and other employees of Union Administration;
- (xxxvi) 'Village' means an integrated and contiguous human habitation commonly identified by a name and includes a *dhok*, *chak*, *graan*, *basti* or any other comparable habitation;
- (xxxvii) 'water reservoir' includes a spring, well, tube well, pond, tank, water course, culvert or any channel used for supplying water; and
- (xxxviii) '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).

3. Ordinance to over-ride other laws.— The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

4. Local governments to function within Federal Government framework.—
 (1) The local governments established under this Ordinance shall function within the Federal Government framework and adhere to all applicable laws.

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

CHAPTER II LOCAL AREAS AND LOCAL GOVERNMENTS

5. Composition of local areas.— For the purpose of this Ordinance, the following shall be the local areas in Islamabad Capital Territory, namely:-

- (a) Unions; and
- (b) Islamabad City District.

6. Delimitation of Unions.— A Union shall be an area comprising one or more *muaziat* 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, the 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 *muaziat*, 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 area of a Union shall comprise a whole number of *patwar* circles, or a *patwar* circle may contain a number of whole Unions;
- (c) the area of 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 *muaziat* or a combination of a whole number of census blocks and *muaziat*; and
- (d) the population of Unions within the Islamabad City District shall be uniform:

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

7. Alteration of local areas.— (1) Any two or more adjoining Unions within the District may, after having invited public objections through a resolution, during the fourth year of their being in office, or in the year when local government elections are to be held, passed by two-third majority of the total membership of each of the relevant Union Councils, make a proposal to the Government for a change in their respective boundaries subject to the condition 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 the District.

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

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

8. Local governments for local areas.— There shall be a local government for each local area comprising:-

- (a) District Government to be known as the City District Government and Zila Council; and
- (b) Union Administration and Union Council in each Union.

CHAPTER III CITY DISTRICT GOVERNMENT

9. Composition of Islamabad City District Government.— (1) The City District Government shall consist of the Zila Nazim and the District Administration.

(2) The City 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 the District Coordination Officer.

10. Decentralised offices and grouping of offices.— (1) On the commencement of this Ordinance, the administrative and financial authority for the management of the offices of the Federal Government specified in Part-A of the First Schedule set up in the District shall stand decentralised to the City District Government:

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

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

(3) The offices decentralised to the City District 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 in the District specified in the First Schedule, in consultation with the City District Government, 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.

11. Authority and responsibility of City District Government.— (1) The authority of the City District Government shall comprise the management and control of offices which are decentralised to it or may be set up under this Ordinance:

Provided that the City District Government shall exercise such authority within the District in accordance with the general policy of the Government.

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

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

(4) On assumption of the office by the first Zila Nazim under this Ordinance, the control of Capital Development Authority shall vest in the Zila Nazim and the Chairman Capital Development Authority shall report to the Zila Nazim.

(5) Notwithstanding any thing contained in the Capital Development Authority Ordinance, 1960 (XXIII of 1960), and any other law, rules, by-laws, regulations or notifications for the time being in force, the Capital Development Authority shall function as the City Municipal Administration, and the development and the municipal responsibility of the Capital Development Authority shall extend to the whole of the Islamabad Capital Territory.

12. The Zila Nazim.— (1) The Zila Nazim shall head the City 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 City District Government is carried out in accordance with the provisions of this Ordinance and other laws for the time being in force.

13. Functions and powers of the Zila Nazim.— (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 City 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 and set directives for realizing the economic potential of the District;
- (c) perform functions relating to law and order in the District;
- (d) ensure implementation of the functions decentralised to the City District Government;
- (e) oversee formulation and execution of the annual development plan, delivery of services and functioning of the City District Government;
- (f) coordinate inter-Union development plans;
- (g) present tax proposals to the Zila Council;
- (h) present for approval to the Zila Council budget for City District Government and the Zila Council;
- (i) maintain administrative and financial discipline in the City District Government;

- (j) present report on the performance of the City District Government in person to the Zila Council at least twice a year;
- (k) take charge, organise and prepare for relief activities in disasters or natural calamities and muster resources for crisis management;
- (l) authorise officers of the City District Government to sign documents on his behalf;
- (m) initiate inspections of Union Administration in the District pursuant to section 110.
- (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 City District Government;
- (p) represent City 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 City District Government.

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

15. Personal responsibility of the Zila Nazim.— 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.

16. Resignation of Zila Nazim.— The Zila Nazim may resign from office by tendering resignation in writing addressed to the Chief Executive of the Federal Capital.

17. Vacancy in the office of Zila Nazim.— (1) In case the office of the 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 the Zila Nazim till an officiating Nazim is appointed under sub-section (6) of section 131 or the 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 the Zila Nazim.

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

18. External recall of the Zila Nazim— (1) If in the opinion of the Chief Executive of the Federal Capital, the continuance in office of the Zila Nazim is against the public policy or interest of the people or he is guilty of misconduct, the Chief Executive of the Federal Capital may move a motion in the National Assembly stating the grounds for the recall of the 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 National 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 National Assembly.

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

(4) Nothing contained in sub-sections (1) and (2) shall affect the provisions of section 22 in respect of removal of the Zila Nazim by the Chief Election Commissioner.

19. Internal recall of the Zila Nazim.— (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 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 the 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 the 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 the 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 the Zila Nazim shall be moved during the first year of assumption of office of the Zila Nazim nor shall such motion be repeated before the expiry of one year from the rejection of previous motion.

Explanation.— For the purpose of this section and other provisions of this Ordinance, the expression “Election Authority” shall mean the authority nominated by the Federal Government for causing voting of the members of Union Councils, whenever so required for recall of the Zila Nazim or, as the case may be, Union Nazim.

20. Setting aside an order of the Zila Nazim by Chief Executive of the Federal Capital.— (1) The Federal Capital 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 the Zila Nazim and recommend to the Chief Executive of the Federal Capital 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 Federal Capital.

(2) The quashment of the order or decision referred to in sub-section (1) shall be notified by the Interior Division in the official Gazette.

21. Structure of District Administration.— The District Administration shall comprise the district offices, including sub-offices of the departments of the Federal Government decentralised to the City District Government and grouped under the Executive District Officers and coordinated by the District Coordination Officer.

22. Heads of offices and groups.— (1) The District Coordination Group of Offices specified in Part-C of the First Schedule shall be headed by the District Coordination Officer.

(2) The 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:

Provided that where any sub-office of the district office exists in the District, the Deputy District Officer shall head such sub-office.

23. District Coordination Officer.— (1) The Federal Government shall appoint a District Coordination Officer who shall be a Federal civil servant, as far as possible, 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 the City District Government and be responsible to the Public Accounts Committee of the National 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 City 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 assessment of 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 City District Government.

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

24. Functions and powers of Executive District Officer.— The functions and powers of 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) prepare development plans and propose budgetary allocations for their execution;
- (f) implement approved plans and policies;
- (g) authorise disbursement of performance bonuses to the employees;
- (h) prepare proposals for expenditures necessary for the proper conduct of programs, projects, services, and other activities;
- (i) propose relevant bye laws on service delivery to the District Coordination Officer; and
- (j) act as Departmental Accounting Officer for his respective group of offices and be responsible to the District Accounts Committee of the Zila Council.

25. City district administration working.— (1) In matters of policy and important decisions, the District Coordination Officer shall obtain approval of the 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 the District Government shall, ordinarily, be three years.

(4) Where the performance of the District Coordination 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 Federal Capital Commission.

(5) The Federal Capital Commission shall inquire into the matter referred to in sub-section (4) and place the findings and recommendations before the Chief Executive of the Federal Capital 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.

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

27. Assignment of functions to Union Administration etc.— The City District Government with the prior approval of Zila Council may,—

- (a) 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 or Neighbourhood 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 City District Government.

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

Provided that responsibility for discharge of such functions shall continue to vest with the City District Government.

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

- (d) 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 City District Government.

- (e) 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.

28. Disposal of Government's work- 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.

29. Performance evaluation- The annual performance reports of the officers posted in the District Government 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 Secretary, Ministry of Interior, Government of Pakistan, and the Chief Executive of the Federal Capital shall be the second countersigning authority;

- (b) the Zila Nazim in respect of the Chairman Capital Development Authority:

Provided that the first countersigning officer shall be the Secretary, Ministry of Interior, Government of Pakistan, and the Chief Executive of the Federal Capital shall be the second countersigning authority;

- (c) the Zila Nazim in respect of the Capital City Police Officer concerning the maintenance of law and order in the Islamabad Capital Territory:

Provided that the first countersigning officer shall be the Secretary, Ministry of Interior, Government of Pakistan, and the Chief Executive of the Federal Capital shall be the second countersigning authority;

- (d) the District Coordination Officer in respect of the Executive District Officers and the Zila Nazim shall be the countersigning officer;

- (e) 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 office of the Federal Government shall be the Technical Reporting Officer; and

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

CHAPTER IV ZILA COUNCIL

30. Composition of the Zila Council.— (1) The Zila Council shall consist of all Union Nazims in the City 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.

