

National Reconstruction Bureau

**Guidelines for Tehsil Transition Teams
and
Transition Report on Tehsil Municipal
Administration**

TASKS AND STEPS

June 2001

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1. INTRODUCTION

The new local government ordinance provides for the establishment of a new institution-Tehsil Municipal Administration (TMA). This institution will have responsibility for spatial planning and municipal services exclusively, working closely with Union Councils, Village/neighborhood Councils and other civil society and private sector organisations. The TMA will comprise existing organisations involved in spatial planning and municipal services.

When setting up the new TMA, two principles are important:

- **Firstly:** that the transition process should be smooth and that no disruption or dip in services should be felt by the people; and
- **Secondly:** that ground reality, i.e., the existing technical and service delivery aspects, of the tehsil should be kept in mind.

The purpose of this document is to help the Provincial Transition Teams, the District Transition Teams and the Tehsil Transition Teams in preparing the TMA Transition Report.

The TMA Transition Report will be prepared by the Tehsil Transition Teams and submitted to the DTTs.

The TMA Transition Report will include information:

1. Which will be incorporated in the District Transition Report: This will include information on:
 - Officers and Staff pertaining to exclusive functions of the District Government to be placed from present Town Committees (TCs) / Municipal Committees (MCs) / Municipal Corporations (MCorps) to District Government (Form IA), and, assets pertaining to these functions to be placed under the control of the District Government (Form IB).
 - Officers and Staff required to fill TMA positions remaining vacant after setting up of TMA and to be filled from Divisional, District, Circle, Regional/Zonal level (and provincial if necessary) departments (Public Health Engineering Department (PHED), Housing and Physical Planning Department (H&PPD) and Local Government and Rural Development Department (LG&RDD)) to be devolved to TMA (Form II).
 - One Time Transition Cost Estimates (Form III with statements to be attached). The one-time transition cost estimates from this

Report , along with other TMA Transition Reports pertaining to the District and the District Government Transition Report will be incorporated in the District Transition Report.

2. Which will be used by the Tehsil Transition Teams for the creation of the TMA.
 - Deployment in TMA of tehsil level staff of devolved departments and report on assets, liabilities and receivables (for PHED, H&PPD, LG&RDD) in Form IV-VI (see Part II).
 - Reorganisation of the Existing TC/MC/MCorp staff in the TMA structures (under COs or TO Offices) in Form VII-VIII (see Part III).

This document contains the following sections:

- Section 2 describes the TMA, its composition and its overall structure. This Section also provides details about each Office in the TMA: Tehsil Officer (TO) Planning; Tehsil Officer (TO) Infrastructure and Services; Tehsil Officer (TO) Municipal Regulations; and Tehsil Officer (TO) Finance.
- Section 3 describes the transition framework i.e., guidelines, the legal framework and the targets and time frame within which the TMA Transition report has to be prepared.
- Section 4 describes the contents of the TMA Transition Report and the tasks and steps involved in its preparation.
- Section 5, the Annexes, includes Figure 1-6 (i.e. TMA Organisation and TMA Offices); relevant sections of the draft local government legislation of June 11, 2001; and the sample forms and tables that need to be filled.

2. TMA ORGANISATION AND STRUCTURE

2.1. Functions: In every tehsil there shall be a Tehsil Municipal Administration which shall be a body corporate and shall consist of a Tehsil Nazim, Tehsil Municipal Officer, Tehsil Officers, Chief Officers of the offices entrusted to the TMA. The TMA is being set-up to be the one agency exclusively responsible for spatial planning (land use planning and zoning), development facilitation/control (site development and building control) and municipal services (water, sanitation, solid waste, roads and streets, street lights, graveyards, fire fighting, traffic engineering, abattoirs, parks and open spaces) in a tehsil of the Common District. The TMA will be responsible for spatial planning and development control in existing urban areas as well as extending it to cover the entire tehsil.

There will be no distinction in the law between a rural and an urban area in a Tehsil as the administrative divide has been removed. The TMA is also responsible for planning, capital investments and operation and maintenance of municipal services.

2.2. Composition: The provincial line departments and the existing urban local councils (TC/MC/MCorp) which will comprise the TMA are as follows:

- A. All present TC/MC/MCorp - Town Committees, Municipal Committees and Municipal Corporations

- B. Provincial Government Departments decentralised to the TMA:
 - ✓ Local Government and Rural Development Department level staff and resources.
 - ✓ Public Health Engineering Department.
 - ✓ Housing and Physical Planning Department, zonal/regional, Circle, Divisional, District and Tehsil Staff, except that the provincial government department may direct that a nucleus of staff be deployed at the District level for coordination of TMA spatial plans.

2.3. Overall Structure: According to the Local Government Ordinance [Draft of 11th June 2001- given in Annex C - see Section 53(1), 53 (2) and 53(3)] the Tehsil Municipal Officer (TMO) shall act as a co-ordinating and administrative officer in-charge of the Tehsil Officers/Chief Officers. Four Tehsil Offices will be established:

- i. Tehsil Officer Planning who shall be responsible for spatial planning and land use control; building control; and coordination of development plans and projects with Union Administration, Village/Neighborhood Councils and other local governments. Details of this office are given in Section 2.4 B.

- ii. Tehsil Officer Infrastructure and Services who shall be responsible for water, sewerage, drainage, sanitation, roads (other than Provincial and district roads), streets and street lighting, traffic engineering, fire fighting, parks and open spaces (except those being performed by the COs). Details of this office are given in Section 2.4 C.

- iii. Tehsil Officer Regulation who shall be responsible for licensing; management of municipal lands, estates, properties, facilities, and enterprises; and enforcement of relevant municipal laws, rules and by-laws. Details of this office are given in Section 2.4 D.