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

32. Functions and powers of the Zila Council.— The functions and powers of a the 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;
- (d) approve annual budget of the District Government and Zila Council;
- (e) elect committees of the Zila Council for monitoring the performance of the District Government;

- (f) ensure that 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 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 Lahore 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 Islamabad 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 as part of the budget statement;
- (o) approve posts for the office staff of the Zila Nazim and staff of the Zila Council:

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 City 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) approve honoraria, travelling and daily allowances of the Zila Nazim, Naib Zila Nazim, Union Nazims, Naib Union Nazims and members of the Councils:

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;

- (r) review the performance reports of the City District Government presented by the Zila Nazim;
- (s) review the audit reports and comments thereon by the Zila Accounts Committee;
- (t) review measures for flood relief;
- (u) require the City District Government to undertake measures for good governance and improvement in the delivery of services;
- (v) approve proposals for master plans, zoning, land use plans, including classification and reclassification of land, environment control and ecological balances for consideration and approval of Federal Capital Commission;
- (w) review implementation of rules and bye-laws;
- (x) approve proposals of the City District Government for public transport and mass transit systems, construction of express-ways, flyovers, bridges, roads, streets and under passes;
- (y) approve development schemes for beautification of areas along rivers and dams; and
- (z) review development of integrated system of water reservoirs, water sources, treatment plants, drainage, liquid and solid waste disposal, sanitation and other municipal services.

33. Conduct of the business of the Zila Council.— (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 Federal Capital 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 the 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 the Zila Council shall be recorded and maintained by the Secretariat of the Zila Council.

34. Address of the Zila Nazim.— (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 City 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 functioning of the City District Government.

35. Joint Committee of Councils.— The Zila Council may, with the consent of 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.

36. Setting aside a resolution of the Zila Council.— (1) On a motion initiated by the Government, the National 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 National Assembly referred to in sub-section (1) shall be notified in the official Gazette.

37. Resignation of the Naib Zila Nazim.— The Naib Zila Nazim may resign from office by tendering resignation in writing addressed to the Zila Nazim.

38. Recall of the Naib Zila Nazim.— (1) If in the opinion of a member of the 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 presiding officer, in order of precedence, for recall of the Naib Zila Nazim.

(2) On receipt of notice referred to in sub-section (1), the presiding officer in the panel referred to in sub-section (5) of section 33 shall summon a session of the 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 receipt.

(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 the 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 year 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.

39. Power of the Zila Council to elect officiating Zila Nazim- In case the office of the 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 131:

Provided that the 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 the Zila Nazim, as the case may be:

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

CHAPTER V UNION ADMINISTRATION

40. Composition of Union Administration.— 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.

41. Structure of Union Administration.— (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, under the supervision of the Union Nazim, shall coordinate and facilitate in community development, functioning of the Union Committees and delivery of such municipal services as may be assigned to the Union Administration:

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

(4) The Union Nazim may declare one of the Secretaries of the Union Administration to act as the Principal Accounting Official of the Union Administration

42. Functions of the Union Administration.— The functions of Union Administration shall, subject to sub-section (3) of section 41, 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 City District Government;
- (c) to identify deficiencies in the delivery of services and make recommendations for improvement thereof to the City District Government;
- (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 Part-II of 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 inter-Neighbourhood sports tournaments, fairs, shows and other cultural and recreational activities;

- (h) to disseminate information on matters of public interest;
- (i) to improve and maintain public open spaces, public gardens and playgrounds;
- (j) to provide and maintain public sources of drinking water, including wells, water pumps, tanks, ponds and other works for the supply of water other than those maintained by the City District Government;
- (k) to maintain the lighting of streets, public ways and public places through mutual agreement with the City District Government;
- (l) to arrange facilities for the handicapped, destitutes and poor;
- (m) to provide protection against stray animals and animal trespass, and to establish cattle pounds;
- (n) to regulate grazing areas;
- (o) to assist the relevant authorities in disasters and natural calamities, and in relief activities, including de-silting of water courses;
- (p) to co-operate with the public, private or voluntary organisations, engaged in activities similar to those of the Union;
- (q) to execute the projects of the approved Union annual development plan by contracting out to the private sector in the manner as may be prescribed and to obtain support of the City District Government for such execution; and
- (r) to assist the Village Councils or, as the case may be, Neighbourhood Councils in the Union to execute development projects.

43. Assignment of functions to Village or Neighbourhood Council.— The Union Administration may, subject to such terms and conditions as may be mutually agreed, assign any of its functions to Village or Neighbourhood 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.

44. Entrustment of functions by City District Government.— The Union Administration may, with the mutual agreement with the City District Government, subject to the provision of section 27, and the funds raised by it through voluntary contributions, undertake development projects or functions of the City 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.

45. The Government to prescribe powers of Union Administration.— The administrative, financial and regulatory powers of the Union Administration shall be prescribed by the Government.

46. Functions of Union Nazim.— 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-village municipal infrastructure;
- (c) assist the City District Government 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.

47. Personal responsibility of Union Nazim.— 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.

48. Setting aside decision of Union Nazim.— (1) On a motion initiated by the Zila Nazim, the Zila Council, by a resolution stating the grounds thereof passed by a simple majority of its total membership, may 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 Zila Council.

49. Resignation by Union Nazim.— The Union Nazim may resign from his office by tendering resignation in writing addressed to the Naib Zila Nazim.

50. External Recall of Union Nazim.– (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 a 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 Council, Village Councils and Neighbourhood Councils in the Union.

(3) Where the Union Council, Village Councils and Neighbourhood Councils approve the resolution referred to in sub-section (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 110 in respect of recall of Union Nazim.

51. Internal recall of Union Nazim.– (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 a 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 members of the Village Councils and Neighbourhood Councils in the Union and if such motion is approved by a simple majority of the total members of the Village Councils and Neighbourhood Councils, the Union Nazim shall cease to hold office from the date of notification to be issued by the City District Government under sub-section (6).

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

(6) The City 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 year 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.

CHAPTER VI UNION COUNCIL

52. Composition of the Union Council.— There shall be a Union Council in each Union comprising twenty-one following members elected directly in accordance with section 122:-

- (a) twelve 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 minority communities mentioned in clause (c) shall be allocated in the manner prescribed by the Government.

53. Functions of the Union Council.— 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 specified in Part-II of the Second Schedule proposed by the Union Administration;
- (c) facilitate the formation and functioning of Citizen Community Boards;
- (d) assist the City District Government 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 water courses and other development pursuits;
- (g) promote plantation of trees, landscaping and beautification of public places in the Union;
- (h) assist District 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 City District Government for achievement of socio-economic development and improvement of services;
- (k) elect Monitoring Committees of the Union Council, 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.

54. Conduct of the business of Union Council.– (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 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 authorized official of the Union Council.

55. Address of Union Nazim.— (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.

56. Resignation by Naib Union Nazim.— The Naib Union Nazim may resign from his office by tendering resignation in writing addressed to Union Nazim.

57. Recall of Naib Union Nazim.— (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 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 deliberation 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 City 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.

58. Joint Committee of Councils.— The Union Council may, with the consent of the Zila Council or adjoining Union Council set up Joint Committee 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 VII VILLAGE AND NEIGHBOURHOOD COUNCILS

59. Declaration of Village and Neighbourhood Councils.— Within ninety days of the assumption of office, upon a proposal of the City District Government, the Zila Council may determine and declare by notification a Village or a Neighbourhood in the District to have a Village Council or, as the case may be, the Neighbourhood Council and number of members to be elected for such Councils.

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

Provided that in 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.

61. Election of Village Council and Neighbourhood Council.— (1) The City District Government shall, within ninety days after declaration of Villages and Neighbourhoods, conduct the elections of Village Councils and Neighbourhood Councils as may be prescribed.

(2) The vacancies of the members of the Village Council or, as the case may be, Neighbourhood Council referred to in section 59 shall be filled in by the persons securing highest number of votes.

(3) 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.