- iv. Tehsil Officer Finance who shall be responsible for budget, revenue and accounts. Details of this office are given in Section 2.4 E.

In addition, in order to ensure a smooth transition, the Chief Officers (COs) of the existing TC/MC/MCorp in the Tehsil will work within the TMA framework and report directly to the TMO. The details of this office are given in Section 2.4 A.

The organogram for the overall structure of the TMA is given in **Figure 1**, Annex A.

2.4 Offices in the TMA: The organograms (Figure 2 to 6) provide an overview of the offices of the TMA including the four TOs and the COs of the present TC/MC/MCorp:

A. The Office of the CO:

- i. The CO, reporting directly to the TMO but working with the four TOs, will be responsible for the O&M services in the areas under the territorial jurisdiction of the present TC/MC/MCorp.
 - a) In Tehsil Headquarter urban places, where the TMA headquarter is located, only the service delivery staff will comprise the CO Unit. This includes staff working on water, sewerage, sanitation, roads, streets, surface drains, street lights and parks and playgrounds. See Fig 2a.
 - b) In non-Tehsil Headquarter urban places: The CO Unit will comprise of the service delivery staff (same as in 'a'); in addition the CO Unit functions will also include fire fighting. TO Finance will attach supporting staff to this CO. Staff from TOs Regulation and Planning may also, where required, be placed under the administrative control of the CO. See Fig 2b.
- ii. The scope of work of the office of the CO will be limited to Operation and Management (O&M) of services mentioned above. In the subsequent phases, this scope and structure may be revisited/revised.
- iii. Procedures to be continued as currently practiced for service delivery in the transition phases. Improvements may be made in the subsequent phase.
- iv. Staff and Resources: Those currently deployed in TC/MC/MCorp. The current position of the CO will continue.
- v. Reporting Lines. The CO will report directly to the TMO. See Figure 2 a and 2 b. All staff working under the CO will report to him/her for administrative purposes. See notes on Figure 2a and 2b for more details.

Figure 2a and 2b in Annex A give the organogram for the Chief Officer in Tehsil Headquarter Urban Places and Non Tehsil Headquarter Urban Places respectively.

B. Office of TO Planning

- i. The TO Planning will be responsible for establishing and managing planning, development and building control work in the TMA. The Scope includes: coordination of development action; increased citizen participation (support to UC/VC/NC/CCB¹) participatory planning process; open and transparent land use planning and zoning; building facilitation/ control; reaction planning of critical projects; housing; site development; katchi abadi amelioration plans; and coordination.
- ii. Procedures need to be developed, tested and improved in the subsequent phase.
- iii. Staff is to be taken from the provincial department of H&PP which is to be decentralised to the TMA. The TC/MC/MCorp staff currently working on these functions may also be attached to this TO. Additional staff where available can be taken from LG&RDD. All staff will require detailed orientation and extensive on-the-job training since the traditional scope of work of the planners has by and large concentrated on urban areas.
- iv. Reporting Lines. TO Planning will report to the TMO.

Figure 3 in Annex A give the organogram for TO Planning.

C. Office of TO Infrastructure and Services

- i. The scope of the TO Infrastructure and Services will be responsible for planning and implementation works for the entire Tehsil. This TO will also be responsible for O&M in areas other than those under the jurisdiction of the COs (i.e. those areas currently under the territorial jurisdiction of the PHED). In subsequent phases procedures will need to be improved.
- ii. Staff will comprise the PHED SDO unit and technical staff from LG &RDD and the present TC/MC/MCorp. Staff not working on service delivery of functions allocated to the CO. Additional staff from the PHED working at district and higher level may also be attached.
- iii. Reporting Lines. TO Infrastructure & Services will report to the TMO.

Figure 4 in Annex A gives the organogram for TO Infrastructure & Services.

¹ UC refers to Union Council; VC to Village Council and CCB to Citizen Community Board.

D. Office of TO Regulation

- i. The scope includes licensing, facilities and properties (transport terminals, slaughter houses, rent and markets), land (record, encroachment, katchi abadi regularization and tehbazari).
- ii. The procedures as currently practiced by TC/MC/MCorp will be followed in the transition phase. Improvements to be made in the subsequent phase.
- iii. Staff from current TCs/MCs/MCorps working on these functions may be attached to this TO and obtained from LG&RDD. Some staff if required can be deconcentrated to CO or union council/s.
- iv. The Reporting Lines. The TO Regulation will report directly to the TMO. The staff attached to the CO will report to the TO Regulation for functional purposes but will come under the administrative control of the CO.

Figure 5 in Annex A gives the organogram for TO Regulation.

E. Office of TO Finance

- i. The scope of work of the TO Finance includes: Accounts (book keeping and accountancy), Budgets (preparation, variance analysis, 3 yr. rolling and annual budgets), and Revenue (potential sources, field surveillance for losses & leakage).
- ii. Staff includes present ULC accounts staff; PHED and LG&RDD account s staff. Immediate capacity building for accounts is required. The TO Finance will deploy staff to the COs in non Tehsil Headquarter urban places.
- iii. Reporting Lines. The TO Finance will report to the TMO. The accounts staff attached to the COs will also report - for functional purposes - to the TO Finance but will come under the administrative control of the COs.

Figure 6 in Annex A gives the organogram for TO Finance.

3. TRANSITION FRAMEWORK

3.1. Guidelines in Administrative Restructuring: The following guidelines, based on the presentation of Chairman NRB on 29th January, 2001 to the Chief Executive's Committee on Devolution, are being issued for the purposes of preparing the TMA Transition Report:

- A. The Tehsil Transition Teams (TTTs) will not work in isolation from the District Transition Team (DTT).
- B. The TTTs will use the same information as that used by the DTTs .
- C. The TTTs will use information related to the TC/MC/MCorp, PHED, LG&RDD, H&PPD.
- D. If any work on the creation of the TMA has been initiated, this information/work will be used for the purposes of preparing the Tehsil Transition Team Report as long as it is consistent with the guidelines given here.
- E. The TMA Transition Report has to ensure that ground realities are taken into account when determining the staffing and resource requirements. In particular, technical conditions and nature of current services (i.e. type of schemes already existing/progress), should be kept in mind when determining staff allocations.
- F. The TTTs when preparing the organogram and staff deployment for the TMA have to ensure that minimum new posts are created and that existing staff of TCs/MCs/MCorps and tehsil level provincial departments is absorbed.
- G. PHED community managed schemes transferred to communities will not be centralised.
- H. With reference to the TC/MC/MCorps:
 - i. All officers, staff, functions and assets of TC/MC/MCorp placed under the control of the District Governments for the following sectors²:
 - ✓ Education (schools, some higher level institutions)
 - ✓ Medical Services (dispensaries, hospitals, MCH Centres)

² All functions include (a) not included in the functions of the TMA listed in Chapter V of the Draft Ordinance, June 11th, 2001 (b) otherwise being performed by any department of the District Government listed in the First Schedule of the Draft Ordinance, June 11th 2001

- ✓ Industrial Homes
 - ✓ Women's Development
 - ✓ Adult Literacy
 - ✓ Animal Husbandry
 - ✓ Libraries
- ii. The ULC service delivery staff will provide the 'core' for the CO Unit/O&M Centres.
- a. In Tehsil Headquarter urban places, where the TMA headquarter is located, only the service delivery staff will be attached to the CO Unit. This includes staff working on water, sewerage, sanitation, roads, streets, surface drains, street lights and parks and playgrounds.
 - b. In non-Tehsil Headquarter urban places: The CO Unit will comprise the service delivery staff (same as in 'a'); in addition the CO Unit functions will also include fire fighting. TO Finance will attach technical staff to the CO. Staff from TO Regulation and TO Planning may also be placed by them under the administrative control of the CO.
- iii. The ULC non-service delivery staff will comprise the core staff of the TO Finance and TO Regulation (and where necessary TO Planning). However, special attention should be given to ensuring that this distribution of officers and staff does not lead to de-stabilization.
- I. Local Government and Rural Development Department:
- i. Staff and assets at Tehsil level (including rural development staff in Sindh, Markaz Project Manager/ staff in the Punjab) to be attached to the relevant TMA.
 - ii. Some staff and assets from the district and divisional levels may be deployed in the Union Administration.
 - iii. AD LG (district level) and divisional officers, staff and assets will be utilised in the TMA technical sections and with the TO Finance and TO Regulation on a need basis.

- iv. LG&RDD officers may be considered for posting as TO Regulation or as TMO.

J. Public Health Engineering Department:

- i. SDO Unit to provide the 'core' for the TO Infrastructure and Services for water, sewerage/drainage (with the exception of those functions/areas entrusted to the CO)
- ii. PHED regular staff attached to SDO Unit or otherwise involved in O&M of PHED operated schemes will continue their administrative links with the SDO Unit as at present; subsequently they will be part of the service in the TMA.
- iii. XEN, SE and CE units (i.e. districts, divisional and zonal staff and assets) may be utilised for water, sewerage/drainage sections of TO Infrastructure and Services.
- iv. The PHED officers (XENs, SEs and CEs) may be considered for posting as TO Infrastructure and Services or as TMOs.
- v. The PHED accounts staff at the tehsil level to be attached to the TO Finance (other than accounts staff involved with billing, who will continue to work with the SDO Unit.)
- vi. TTTs to prepare a list of officers, staff and assets that are required, in addition to what is present at the tehsil level, from PHED and submit it to the DTTs/PTTs. This list to be based on technical considerations and the nature of services being provided.

K. Housing and Physical Planning Department:

- i. If there is any presence of this department at the tehsil level, the officers and staff will be attached to the TMA under the TO Planning.
- ii. The district, divisional, regional/zonal officers and staff (and provincial officers and staff as may be required) may be transferred/ posted to fill the position of the TO Planning and other officers and staff working in the Tehsil Offices Planning.
- iii. The provincial government department may direct that a nucleus of staff from Circle, Divisional, District Tehsil and Zonal/Regional be deployed at the District level for intra-district coordination of TMA spatial plans.
- iv. H&PPD officers may be considered for posting as TO Planning.

- v. TTTs to prepare a list of officers, staff and asset requirements, based on a review of the skill requirements, for TO Planning as the corresponding department of Housing & Physical Planning may not be present at the tehsil level. This list to be submitted to the DTTs/PTTs.
- L. Staff and Assets for Audit and Establishment to be taken from TCs/MCs/MCorps and LG&RDD.
- M. Staff and Assets for Tehsil Council Secretariat to be taken from the staff of TCs/MCs/Mcorps presently dealing with Council affairs.

3.2. Managing Transition-Rules and Principles: The SBNP Local Government Ordinance 2001 (Draft 11th June, 2001) provides the legal parameters for managing transition (reproduced in Annex D). The Transition teams must adhere to these rules and principles when formulating the Tehsil Transition Report.