62. Functions of Village Council and Neighbourhood Council.— (1) The Village and Neighbourhood Councils shall, perform such functions as may be assigned to them by the Union Administration, which may include—

- (a) the development and improvement of water supply sources;
- (b) the arrangements for sanitation, cleanliness and disposal of garbage and carcasses;

- (c) the development of sites for drinking and bathing of cattle;
- (d) taking measures to prevent contamination of water;
- (e) preventing and abating nuisances in public ways, public streets and public places;
- (f) organising watch and ward in the Village and Neighbourhood through unarmed Village or Neighbourhood guards;
- (g) organising Village and Neighbourhood sports teams, cultural and recreational activities;
- (h) mobilising voluntary resources, including physical labour, property and cash contributions for municipal activities in the Village and Neighbourhood;
- (i) facilitating the formation of co-operatives for improving economic returns and reduction of interstitial poverty and consumer protection;
- (j) reporting cases of handicapped, destitute and of extremely poor people to the Union Administration;
- (k) mobilising the community for maintenance of public streets, play grounds, parks, culverts and public buildings, de-silting of watercourses; and
- (l) promoting 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; and
- (e) managing and lighting of Village or Neighbourhood roads, streets, and paths.

63. Village Council and Neighbourhood Council to develop facilities– (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 VIII CITIZEN COMMUNITY BOARD

64. Composition of Citizen Community Board.– (1) In every local area, a group of twenty five or more non-elected citizens may, through voluntary, proactive and self help initiatives, set up any number of Citizen Community Boards for purpose of–

- (a) energizing the community for development and improvement in service delivery;
- (b) development and management of a new or existing public facility;
- (c) identification of development and municipal needs;
- (d) mobilization of stakeholders for community involvement in the improvement and maintenance of facilities;
- (e) welfare of the handicapped, destitutes, widows and families in extreme poverty;
- (f) establishment of farming, marketing and consumers cooperatives; and
- (g) reinforcing the capacity of Monitoring Committees at the behest of the concerned council.

(2) No person shall be eligible to set up a Citizen Community Board or become its member or hold the office of the Executive Committee, Chairman or Secretary of the Citizen Community Board, if he–

- (a) is a minor; or
- (b) is of unsound mind and has been so declared by a competent court; or
- (c) is an undischarged insolvent; or
- (d) has been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power on authority under any law for the time being in force; or
- (e) has been dismissed from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on the grounds of misconduct involving moral turpitude; or

(f) is a defaulter of a loan from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has got such loan written off; or

(g) his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months.

(2) The Citizen Community Board shall be registered with the registration authority, and carry on its functions and activities subject to such rules as may be prescribed.

(3) The Citizen Community Board shall have a general body of its members who shall elect an Executive Committee which shall include Chairman, Secretary and office bearers for carrying out its functions.

(4) The term of office of the Executive Committee shall be two years extendable through election for a similar term or terms by the general body.

65. Raising of funds by Citizen Community Board.— (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.

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

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

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

(6) The accounts of the Citizen Community Board shall be subject to audit as may be prescribed by the Auditor General.

66. Citizen Community Board to be a non-profit organization.— (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.

(2) The properties and income of a Citizen Community Board shall vest, and be held, in the name of its Executive Committee.

(3) A Citizen Community Board shall sue and be sued in the name of its Executive Committee.

(4) The Executive Committee shall be responsible for any loss caused to the Citizen Community Board.

(5) No portion of the income of a Citizen Community Board shall be paid by way of salary, dividend, profit or bonuses or otherwise distributed to any of its members or contributors, whether past or present.

(6) If a Citizen Community Board is not carrying on its functions and activities in accordance with this Ordinance and Rules made thereunder, the registration authority may appoint an administrator, with such powers and functions as the registration authority deems appropriate, to run its affairs, take over its assets, or for the disposal of any other matter.

(7) Where a local government has contributed towards creation of any assets or funds of a Citizen Community Board, in case of dissolution or de-registration, its assets shall pass on to such local government and the assets shall continue to be used for community welfare by the local government through any of its agencies or any other Citizen Community Board designated by such local government in this behalf.

CHAPTER IX MUSALIHAT ANJUMAN

67. Constitution of Musalihat Anjuman.— (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.

(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.

68. Encouragement for amicable settlement of disputes.— 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.

69. Courts may refer cases to Musalihat Anjuman.— (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 sub-section (1) may lay down the procedure for summoning the parties to the dispute, the terms of reference, the period during which settlement is to be made, the manner in which report of the settlement is to be submitted and such other matters as it may deem appropriate for resolution of the dispute.

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

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

70. Appointment of Musleh (Conciliator) for individual cases- Where in a dispute the parties request for appointment of a person other than the Musaleheen (Conciliators) in the panel referred to in section 67 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.

71. Procedure of settlement of disputes- (1) The Convener of the Musalihat Anjuman selected under section 67 shall-

- (a) convene meetings of the Musalihat Anjuman as necessary and at such place or places in the Union as he considers appropriate; and
- (b) conduct the proceedings in an informal manner as he considers with the object to bring an amicable settlement between the parties.

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

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

CHAPTER X LOCAL GOVERNMENT FINANCE

72. Establishment of Funds and Public Accounts.— (1) There shall be established a District Fund for the City District Government and a Union Fund for each Union Administration.

(2) All revenues received by a local government shall form part of the respective local government fund, including:-

- (a) monies transferred by another local government under this Ordinance;
- (b) grants made to, or monies received by, a local government from the Government or other sources;
- (c) proceeds of taxes or charges levied by a local government under this Ordinance;
- (d) rents and profits payable or accruing to a local government from property vested in or controlled or managed by it;
- (e) proceeds or any other profits howsoever known or called from bank accounts, investments or commercial enterprises of a local government;
- (f) gifts, grants or contributions to a local government by individuals or institutions;
- (g) fines paid with respect to offences under this Ordinance or by-laws or under any other law for the time being in force in which provision is made for the fines to be credited to the Funds established under this Ordinance; and
- (h) proceeds from other sources of income.

(3) All other monies belonging to the public including—

- (a) receipts accruing from trusts administered or managed by a local government;
- (b) refundable deposits received by a local government; and
- (c) deferred liabilities;

shall be credited to the Public Account of the respective local government.

73. Custody of Funds and Operation of Accounts.— (1) Monies credited to the District Fund or the Public Account of the City District Government shall be kept in separate accounts in the State Bank of Pakistan or a bank approved by the Government.

(2) Monies credited to the Union Fund or the Public Account of a Union Administration shall be kept in separate accounts in the State Bank or a bank approved by the Government.

74. Application of Funds.— (1) The monies credited to a Fund shall be expended by a local government in accordance with the budget approved by its Council.

(2) A local government may transfer approved budgeted amounts to another local government, Village Council or Neighbourhood Council or Citizen Community Board, within its local area for carrying out a project, service or activity.

(3) The development budget shall be prioritized in accordance with the bottom up planning system as laid down in section 87:

Provided that—

- (a) not less than twenty five percent of the development budget for new schemes shall be set apart for Citizen Community Boards to be utilized in accordance with the provisions of section 87; 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 for that year.

(4) 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, in excess of eight percent per mensem of the budgeted funds for the remainder of its term in office in that financial year.

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

(6) Each Council shall fix the financial limit for award of contracts upon respective administration beyond which the contracts shall be approved by the Council.

75. Charged expenditure.— The following expenditure shall be treated as charged expenditure:-

- (a) in relation to District Fund—
 - (i) the administrative expenses of the Zila Council;
 - (ii) any sum to satisfy any judgment, decree or award against a local government by any court or tribunal; and
 - (iii) interest payments;

- (b) in relation to Union Fund—
- (i) the administrative expenses of the Union Council;
 - (ii) any sum to satisfy any judgment, decree or award against a local government by any court or tribunal; and
 - (iii) interest payments.

76. Budget preparation.— (1) The annual budget for each local government shall contain estimates of—

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

(2) Before the commencement of a financial year each local government shall, for its Fund, prepare in the prescribed manner a budget for that year.

(3) To facilitate the budget preparation by a local government the Government shall, sufficiently before the beginning of each financial year, notify the provisional Islamabad Capital Territory Grant and the share of each local government.

(4) The final Islamabad Capital Territory Grant and the share of each local government shall be notified by the Government upon approval of the Federal Government Budget.

(5) No demand shall be made in the budget except on the recommendation of the concerned Nazim.

(6) Conditional grants from the Government shall be shown separately in the budget of local governments and shall be subject to the conditions laid down by Government.

(7) The budgets of Capital Development Authority and Zila Council shall be included in the budget of the City District Government and shall be reflected separately.

(8) The budget of the Union Council shall be included in the budget of the respective Union Administration and shall be reflected separately.

(9) City District Government and Union Administrations shall re-appropriate budgetary provisions in accordance with the re-appropriation powers delegated to them by the respective Council:

Provided that at the end of the financial year a full statement of all re-appropriations shall be submitted to the Council.