- A. Services will be provided without interruption during the transition period by all agencies, departments and institutions involved in the transition process. All functionaries of the urban local councils and the provincial line departments will continue to perform their respective duties until otherwise notified.
- B. On commencement of the law, the properties, assets and liabilities of the TCs/MCs/MCopr will be transferred to the TMA.
- C. The salaries, emoluments and pensions of any employees working in TC/MC/MCorp will not be affected if transferred or re-located.
- D. No fresh recruitment shall be made to fill any vacancy in the local government set up under this Ordinance.
- E. All taxes, fees, tolls, rents etc. (including all arrears) being charged, levied and collected by any of the agencies involved shall continue to do so. Where grants or compensation are being provided by the Government, they should be continued alongwith operational costs for maintenance of schemes.
- F. The government shall close down the operation of the divisional offices and where applicable the regional/circle and zonal offices. Such offices shall cease to function by 31st December, 2001.
- G. Policies, bye-laws³ and regulations will continue as is until new ones are framed by the Tehsil Council.

³ This is provided for in Chapter XIX of the Draft Ordinance, Draft 11th June, 2001

3.3. Targets to be Achieved (Time Frame): Two phased transition to the new TMA structure is given below.

- A. Phase One: July 1st 2001 - August 13th, 2001: Immediate
This phase will include determining which officers and staff are to be sent to the district, determining the staffing requirements of the TMA, and determining the one time transition cost estimates of establishing the TMA. This would require merging and attaching existing institutions listed above in Section 2.2 to create the new TMA. Both assets and resources (financial and human) will need to be re-organised which will require redeployment of staff, establishing new reporting lines, and transfer of assets.
- B. Phase Two: August 14th 2001 - December 31st, 2001: Short Term
This phase will include the transformation of the newly created TMAs into fully functional entities, and the full integration of line departments in the TMA Organisational Structure, as envisaged under the new local government law. This will require the streamlining of all reporting lines, the restructuring of existing line departments (i.e. if divisional, circle, zonal or other regional staff has still not been redeployed) and the dissolution of the division as an administrative tier. In this phase the TMA can initiate work on its own organisational restructuring ensuring there is no dip in service levels.

After Transition and in the Longer Term, consolidation and improvement of capacity will be undertaken. This phase will include capacity building of these new institutions to improve their efficiency and effectiveness. This would include work on procedures, tools, equipment and resources.

Targets to Be Achieved for the Preparation of the Tehsil Transition Report

Notification of Tehsil Transition Team	1 st July 2001
Preparation of Forms in PART II, (Annex B)	7 th July 2001
Preparation of Forms in Part III, (Annex B)	7 th July 2001
Preparation of Forms in Part I, (Annex B)	14 th July 2001
Finalisation of Tehsil Transition Team; Submission to DTT	21 st July 2001
Issuance of Orders of Staff to be Relocated	28 th July, 2001
Transfer of Assets	28 th July, 2001
Functional TMA in Place	7 th August, 2001
Refinement in TMA: Additional Staff and Asset Transfers	November 30 th , 2001
TMA Fully Operationalised	December 15 th , 2001

4. TMA TRANSITION REPORT

The objective of the TMA Transition Report is to provide the details of deployment and transfer of staff, assets and to provide the one time transition cost associated with the creation of the TMA.

This section describes the content and format of the Report and describes the tasks and steps involved in preparing it. The Forms given in Annex B are the final Forms and Tables to be included in the Report. Working and statements may have to be prepared by the teams.

4.1. Content and Format: The TMA Transition Report will comprise of at least two chapters. Chapter one of the report will be included in the District Transition Report (see below). Chapter Two will be used by the TTTs in creating the new TMA.

A. Chapter One: Will provide the information that will be included in the District Transition Report.

1. **Summary Form IA:** Officers and Staff pertaining to exclusive functions of the District Government to be placed with district Government from present TCs/MCs/Mcorps.
2. **Summary Form IB:** Assets pertaining to exclusive functions of the District Government to be placed with the District Government from present TCs/MCs/MCorps.
3. **Summary Form II.** Officers and Staff required to fill TMA positions remaining vacant after setting up of TMA to be filled from Divisional, District, Circle, Regional/Zonal level (and provincial if necessary) departments (PHED, H&PPD and LG&RDD) to be devolved to TMA
4. **Summary Form III** (and Statement A-F): The one-time transition cost estimates from this Report , along with other TMA Transition Reports pertaining to the District and the District Government Transition Report will be incorporated in the District Transition Report. The cost of officers and staff transferred to the District will be reflected in the District Government Transition Report.

B. **Chapter Two:** Will include the details of staff and assets regarding the departments and TCs/MCs/MCorps to be attached to the TMA. This Chapter will help the Tehsil Transition Teams in the creation of the new TMA:

1. **Forms IV-IX.** Deployment in TMA of Tehsil level staff, report on assets, liabilities and payables, and, receivables of devolved departments (PHED, H&PPD, LG&RDD).

2. Organograms, with details of officer/staff parent departments and grades, for the following five offices of the TMA:
 - a. CO/s
 - b. TO Planning
 - c. TO Infrastructure and Services
 - d. TO Regulation
 - e. TO Finance

4.2. Tasks and Steps: The following tasks and steps should be completed in order to develop a TMA structure and determine an estimate of the one-time transition costs. The steps/tasks are:

STEP ONE: OVERVIEW

1. Study:
 - a. the administrative guidelines given in Section 3.1.
 - b. the overall organisational structure of the TMA: see Figures 1-6.
 - c. all Forms in Annex C.
2. Collect data of officers/staff, assets, liabilities and receivables of PHED, H&PPD, LG&RDD, TCs/MCs/Mcorps in the tehsil.
 - ✓ Note that assets will include plant, machinery and spares, furniture, fixture, office equipment vehicles, equipment and other assets.
 - ✓ Note that liabilities include utility bills payable, salaries payable, outstanding bills of contractors and other payables and liabilities.
 - ✓ Note that receivables include arrears of charges, rents, staff, advances etc.
3. Review the ground realities and the existing service delivery situation.
4. In line with the Organograms (figure 1-6), prepare on paper a draft organogram for the TMA and its departments.

STEP TWO: IDENTIFY THE OFFICERS AND STAFF TO BE TRANSFERRED TO THE DISTRICT GOVERNMENT

5. The following are exclusive functions of the Districts and the officers and staff performing these functions (along with the assets except land and building) will be placed under the control of the district government:
- ✓ Education (schools, some higher level institutions)
 - ✓ Medical (dispensaries, hospitals, MCH Centres)
 - ✓ Industrial Homes,
 - ✓ Animal Husbandry
 - ✓ Women's Development
 - ✓ Adult Literacy
 - ✓ Please note that if the TC/MC/Mcorp is involved in any function other than (a)those listed in Chapter 5 of the Local Government Ordinance Draft June 11th, 2001; and (b) otherwise being performed by any department of the district government listed in First Schedule of the LGO Draft June 11th, 2001 these will be transferred to the District Government.

In order to do this:

- a. Identify officers and staff of the existing TCs, MCs and MCorps in the tehsil performing these functions. Not all TC, MC, MCorp may be performing these functions. **Fill Form IA.**
- b. Identify the assets (excluding land and buildings) of all existing TCs, MCs and Mcorps in the tehsil relating to these functions Not all TC, MC, MCorp may have assets related to these functions. **Fill Form IB.**

STEP THREE: ASSESS THE STAFF, OFFICERS, BUILDINGS AND OTHER ASSETS REQUIRED FOR THE TMA

6. Prepare a list of staff/officers, buildings and assets required for each TMA office.

Please note that this should be determined on the basis of technical considerations of the staff and assets required for making the TMA functional.

For each TMA Office this should be done keeping in view technical considerations, demographic considerations, nature of schemes/work, and the fact that after the transition phase TMAs will collaborate with union councils, village councils, and community citizen boards in the provision of services.

- ✓ For the rural water supply and sanitation this should include (i) the existing schemes being managed by communities (ii) schemes that have been transferred to communities but are being managed by PHED for the specified period (iii) schemes being managed by PHED. In addition technical considerations should be used in determining the staff required for the TO Infrastructure and Services for e.g. in a tehsil which falls in a sweet water zone, very senior staff may not be required as the schemes are likely to be simple.
- ✓ For the TCs/MCs/MCorps this should include water supply/sewerage, sanitation; parks and open spaces; roads, streets and street lighting; traffic engineering activity being undertaken by them.
- ✓ For H&PPD this should include schemes currently being managed by them.
- ✓ In the case of TO Regulation, the quantum of staff required and their seniority will depend on how large the present urban area is.
- ✓ In the case of TO Planning, the key is to ensure that current control activities do not suffer any dip in services; basic staff to start the process of spatial planning and building/development control is required. Incrementally this office of the TMA can be built.

STEP FOUR: CREATE TMA OFFICES ON PAPER BY DEPLOYMENT OF STAFF AND TRANSFER OF ASSOCIATED ASSETS: ENSURE THAT THERE IS NO DIP IN SERVICES

7. a. In this step the staff of the present TCs/MC/MCorps and provincial line departments will be deployed to set up the core TMA offices. This step should ensure the stabilization of critical services and functions being performed by these organizations.

Guidelines for Tehsil Transition Teams

Department	Figure	Officers and Staff from	Fill Form
CO Unit at TMA HQ	2a	<p>Identify officers and staff of TCs/MCs/MCorps performing municipal service delivery functions such as water, sewerage, sanitation, roads, streets, surface drains, streetlights, parks and playgrounds, etc. (Note: other staff of TCs/MCs/MCorps will be assigned to the other TOs)</p> <p>Place Under the CO Unit in the draft TMA Organogram</p>	VII
CO Unit at Non TMA HQ	2b	<p>Identify officers and staff from the TCs/MCs/MCorp working on water, sewerage, sanitation, roads, streets, surface drains, street lights, parks and playgrounds and fire services. (Note: other staff related to TO Planning, Regulation and Finance of TCs/MCs/Mcorps will be assigned to the other TOs but will be kept under the administrative control of the CO)</p> <p>Place under the CO at the current urban place in the draft TMA Organogram</p>	VIII (for each TC/MC/Mcorp one form is to be filled; numbered from VIII/1 onwards)
TO Planning	3	<p>Identify (if a unit exists) H&PPD staff at the Tehsil level and place under TO Planning.</p>	VIA
TO Infrastructure and Services	4	<p>Identify the staff working in the SDO Unit in the PHED.</p> <p>Place under the TO Infrastructure and Services in the draft TMA Organogram.</p> <p>Refer to Step Three above and attach remaining staff from the TCs/MCs/MCorps to this TO.</p> <p>Refer to Step Three above and attach remaining staff from the LG&RDD to this TO.</p> <p>Place Under TO Infrastructure and Services in the draft TMA Organogram.</p>	IVA VII VA

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T.O. Regulation	5	<p>Identify the officers and staff performing functions related to licensing, facilities and properties (e.g. rent of municipal properties, transport terminals, etc), and, land (record of municipal properties, tehbazari) in the existing TCs/MCs/MCorps.</p> <p>Place under the TO Regulations in the draft TMA Organogram.</p> <p>From Step Three see what remaining technically suited staff is required for this TO from the TCs/MCs/Mcorps.</p> <p>From Step Three see what remaining technically suited staff is required for this TO from the LG&RDD.</p> <p>Place under the TO Regulations in the draft TMA Organogram.</p>	<p>VII</p> <p>VII</p> <p>VA</p>
T.O. Finance	6	<p>Identify officers and staff in the existing TCs/MCs/MCorps presently involved in accounting, budgeting and controlling revenue losses, etc.</p> <p>Place under the TO Finance in the draft TMA Organogram.</p> <p>From Step Three see what remaining technically suited staff of tehsil level from LG&RDD, PHED and H&PP can be attached to this TO.</p> <p>Place under the TO Finance in the draft TMA Organogram.</p>	<p>VII</p> <p>IVA, VA and VIA</p>
Audit and Establishment		<p>Identify staff from TCs/MCs/Mcorps for these Departments.</p> <p>Identify staff from LG&RDD for these Departments.</p> <p>Place in departments in the draft TMA Organogram.</p>	<p>VII</p> <p>VA</p>