77. Approval of Budget.– (1) Following the presentation of the Federal Government Budget but, before the commencement of the next financial year, each Nazim shall present the budget for approval by the respective Council:

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

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

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

(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 thirty days:

Provided that a local government shall not spend funds or make commitments for any expenditure in excess of eight percent of the amount budgeted in the preceding year.

(6) In case the budget is not passed within thirty days period the budget shall be prepared, approved and authenticated by the Government for the full year.

(7) The Government shall notify the period for which a revised budget shall be prepared by a local government and approved by its Council.

(8) A budget shall not be approved if–

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

(b) the provisions of section 87 have not been complied with.

(9) After approval by the Council the respective Nazim shall authenticate by his signature a schedule specifying–

(a) the grants made or deemed to have been made by the Council; and

(b) the several sums required to meet the expenditure charged upon the respective Fund.

(10) The schedule so authenticated shall be laid before the Council, but shall not be open to discussion or voting.

(11) The schedule so authenticated shall be communicated to the respective Accounts officials as specified in section 80.

78. Honoraria and Allowances.— Each local government shall make budgetary provisions for honoraria and allowances of the Nazim, Naib Nazim, and members of the Council.

79. Method and Principle of Accounts.— The accounts of the receipts and expenditure of local governments shall be kept in such form and in accordance with such principles and methods as the Auditor General of Pakistan may, with the approval of the President prescribe.

80. Maintenance and Operation of Accounts.— (1) Unless otherwise directed by the Government, the accounts shall be maintained by the following officers:-

- (a) District Accounts Officer for City District Government.
- (b) Director of Audit and Accounts, Capital Development Authority for the Capital Development Authority.

(2) One of the Secretaries in the Union Administration shall be designated by the Union Nazim as the Union Accountant for maintenance of the accounts of the Union Administration.

(3) The District Accounts Officer and Union Accountant shall perform pre-audit of all payments from respective funds of the local governments, in accordance with the pre-audit checks prescribed by the Auditor General of Pakistan:

Provided that the pre-audit of payments from Capital Development Authority accounts shall be performed by the Director of Audit and Accounts, Capital Development Authority.

(4) The cheques of the Union Administration shall be signed by the respective Union Accountant and Union Nazim.

(5) The budgetary releases for the development projects of Capital Development Authority shall be transferred by the Executive District Officer (Finance and Planning) to the Capital Development Authority Development Account.

(6) The proportionate release of the non-development budget of Capital Development Authority shall be transferred by the Executive District Officer (Finance and Planning) to the Capital Development Authority Revenue Account.

(7) Own source revenue of Capital Development Authority shall be deposited in the Capital Development Authority Revenue Account provided that the Capital Development Authority's receipts from the public for sector development shall be deposited in the Capital Development Authority's Self Financing Account and shall only be used for that purpose.

(8) The District Accounts Officer shall consolidate the compiled accounts of City District Government, Capital Development Authority and the Union Administrations.

81. Accounts Committee.— (1) A statement of monthly and annual accounts shall be placed at a conspicuous place by each local government for public inspection.

(2) The respective Accounts Committee of each Council shall hold public hearings in which—

- (a) objections to statement of accounts referred to in sub-section (1) above may be heard and appropriate action taken; and
- (b) external audit reports shall be discussed for appropriate action.

82. Audit.— (1) The Auditor General shall, on the basis of such audit as he may consider necessary, certify the accounts, compiled and prepared by the respective accounts official of the local governments for each financial year, showing under respective heads the annual receipts and disbursements and shall forward the certified accounts with such notes, comments or recommendations as he may consider necessary to the President.

(2) The President shall require the Government to cause the audit report to be laid before the respective Council, which shall refer it to its Accounts Committee for examination.

(3) The audit report shall be placed at a conspicuous place by the concerned local government for public inspection.

(4) The Auditor General or any official appointed by him, for conducting an audit of a local government shall have access to all the books and documents pertaining to the accounts and may also examine any public servant or premises of the local government concerned.

(5) Upon request of a Nazim, the Auditor General shall cause a special audit of respective local government's accounts to be undertaken and shall forward his report to the Nazim who shall cause the same to be submitted to the respective Council for necessary action.

83. Internal Audit.— The Internal Auditor appointed by the Zila Nazim shall serve as a principal support person to the Zila Nazim for improving governance by ensuring that the internal checks and controls are being complied with.

84. Taxes to be Levied.— (1) A Council may levy taxes, cesses, fees, rates, rents, tolls, user charges and surcharges specified in the Second Schedule:

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

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

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

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

85. Property Tax.— (1) On the commencement of this Ordinance, the whole of the Islamabad Capital Territory shall be subject to Property Tax.

(2) The Zila Council shall, with the prior approval of the Government, determine the rate of Property Tax in the Islamabad Capital Territory:

Provided that, unless varied, the existing Property Tax rates, wherever applicable in the Islamabad Capital Territory shall remain in force.

86. Collection of Taxes.— (1) All taxes levied under this Ordinance shall be collected as prescribed.

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

(3) Notwithstanding the provisions of sub-section (2), the Federal Government may empower a local government to recover arrears of taxes and any other monies payable to the local government under this Ordinance by distress and sale of the movable property belonging to the person concerned or by attachment and sale of the immovable property belonging to him.

(4) The Federal Government may, by rules, specify the officials or classes of officials by whom the power under sub-section (3) shall be exercised and prescribe the manner in which it shall be exercised.

87. Bottom up Planning.— (1) Before the beginning of the financial year each local government shall lay down and announce the classification of development schemes to be undertaken by Citizen Community Boards under the provisions of this section.

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

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

- (a) the official procedure for estimating the cost of the scheme has been followed;

(b) the complete estimates and the proof of deposit of the Citizen Community Board's contribution are attached; and

(c) the Council has approved the scheme.

(3) The grant referred to in sub-section (2) above shall be spent from the reserved twenty five percent of the annual development budget for new schemes as provided in section 74 (3)(a). Any amount, which remains unspent, shall be credited under the same head in the following year's budget in addition to fresh allocation for that year.

(4) A cut off date for submission of all schemes proposed by the Citizen Community Boards shall be announced by each local government before the presentation of its budget.

(5) Each local government shall authorize an official to draw up a statement specifying the schemes submitted by the cut off date specified in sub-section (4) above by classification including the total amount of contributions for a particular classification of schemes.

(6) A second statement shall determine contributions for a particular classification of schemes as a ratio of the total contributions for all schemes submitted 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.

(7) A third statement shall be drawn up which shall identify the number of schemes submitted in a particular classification, beginning with the scheme containing the highest contribution by a 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 sub-section (6) above are exhausted.

(8) The twenty five percent funds for Citizen Community Boards under section 74 (3)(a) shall be communicated to the authorized official under sub-section (5) above by the Executive District Officer (Finance and Planning) for the City District Government and the concerned Union Secretary for a Union Administration.

(9) The Citizen Community Board schemes identified in sub-section (7) shall be included in the budget.

(10) The schemes approved by the respective Councils shall be implemented as prescribed.

88. Local Governments not to incur Debt.— (1) No local government shall incur debt without the prior approval of the Government.

(2) No monies of the local government shall be invested or dis-invested without the prior approval of the Government.

CHAPTER XI ISLAMABAD CAPITAL TERRITORY FINANCE COMMITTEE AND FISCAL TRANSFERS

89. Establishment of Islamabad Capital Territory Finance Committee.– (1) The Government shall constitute an Islamabad Capital Territory Finance Committee, hereinafter referred to as the Finance Committee.

- (2) The Finance Committee shall consist of the following members–
- (a) four members from the government, namely–
 - (i) Secretary, Interior Division who shall be the Chairman;
 - (ii) Secretary, Local Government and Rural Development Division;
 - (iii) Secretary, Finance Division; and
 - (iv) Secretary, Planning and Development Division;
 - (b) two professional members from the private sector to be appointed by the Chief Executive of the Federal Capital;
 - (c) the Zila Nazim;
 - (d) one Union Nazim nominated by the Chief Executive of Federal Capital on rotation basis for a term not exceeding one year;
 - (e) Chairman, Capital Development Authority; and
 - (f) the District Coordination Officer.

Explanation: For the purposes of this Chapter a “member from private sector” means a person who is not in the service of Pakistan or any statutory body or any other body which is owned or controlled by the Federal Government or the Provincial Government or a local government.

(3) An officer not below the rank of Joint Secretary in the Interior Division, shall be the Secretary of the Finance Committee.

(4) The Secretariat of the Finance Committee shall be in the Interior Division.

(5) The term of office and other terms and conditions of the professional members of the Finance Committee shall be as specified in the Third Schedule.

(6) The professional members of the Finance Committee shall be experts in economics, finance or public administration, each possessing a post graduate degree, or a Chartered Accountant or a Cost and Management Accountant, and having at least ten years practical experience in the related field.

(7) No proceedings or act of the Finance Committee shall be invalid merely on the ground of existence of a vacancy other than that of a professional member or defect in the composition of the Finance Committee.

90. Functions, duties and powers of the Finance Committee.– (1) The functions, duties and powers of the Finance Committee shall be–

- (a) to assess the annual financial requirements of all the local governments in Islamabad Capital Territory;
- (b) to recommend for each financial year to the Federal Government the annual amount for the purpose of the current and development expenditure of all the local governments in Islamabad Capital Territory hereinafter referred to as the Islamabad Capital Territory Grant:

Provided that the Islamabad Capital Territory Grant shall have two components; one for Islamabad City District Government, inclusive of Capital Development Authority, and the other for the Union Administrations;

- (c) to devise a formula for the distribution of the Unions' share in the Islamabad Capital Territory Grant amongst the Union Administrations:

Provided that the formula notified by the Chief Executive of the Federal Capital in accordance with the recommendations of the Finance Committee shall be valid for a period of three years;

- (d) to monitor the distribution of the Islamabad Capital Territory Grant; and
- (e) any other matter relating to local government finance referred to the Finance Committee by the Federal Government, Chief Executive of the Federal Capital, Federal Capital Commission or a local government.

(2) Before finalization of the recommendations the Finance Committee shall hold consultations with the local governments, relevant Ministries of the Federal Government, and in the discretion of the Finance Committee, with any other body or person.

(3) The Finance Committee shall meet at least once in a quarter.

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

(5) The Finance Committee shall prepare and publish a quarterly report and an annual report on fiscal transfers and local government resources.

91. Annual Islamabad Capital Territory Grant.– (1) As soon as may be after receiving the recommendations of the Finance Committee through the Chief Executive of the Federal Capital, the Federal Government shall finalize the Islamabad Capital Territory Grant for inclusion in the Federal Budget:

Provided that—

- (i) no part of the Islamabad Capital Territory Grant shall be a conditional grant; and
- (ii) formula notified by the Chief Executive of the Federal Capital shall not be changed.

(2) In addition to the Islamabad Capital Territory Grant the Federal Government may on its own or on a request from the Chief Executive of the Federal Capital provide grants subject to such conditions as the Federal Government may determine.

(3) In each financial year, at least three months before the finalization of the Federal Budget, the Federal Government after receiving the recommendations of the Finance Committee shall communicate the provisional Islamabad Capital Territory Grant and the share of each local government.

(4) The share of each local government shall be reflected separately in the Federal Budget.

92. Application and revision of Islamabad Capital Territory Grant. – (1) The Islamabad Capital Territory Grant and shares of the local governments determined in accordance with section 90 shall be paid directly to the local governments by the Federal Government.

(2) At least four months before the end of the validity period, the Finance Committee shall recommend a new formula for the distribution of the Islamabad Capital Territory Grant for the next period.

(3) In case the formula for the next period is not finalized in time, the formula in force shall continue to serve as the determinant of the shares of the local governments, till such time that a new formula is finalized.

93. Obtaining of Data.– (1) The Finance Committee may, where it deems appropriate, institute data collection or recommend collection of such data to the Government.

(2) All governmental agencies shall provide information and data as required by the Finance Committee.

94. Certification of flow of funds to local governments.– The Ministry of Finance and the local governments shall provide reports to the Finance Committee as required.

95. Reference by local governments to the Finance Committee.– The local governments may bring to the notice of the Finance Committee any matter connected with fiscal transfers and local government finance.

CHAPTER XII LOCAL GOVERNMENT PROPERTY

96. Succession of the properties, assets and liabilities.— (1) On coming into being of the Union Administrations, the properties, assets and liabilities of the Union Councils under the Capital Territory Local Government Ordinance, 1979 (XXXIX of 1979), shall be succeeded by the respective Union Administration:

Provided that the discharge of liabilities of the decentralised offices shall remain with the Federal Government.

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

97. Ownership of immovable property.— (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 96;
- (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.

(2) The Government shall not, except with the prior consent of the local government concerned, reallocate or in any other manner divest title of properties vested in that local government under this Ordinance.

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

99. Stock taking by the Nazim.— (1) The Zila Nazim and Union Nazims shall, on assumption of office, and thereafter once in every year on a date fixed by them, 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.

100. Use and disposal of properties of local governments.– (1) Properties of local governments shall be used only for public purposes.

(2) Immovable properties of local governments shall, 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.

101. Acquisition of property.– Whenever any local government considers it necessary or expedient it may acquire or purchase any property for public purposes:

Provided that the agreement for purchase of property shall be in writing.

102. Loss of property of local government.– In case of any loss of property of a 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 XIII GOVERNMENT – LOCAL GOVERNMENT RELATIONS

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

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

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

104. Directions by Chief Executive of the Federal Capital.– (1) The Chief Executive of the Federal Capital may, by himself or through any officer specifically authorized by him, issue directions in the public interest to the City District Government through the concerned Zila Nazim for the purpose of–

- (a) the well being, protection and security of the people;
- (b) preventing any grave threat to public peace and order;
- (c) handling emergencies and providing relief therefor; and
- (d) 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 Federal Capital may require the Secretary, Interior Division, Government of Pakistan, to direct the Inspector General Police and the District Coordination Officer to take such actions as the situation may necessitate.

105. Suspension of Zila Nazim.– (1) Where in the opinion of the Chief Executive of the Federal Capital the Zila Nazim is deliberately avoiding or is failing to comply with the directions given by the Chief Executive of the Federal Capital under section 104, the Chief Executive of the Federal Capital may suspend the Zila Nazim.

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

(3) If the National 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 National Assembly.

(4) If the National Assembly does not ratify the suspension of the Zila Nazim, the orders of the Chief Executive of the Federal Capital 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 17.

106. Entrustment of certain functions to City District Government.— (1) If the Government requires the City District Government to perform any specific task which requires funds beyond the City District Government budgetary provisions, the Government shall provide necessary resources.

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

(3) The Government may, with the agreement of the City District Government, decentralise any of its office in addition to the offices decentralised to the City District Government under section 10 or entrust any of its functions to the City District Government.

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

107. Federal Capital Commission.— (1) The Government shall appoint a Federal Capital Commission consisting of—

- | | | |
|-----|---|------------------|
| (a) | Federal Minister for Interior | Chairman |
| (b) | one eminently qualified and experienced technocrat from civil society to be nominated by the Chairman Senate..... | Member |
| (c) | one eminently qualified and experienced technocrat from civil society to be nominated by the Speaker National Assembly..... | Member |
| (d) | one eminently qualified and experienced technocrat from civil society to be nominated by the Leader of the House in the National Assembly..... | Member |
| (e) | one eminently qualified and experienced technocrat from civil society to be nominated by the Leader of the Opposition in the National Assembly..... | Member |
| (f) | an officer of the Federal Government in Basic Scale 21 to be appointed by the Federal Government..... | Member/Secretary |

(2) The tenure of the nominated members of the Commission, shall be four years.

(3) The Secretariat of the Commission shall be located in the Ministry of Interior which shall provide the secretariat support to the Commission.

(4) The decisions of the Commission shall be taken by majority vote:

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

(5) No act or proceedings of the 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 Commission in its annual budget.

(7) The Commission may, for the performance of its functions, co-opt any other person for any specific assignment.

108. Functions of the Federal Capital Commission.— The functions of the Federal Capital Commission shall, *inter alia*, be to—

- (a) conduct annual and special inspections of the local governments and submit reports to the Chief Executive of the Federal Capital;
- (b) conduct, on its own initiative or whenever so directed by the Chief Executive of the Federal Capital, an inquiry by itself or through City 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 Federal Capital, a special audit by itself or direct City District Government to arrange a special audit, of any local government;
- (d) resolve disputes between the City District Government and a Union Administration or between two local governments;
- (e) enquire into the matters referred to it by the District Coordination Officer under the provisions of sub-section (3) of section 23 and by the Government under sub-section (4) of section 25 and give its decision thereon or, as the case may be, make report to the competent authority;
- (f) submit to the Chief Executive of the Federal Capital an annual report on the over-all performance of the City District Government and Union Administrations;
- (g) take measures to preserve the character and status of the Federal Capital;

- (h) supervise Master Plan management and planning for strategic infrastructure including detailed planning for the areas of Islamabad Capital Territory presently not covered; and, working of Capital Development Authority relating to Master Plan, development activity, land use policy and allotment of land in Islamabad Capital Territory; and
- (i) oversee the working of City District Government.