Please note:

- 1) Ensure that the operational cost for running schemes being (a) managed by PHED, H&PPD and LG&RDD (b) transferred to PHED to communities but being run by PHED for the specified period are going to be provided by the provincial government.
- 2) Present staff of TCs/MCs/MCorps involved in council affairs to be attached to the Tehsil Council Secretariat. See Section 65 (3) of the Local Government Ordinance Draft, 11th June 2001.

7.b. Associated assets of PHED, LG&RDD and H&PPD related to the functions and staff given in 6 a should be transferred. **Fill the following forms IVB, VB and VI B.**

Please note that for the assets of the TCs/MCs/Mcorps **Form IX** needs to be filled for each TC/MC/Mcorp and numbered as FormIX/1 etc.

STEP FIVE: PREPARE A LIST OF THE LIABILITIES AND RECEIVABLES

8. For PHED, LG&RDD and H&PP fill **Forms IVC and D; VC and D; and VIC and D.** With the help of Form IVC, VC and VIC **Fill Statement F.**

STEP SIX: PREPARE A LIST OF THE ADDITIONAL STAFF REQUIRED

9. After ensuring that the staff required cannot be found from the existing TCs/MCs/MCorps and the tehsil level departments of PHED, H&PPD and LG&RDD, prepare a list of staff positions in TMA remaining vacant. This is to be submitted to the DTTs/PTTs for filling these positions from the officers and staff of provincial, divisional, and district level of the PHED, LG&RDD and H&PPD. **Fill Form II.**

STEP SEVEN: PREPARE THE ONE-TIME TRANSITION COST

10. **Fill Statements A-E** given in Part I, Annex B. Ensure that the cost of transferring staff and assets to the District are not included in this.
11. Compile results and **Fill Form III.**

STEP EIGHT: REVIEW

12. Complete and refine the organisational model for the TMA developed in Step One.
13. Review, and ensure that all critical services are stabilised.

14. Review, and ensure that all staff related to the TCs/MCs/MCorps and tehsil level staff of PHED, H&PPD and LG&RDD is deployed in the TMA.

15. Review, and ensure that all tehsil level assets of PHED, LG&RDD and H&PPD and TCs/MCs/MCorps have been transferred to the TMA.

16. Review the list of staff, buildings and assets required. Make sure that these are the minimum required to operationalise the TMA.