109. Wafaqi Mohtasib to handle petitions for mal-administration.— (1) The Wafaqi Mohtasib (Ombudsman) appointed under the Establishment of the office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (PO No.1 of 1983) 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 City District Government, Union Administrations, Nazims, Naib Nazims, District Police officers and officials, members of the Councils, officials of the Councils and the Capital Development Authority.

(2) All holders of public offices shall aid and assist the Wafaqi Mohtasib (Ombudsman) in exercise of his functions.

CHAPTER XIV INTERNAL CONTROLS

110. Inspection and supervision.— (1) The Zila Nazim may designate inspecting officers to objectively examine the performance of a Union Administration in relation to service delivery as may be prescribed.

(2) The inspection report 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 Union 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 Union Nazim, the Zila Nazim may initiate proceedings for recall against such Nazim as provided in section 50.

111. Enquiries.— (1) The Zila Nazim may require any Union Nazim in the district to conduct an enquiry into any matter concerning respective local government and submit the report alongwith 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 Union Nazim to take appropriate action on the report within thirty days and place it before the respective Council for information.

112. Transparency.— (1) Every citizen shall have the right to information about any office of the City District Government 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.

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

(2) The Monitoring Committees of Union Council shall be responsible for monitoring the functioning of all offices of the City District Government and Union Administration for delivery of services within their areas and preparing quarterly evaluation reports on the prescribed format.

(3) The reports referred to in sub-sections (1) and (2) 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.

(4) 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.

(5) 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.

(6) 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 (4) and sub-section (5) shall be removed from the Monitoring Committee by the respective Council.

(7) 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 which may invoke disqualification proceedings against such member or members.

(8) 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.

(9) 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.

114. Ethics Committees of the Councils.— (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 Council, Nazim and Naib Nazim 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.

CHAPTER XV PENALTIES AND LEGAL PROCEEDINGS

115. Offences.— Notwithstanding anything contained in sections 15A, 46, 46A, 46B, 46C or any other provision of the Capital Development Authority Ordinance, 1960 (XXIII of 1960), or any rule, bye-law or regulation or notification issued under the said Ordinance, an act or omission specified in the Fourth Schedule shall be an offence liable to punishment by way of imprisonment, fine or such penalty as is specified in section 119 of this Ordinance and shall be deemed to be offences and penalties provided under the former Ordinance and be dealt with accordingly:

Provided that the Zila Council may, by resolution, transfer the investigation, prosecution, execution, recovery of fine and compounding of an offence by the Union Administration.

116. Notices and authorisation.— 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;
- (b) 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
- (c) to initiate legal proceedings, defend any legal proceedings initiated against the local government, attend court proceedings and represent the concerned local government.

117. Cognizance of offences.— (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.

118. Summary disposal of cases.— A court taking Cognizance 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 (V of 1898).

119. Punishments and Penalties.— (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.

120. Compounding of offences.— 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.

121. Rights of Citizens not affected.— Nothing contained in section 117 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-XVI LOCAL GOVERNMENT ELECTIONS

122. Franchise.— (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 joint electorate.

(2) The electoral college for the election of Zila Nazim and Naib Zila Nazim and reserved seats for women, peasants, workers and minorities in the Zila Council shall be all the members of Union Councils or returned candidates of Union Councils in the Islamabad City District, including Union Nazims and Naib Union Nazims.

123. Manifesto.— (1) Joint candidates for the seats of Zila Nazim and Naib Zila Nazim shall, before the election, 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.

124. Authority for local government elections.— The election for local governments in the Islamabad City District shall be conducted by the Chief Election Commissioner in pursuance of the Islamabad Capital Territory Local Government Elections Order, 2001 (Chief Executive's Order No.10 of 2001).

125. Electoral rolls.— (1) A person shall be entitled to be enrolled as a voter if he—

- (a) is a citizen of Pakistan;
- (b) is not less than eighteen years of age on the first day of January of the year in which an election is to be held; and
- (c) is a resident of Islamabad Capital Territory.

Explanation: For the purposes of this section the expression “resident” shall, subject to the provisions of section 25 of the Electoral Rolls Act, 1974 (XXI of 1974), have the same meaning as are assigned to it in section 7 thereof.

(2) The electoral rolls for the local government elections shall be prepared by the Chief Election Commissioner in the manner he may deem appropriate.

126. Delimitation of electoral wards.— (1) The electoral ward for the election of a Zila Nazim and Naib Zila Nazim shall be the Islamabad City District and for a Union Nazim and Naib Union Nazim shall be a Union.

(2) The Union shall be a multi-member ward for election of members of a Union Council.

(3) Islamabad City District shall be a multi-member ward for the reserved seats for women, peasants, workers and minority communities in the Zila Council.

127. Qualifications for candidates and elected members.– (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 not less than 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 possess 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:

Provided that a candidate contesting the election for the office of Zila Nazim or Naib Zila Nazim shall be at least a graduate possessing a bachelor's degree in any discipline or any degree recognized as equivalent by the University Grants Commission Act, 1974 (XXIII of 1974), or Higher Education Commission Ordinance, 2002 (LIII of 2002), or any other law for the time being in force;

- (f) has not been declared by a competent court to be of unsound mind;
- (g) is not in the service of the Federal Government, Provincial Government or a local government or any statutory body or a body corporate which is controlled by any such Government or in which any of such Government has a controlling share or interest:

Provided that this will not apply to a person who has resigned or retired from such service and a period of not less than six months has elapsed since his retirement or resignation, as the case may be;

- (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 Government, Provincial Government or a local government or any financial institution including utility bills outstanding for six months or more and if so adjudged, has cleared his dues before the submission of nomination papers;
- (k) has not been convicted by a court of competent jurisdiction on a charges 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 convicted and 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) is not an un-discharged insolvent;
- (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 required training courses when required to do so by law;
- (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 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.

128. Non-party elections.— (1) Local government elections shall be held on non-party basis.

(2) No person contesting election to local government shall, directly or indirectly,—

- (a) present himself as a candidate or nominee of a political party;
- (b) claim, draw or receive any financial or other assistance from any political party for the purposes of the election;
- (c) bear, display or carry any document, sign, insignia, flag or any other thing indicating his association with, or affiliation to, a political party;
- (d) seek the votes or sympathies of the people on party basis or on the basis of the manifesto of any political party; or
- (e) seek the votes or support of the people by attributing direct or indirect party affiliations to any of his opponents.

129. Joint candidacy and elections.— (1) A Zila Nazim and Naib Zila 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) The Zila Nazim and Naib Zila Nazim securing as joint candidates more than fifty percent of votes shall be declared elected.

(3) In case a Zila Nazim and Naib Zila Nazim do not secure more than fifty percent of the total votes of the members of the Union Councils in the Islamabad

City District, 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 of 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.

(4) Union Nazim and Naib Union Nazim securing the highest number of votes as joint candidates shall be declared elected.

130. Term of office of local governments.– (1) The term of office of a local government shall be four years commencing from the date of making oath of office by members notified by the Government:

Provided that the term of the first local governments in the Islamabad City District shall expire on 14th August, 2005:

Provided further that notwithstanding the expiry of its term of office, a local government, shall continue to hold its 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 Nazim or Naib Nazim, shall not hold the same office for more than two terms.

131. Election to vacant seats.– (1) If a seat of a member becomes vacant during the term of office of a Council, a new member shall be elected through by-election and the member elected in by-election shall hold office for the remaining portion of the term of the Council.

(2) If any seat reserved for women remains vacant, the same shall be filled through by-elections and the elected women member shall hold office for the remaining portion of the term of the Council.

(3) All by-elections for seats of members or for reserved seats, shall be held once a year on a date or dates fixed by the Chief Election Commissioner.

(4) A vacancy of Union Nazim and Naib Union Nazim shall be filled through by-election within sixty days of occurrence of vacancy.

(5) A vacancy of Zila Nazim and Naib Zila Nazim shall be filled through by-election within thirty days of occurrence of vacancy.

(6) When the office of a Zila Nazim or Union Nazim falls vacant, the members of the concerned Council shall, by a majority vote, elect an officiating 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 Nazim.

132. Bar against dual membership.— A Zila Nazim, Naib Zila Nazim, Union Nazim and Naib Union Nazim may, after resigning his office before filing his nomination papers for election to the new office contest election for any other political office.

133. Oath of office.— (1) The elected Nazims, Naib Nazims and members shall make oath before assuming the charge of their respective offices as may be prescribed.

(2) A Zila Nazim, Naib Zila Nazim and the members of Zila Council shall be administered oath of office by the District and Sessions Judge of the Islamabad Capital Territory.

(3) A Union Nazim, Naib Union Nazim and members of a Union Council shall be administered oath of office by a judicial officer nominated by the District and Sessions Judge of the Islamabad Capital Territory.

134. Resignation.— (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 deem to have been accepted and become 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 135, if already initiated, shall not abate.

135. Removal from office.— (1) Where proceedings for disqualification against any Nazim, Naib Nazim or a member have been initiated under sub-section (2) of section 127 on an application made by any person or by the Chief Election Commissioner on his own motion, the Chief Election Commissioner or a member of the Election Commission or any authority or officer authorised by him may issue a notice to show cause to such Nazim, Naib Nazim or, as the case may be, a member 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 that section.

(2) Where the Chief Election Commissioner or a member of the Election Commission or any authority or officer authorised by him is not satisfied with the reply to the notice to show cause referred to in sub-section (1), or any reply to the said notice is not filed within the period fixed by him, he may order for an inquiry in the matter and for that purpose appoint an inquiry officer.

(3) On the basis of inquiry held under sub-section (2), the Chief Election Commissioner may order the removal of a Nazim, Naib Nazim or a member, as the case may be:

Provided that before an order of removal is passed, Nazim, Naib Nazim or, as the case may be, a member against whom inquiry proceedings are being carried out

shall be afforded a reasonable opportunity of being heard, including personal hearing, if so requested.

136. Notifications to be issued.— The Chief Election Commissioner shall notify every election, by-election and result of such election, resignation or removal of a Nazim, Naib Nazim or member.

137. Corrupt practice.— A person is guilty of corrupt practice if he is guilty of bribery, personation, or undue influence and 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.

138. Bribery.— A person is guilty of bribery, if he, directly or indirectly, by himself or by any other person on his behalf—

- (a) receives, agrees or contracts for any gratification for voting or refraining from voting or for being or refraining from being a candidate at, or withdrawing or retiring from, an election;
- (b) gives, offers or promises any gratification to any person for the purpose of—
 - (i) inducing a person to be, or to refrain from being, a candidate at an election; or
 - (ii) inducing a voter to vote, or refrain from voting, at any election; or
 - (iii) inducing a candidate to withdraw or retire from an election; or
 - (iv) rewarding a person for having been, or for having refrained from being, a candidate at an election; or
 - (v) rewarding a voter for having voted or refrained from voting at an election; or
 - (vi) rewarding a candidate for having withdrawn or retire 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.

139. Personation.— A person is guilty of personation, 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.

140. Undue influence.— 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.

141. Illegal practice.— 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;
- (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; or
 - (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.

142. Prohibition of canvassing.— A person is guilty of an offence punishable with fine which may extend to two thousand rupees, if he, on the polling day in connection with the election—

- (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.

143. Disorderly conduct near polling station.— A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to three thousand rupees, or with both, if he—

- (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.

144. Tampering with papers.— A person is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both, if he—

- (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 paper 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.

145. Interference with the secrecy of voting.— A person is guilty of an offence punishable with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both, if he—

- (a) interferes or attempts to interfere with a voter when he records his vote;
- (b) obtains or attempts to obtain, in a polling station, in any manner, information as to the candidate for whom a voter in that station is about to vote or has voted; or

- (c) 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.

146. 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.

147. 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 police, 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; or
- (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.

148. Breach of official duty.— 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.

149. Assistance by government servants.— A person in the service of the Federal Government, a Provincial Government, a local government, or a body owned or controlled by the Federal Government or a Provincial Government shall be 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.

150. Summary trial.— All offences under this Ordinance except the offences under sections 137 to 140 shall be tried summarily under the Code of Criminal Procedure, 1898 (V of 1898).

151. Cognizance.— No court shall take cognizance of the offences under sections 147 and 148 except on the complaint in writing of the Returning Officer concerned.

CHAPTER XVII MANAGING TRANSITION

152. First Nazims and Councils.— (1) The first local governments under this Ordinance shall be established on the date as notified by the Government.

(2) The Zila Nazim and Union Nazims, shall assume their respective offices under this Ordinance on the date as notified by the Government.

(3) 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.

153. Administrative Transition.— (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) On coming into force of this Ordinance the Government shall make necessary administrative and financial arrangements under charge of District Coordination Officer designate for establishment of City District Administration.

(3) As soon as the first Zila Nazim assumes office:

- (i) the offices of the Chief Commissioner, Deputy Commissioner, Islamabad and Executive Magistrates in Islamabad Capital Territory shall cease to exist;
- (ii) the offices of the City District Administration shall become operational;
- (iii) the administrative, financial and appellate powers of the officers of Islamabad Capital Territory Administration shall stand decentralized to Deputy District Officers, District Officers, Executive District Officers and District Coordination Officer as the case may be, through a notification by the Government;
- (iv) the amendments made under the Code of Criminal Procedure (Amendment) Ordinance, 2001 (LXIII of 2001) in the Criminal Procedure Corde, 1898 (V of 1898) shall become applicable in the Islamabad Capital Territory;
- (v) the Police Order, 2002 (Chief Executive's Order No.22 of 2002) shall become applicable in Islamabad Capital Territory forthwith; and
- (vi) consequential amendments in the Capital Development Authority Ordinance, 1960 (XVIII of 1960) shall be initiated by the Government by 30th of June, 2003.

154. Employees' salaries not to be reduced on transfer, etc.– (1) On allocation, re-allocation or transfer of the employees of the Government, Capital Development Authority 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.

(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 governments established under the Capital Territory Local Government Ordinance, 1979 (XXXIX of 1979) during the financial year 2002-2003 or till such time as it may deem appropriate.

155. Bar on recruitments.– (1) During the transition period specified in section 158 and till the adjustment for optimal utilization of all employees of the Islamabad Capital Territory Administration, relevant Federal Government offices and local governments established under the Capital Territory Local Government Ordinance, 1979 (XXXIX of 1979), 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 Federal Government shall make available the services of the employees placed in its surplus pool for utilization in the offices decentralised to the City District Government and Union Administrations.

(3) The local governments shall utilize the services of the employees of the Local Councils set up under the Capital Territory Local Government Ordinance, 1979 (XXXIX of 1979) for meeting the shortfall in the offices of the Zila Council, Zila Nazim, Union Councils and Union Administrations.

156. Financial Transition.– (1) All taxes, cess, fees, rates, rents, tolls and charges which were being charged, levied and collected by any office of the Federal Government, Capital Development Authority, or any Union 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 Capital Territory Local Government Ordinance, 1979 (XXXIX 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.

157. Electoral Transition.– (1) Notwithstanding anything contained hereinbefore, the first elected Zila Council and Union Councils shall be deemed to be validly constituted if sixty percent seats thereof are filled in the elections held under the Islamabad Capital Territory Local Government Elections Ordinance, 2002 (LVII of 2002).

(2) Where a Council has been validly constituted under sub-section (1), but seats of Nazim and Naib Nazim of the corresponding level have not been filled, the Council shall elect officiating Nazim and Naib Nazim from amongst its members until the seats are filled through bye-election.

(3) If in any local area a 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 local government assumes the charge of the office.

158. Transitional Timeframe.— 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, 2003.

CHAPTER XVIII MISCELLANEOUS

159. Complaint Cell.— City District Government and Union Administrations shall set up complaint cells for redressal of grievances within the ambit of their responsibilities under this Ordinance.

160. Training.— 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.

161. Appeals.— 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.

162. Rules.— (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 the 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.

163. Bye-laws.— (1) The Zila Council and Union Councils 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.

164. Members and servants to be public servants.— All Nazims, Naib Nazims, members of the Councils, functionaries of the local governments 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).

165. Delegation of Powers.— A Nazim may delegate any of his powers including financial powers under this Ordinance or rules or bye laws to any of its officers fully or partly and subject to such restrictions or conditions as he may deem necessary after approval by the Council.

166. Action taken in good faith.— 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.

167. General powers of local governments.— 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 thereto.

168. Repeal and Savings.— (1) On the date to be notified by the Government, the Capital Territory Local Government Ordinance, 1979 (XXXIX of 1979) and the Islamabad Capital Territory Local Government Elections Ordinance, 2002 (LVII of 2002), shall stand repealed.

(2) Save as otherwise specifically provided, nothing in this Ordinance, or any repeal effected thereby, shall affect or be deemed to affect anything done, action taken, investigation or proceedings commenced, order, rule, regulation, appointment, conveyance, mortgage, deed, document or agreement made, fee levied, resolution passed, direction given, proceedings taken or instrument executed or issued, under or in pursuance of any law repealed or amended by this Ordinance and any such thing, action, investigation, proceedings, order, rule, regulation, appointment, conveyance, mortgage, deed, document, agreement, fee, resolution, direction, proceedings or instrument shall, if in force at the commencement of this Ordinance and not inconsistent with any of the provisions of this Ordinance, continue to be in force, and have effect as if it were respectively done, taken, commenced, made, directed, passed, given, executed or issued under this Ordinance or the law, as amended by this Ordinance.

169. Removal of difficulty.— The Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Ordinance.

FIRST SCHEDULE
[See sections 10, 22 and 25]
Part-A

Decentralised Offices

1. Offices of Islamabad Capital Territory Administration

- (i) Local Government and Rural Development
- (ii) Cooperatives
- (iii) Excise and Taxation
- (iv) Civil Defence
- (v) Health
- (vi) Labour
- (vii) Auqaf
- (viii) Zakat and Ushr
- (ix) Agriculture
- (x) Food
- (xi) Soil Conservation
- (xii) Water Management
- (xiii) Livestock
- (xiv) Fisheries
- (xv) Industries and Mineral Development
- (xvi) Revenue
- (xvii) Transport Authority
- (xviii) All other establishments of the offices of Chief Commissioner and Deputy Commissioner including Accounts, Development, Finance and Administration.

2. Offices of Ministry of Education

Federal Directorate of Education along with all its colleges and schools located in Islamabad Capital Territory.

3. Offices of Ministry of Health

Federal Government Services Hospital and its attached dispensaries.

4. Offices of Ministry of Population Welfare

District Population Welfare Office along with Family Welfare Centres, Mobile Service Units, RHS/RHC and Village Based Family Planning Workers.

5. Offices of Ministry of Women Development, Social Welfare and Special Education

Social Welfare Training Institute, Women Welfare and Development Centre, Model Child Welfare Centre, Social Services (Medical) and other Pilot Projects.

6. Offices of Ministry of Labour, Manpower & Overseas Pakistanis

Technical Training Centres located in Islamabad Capital Territory.

Part-B**Other Offices**

- (i) Coordination
- (ii) Human Resource Management
- (iii) Community Organization
- (iv) Registration
- (v) Investment Promotion and Protection
- (vi) Legal advice and drafting
- (vii) Finance and Budget
- (viii) Planning and Development
- (ix) Energy
- (x) Literacy Campaigns
- (xi) Continuing Education
- (xii) Vocational Education
- (xiii) Information Technology Development
- (xiv) Information Technology Promotion
- (xv) Database
- (xvi) Public Health
- (xvii) Industrial and Technological Park
- (xviii) Sports and Culture

Part-C

Groups of Offices

- (i) **District Coordination:** Coordination, Auqaf, Food, Zakat and Ushr, Energy, Transport Authority, Human Resource Management and Civil Defence.
- (ii) **Agriculture:** Agriculture, Livestock, Water Management, Soil Conservation and Fisheries.
- (iii) **Community Development:** Community Organization, Labour, Social Welfare, Sports and Culture, Cooperatives and Registration.
- (iv) **Education:** Boys Schools, Girls Schools, Technical Education, Colleges (other than professional), Sports (Education) and Special Education.
- (v) **Finance and Planning:** Finance and Budget, Planning and Development, Accounts, Industrial Estate and Technological Parks, Investment Promotion and Protection.
- (vi) **Health:** Public Health, Basic and Rural Health, Child and Women Health, Population Welfare and Federal Government Services Hospital.
- (vii) **Information Technology:** Information Technology Development, Information Technology Promotion and Database.
- (viii) **Law:** Legal Advice and Drafting.
- (ix) **Literacy:** Literacy Campaigns, Continuing Education and Vocational Education.
- (x) **Revenue:** Land Revenue and Estate, and Excise and Taxation.

SECOND SCHEDULE
[See sections 32, 42, 53 and 84]

Part-I

Zila Council

1. Education Tax.
2. Health Tax.
3. Property Tax.
4. Tax on transfer of immovable property.
5. Tax on motor vehicles registered in the City District.
6. Local rate on lands assessable to land revenue where Property Tax rate is zero.
7. Fee in respect of educational and health facilities established or maintained by the City District Government.
8. Fee for licenses and permits granted by the City District Government and penalties or fines for violations thereof.
9. Fee for specific services rendered by the City District Government.
10. Toll on roads, bridges and ferries within the limits of the City District, other than national and provincial highways and roads.
11. Fee for fairs, agricultural shows, cattle markets, cattle fairs, industrial exhibitions and other public events organized by the City District Government other than those specifically assigned to a Union Administration.
12. Fee for approval of building plans, erection and re-erection of buildings and penalties & fines for violations thereof.
13. User charges for maintenance of works or public utility like water supply, drainage, conservancy, transport terminals and stands, and parking places operated and maintained by the City District Government.
14. Market fees.
15. Fee on advertisement other than on electronic and print media.
16. Fee on cinemas, dramatical, theatrical shows and tickets thereof and other entertainment.

17. Fee for licensing of professions, trades and callings.
18. Rent for land, buildings, equipment, machinery and vehicles owned by the City District Government.
19. Any other tax, toll, rate, charge, fee and levy authorized by the Government.

Part-II

Union Council

1. Fees for registration and certification of births, marriages, divorces and deaths.
2. Fee for specific services rendered by the Union.
3. Rate for remuneration of Village and Neighbourhood guards.
4. User charges for the maintenance of any work or public utility like drainage, conservancy and water supply operated by Union Administration with the permission of the City District Government.
5. Rent for land, buildings, equipment, machinery and vehicles owned by a Union.
6. Fee on sale of animals in cattle markets the location of which has been specified by the City District Government.
7. Fee for fairs, agricultural shows, cattle fairs, exhibitions, tournaments and other public events organized by a Union Administration with the permission of the City District Government.
8. Tax on vehicle other than the motor vehicles.
9. Any other tax, toll, rate, charge, levy and fee authorized by the Government.

THIRD SCHEDULE

[See section 89]

Terms of Office of the Professional Members of the Finance Committee

1. A member of the Finance Committee shall hold office for a term of three years extendable for another term.
2. A member may resign his office under his hand addressed to the Chairman.
3. No member shall be removed before the expiry of his term without the approval of the President.
4. On declaration of a vacancy in the Finance Committee, the Chairman shall appoint a member within sixty days.
5. A professional member shall be provided all necessary support staff, resources and equipment for carrying out his functions by the Government.

FOURTH SCHEDULE
[See sections 115 and 119]

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 162 and 163]

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. Local Government (Citizen Community Board);
19. Local Government (Procurement);
20. Local Government (Fiscal Transfers); and
21. Any other set of rules necessary for implementation of this Ordinance.

Part-II
(BYE- LAWS)

22. Conduct of meetings.
23. Registration of births, death and marriages.
24. Zoning, master planning, and buildings.
25. Dangerous buildings and structures.
26. Prevention of encroachments.
27. Local Government (Elective officials remuneration and allowances).
28. Local Government (Agricultural development).
29. Local Government (Community development).
30. Registration of sale and control of cattle and animals.
31. Registration, management and regulation of orphanages, widow homes, senior citizens homes, homes for the mentally ill, and women in distress.
32. Regulation of burial and cremation places.
33. Slaughter of animals and maintenance of slaughterhouses.
34. Prevention of adulteration of foodstuffs.
35. Animal husbandry and milk supply.
36. Prevention and abatement of nuisances.

37. Dangerous and offensive trades and articles.
38. Regulation of traffic.
 39. Organization and regulation of fairs, shows, tournaments and other public gatherings.
 40. Prevention of beggary, juvenile delinquency and other social evils.
 41. Licensing.
 42. Markets.
 43. Libraries.
 44. Parks and open places.
 45. Prevention of air, water, noise, and soil pollution.
 46. Forests and plantations.
 47. Local Government property.
 48. Farm produce markets.
 49. Delegation of powers, duties, and functions of the sub-committees of farm produce market committees if any.
 50. Encroachment on any public road, public street, or public place.
 51. Picketing, parking animals or collecting carts or vehicles on any street.
 52. Throwing or placing any refuse on any street, or in any place not provided or appointed for the purpose.
 53. Dyeing or tanning animal skins.
 54. Tampering with any main, pipe, or any apparatus or appliance for the supply of water.
 55. Excavation of earth, stone or any other material.
 56. Disposing of carcasses of animals.
 57. Use of sewer water for farming.
 58. 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.
 59. 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.
 60. 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.
 61. Pollution of air, water or soil.
 62. Watering cattle or animals, or bathing or washing at, or, near a well or other source of drinking water for the public.
 63. Other matters as in the opinion of the Zila council are necessary or expedient to be provided for in the bye-laws.