17. Ensure that all forms in Annex B are completed, filled and included in the Report.

ANNEX

A Figures 1-6: TMA Organisation and Offices

B TMA Transition Report: Forms to be Filled

C Chapter V of Proposed Ordinance , Revised Draft, June 11, 2001

D Chapter XVIII of Local Government Ordinance Draft of June 11, 2001

ANNEX A

**Figures 1-6
TMA Organisation and Offices**

FIGURE 1: TEHSIL MUNICIPAL ADMINISTRATION ORGANIZATION

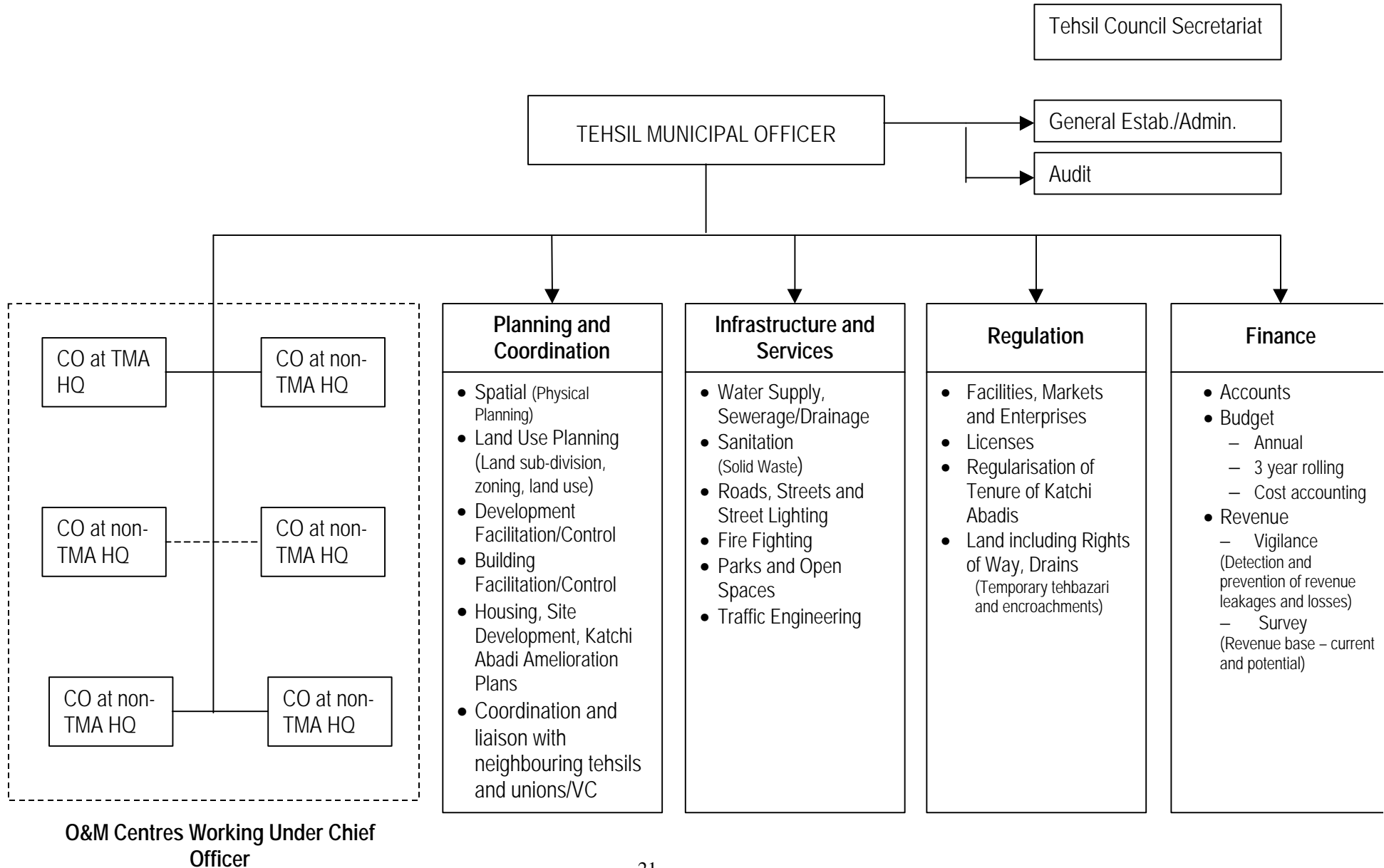


FIGURE 2 A: CO UNIT
TMA HEADQUARTER URBAN PLACE

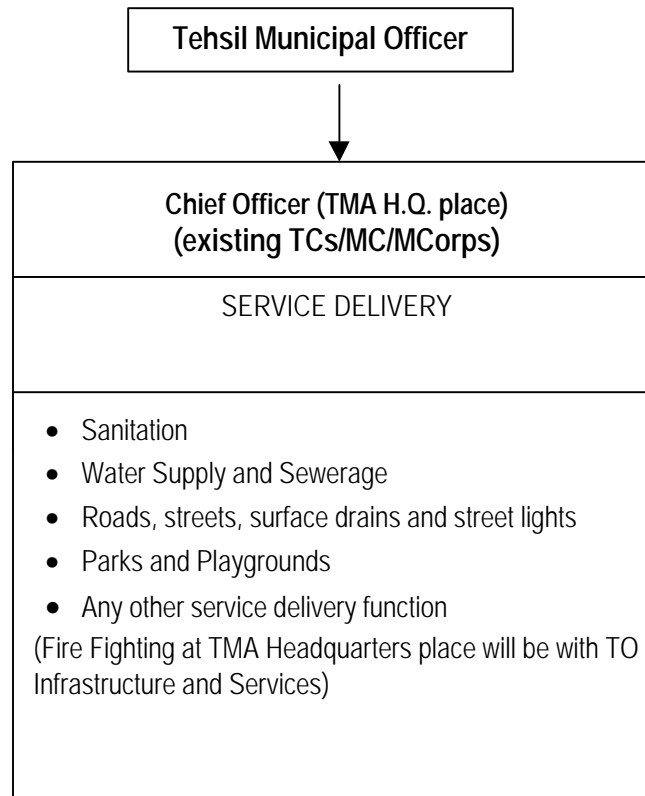


FIGURE 2 B: CO UNIT
NON TEHSIL HEADQUARTER URBAN PLACE

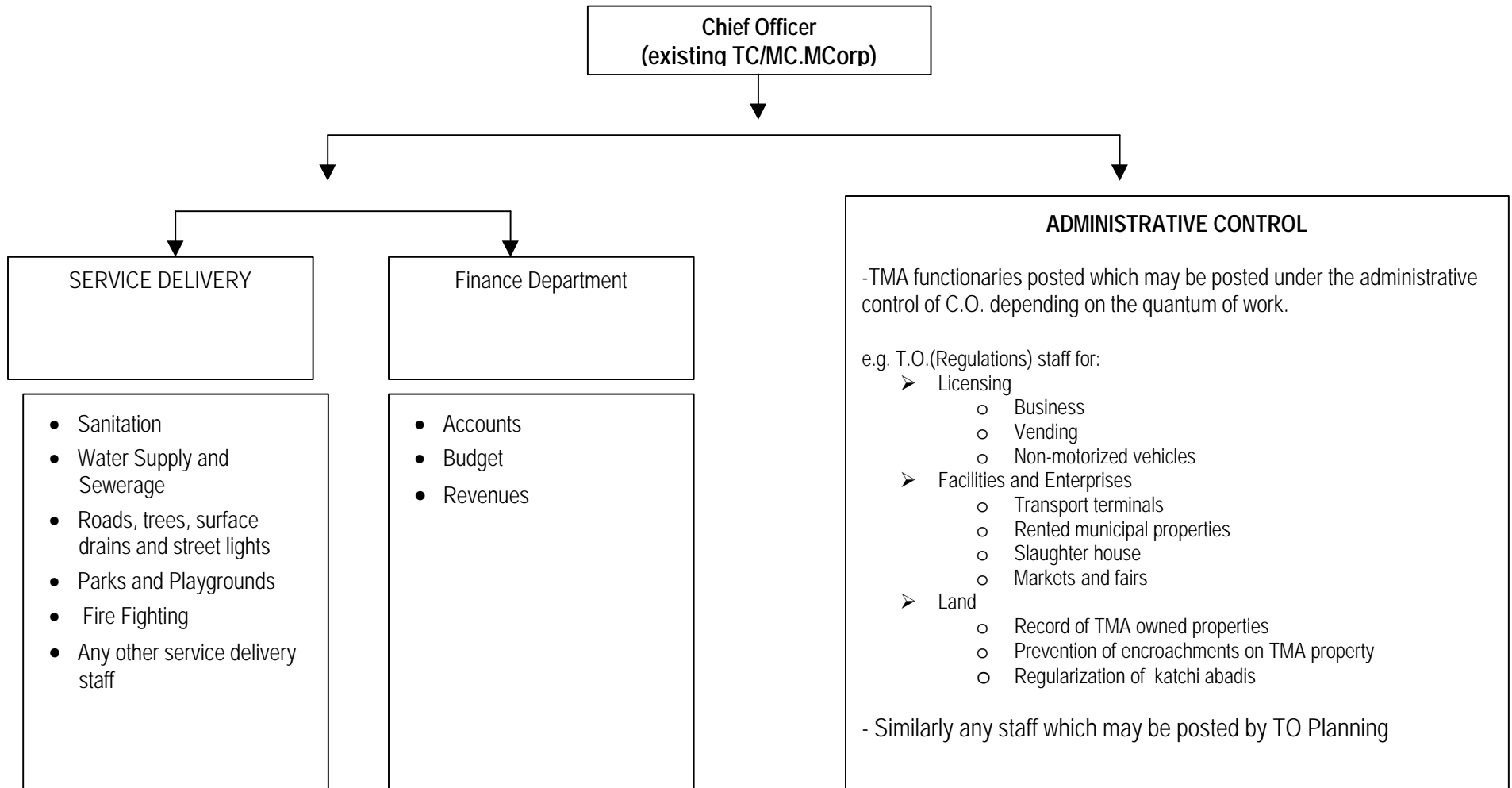


FIGURE 3: TEHSIL OFFICE PLANNING

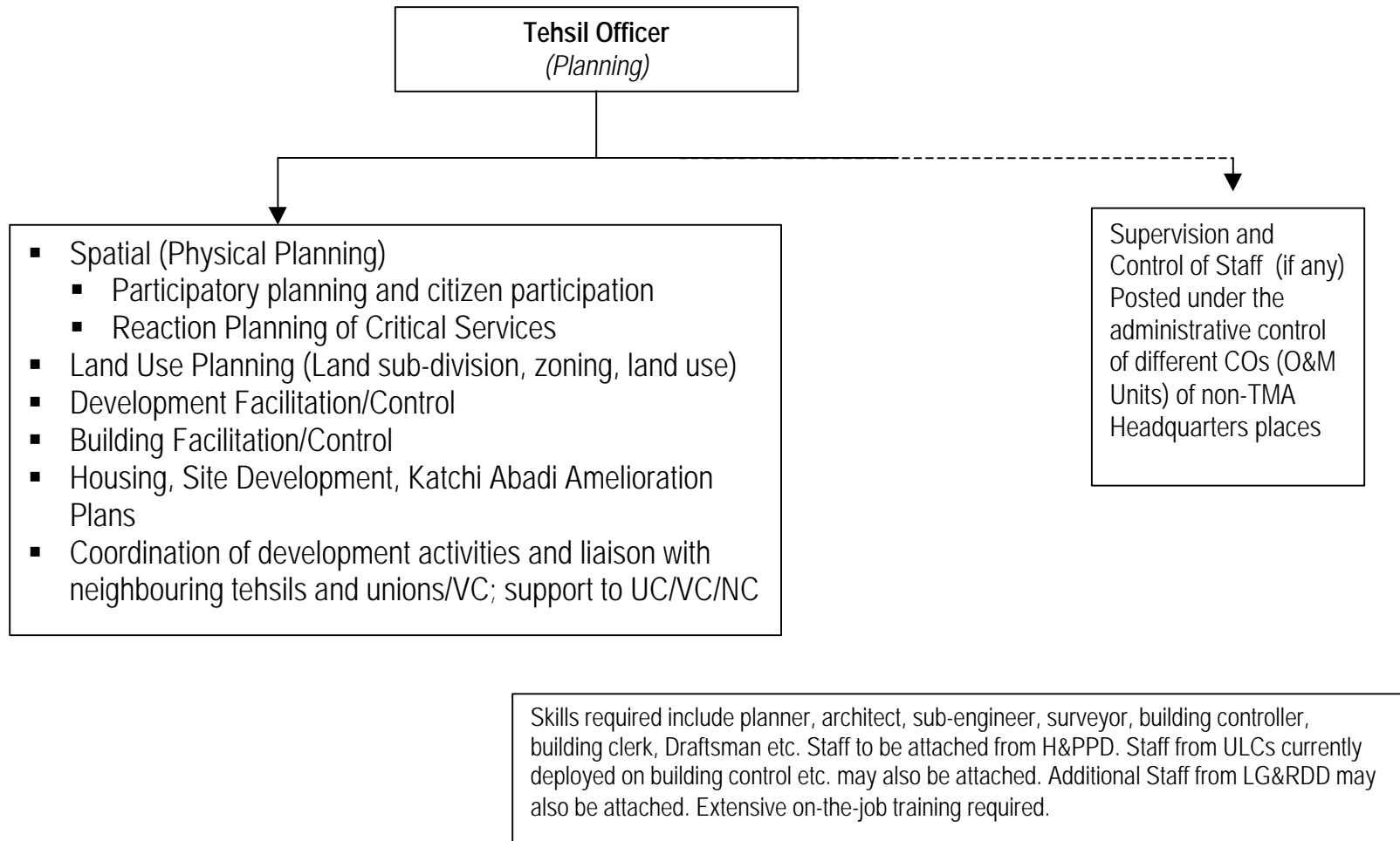


FIGURE 4: TEHSIL OFFICE INFRASTRUCTURE & SERVICES

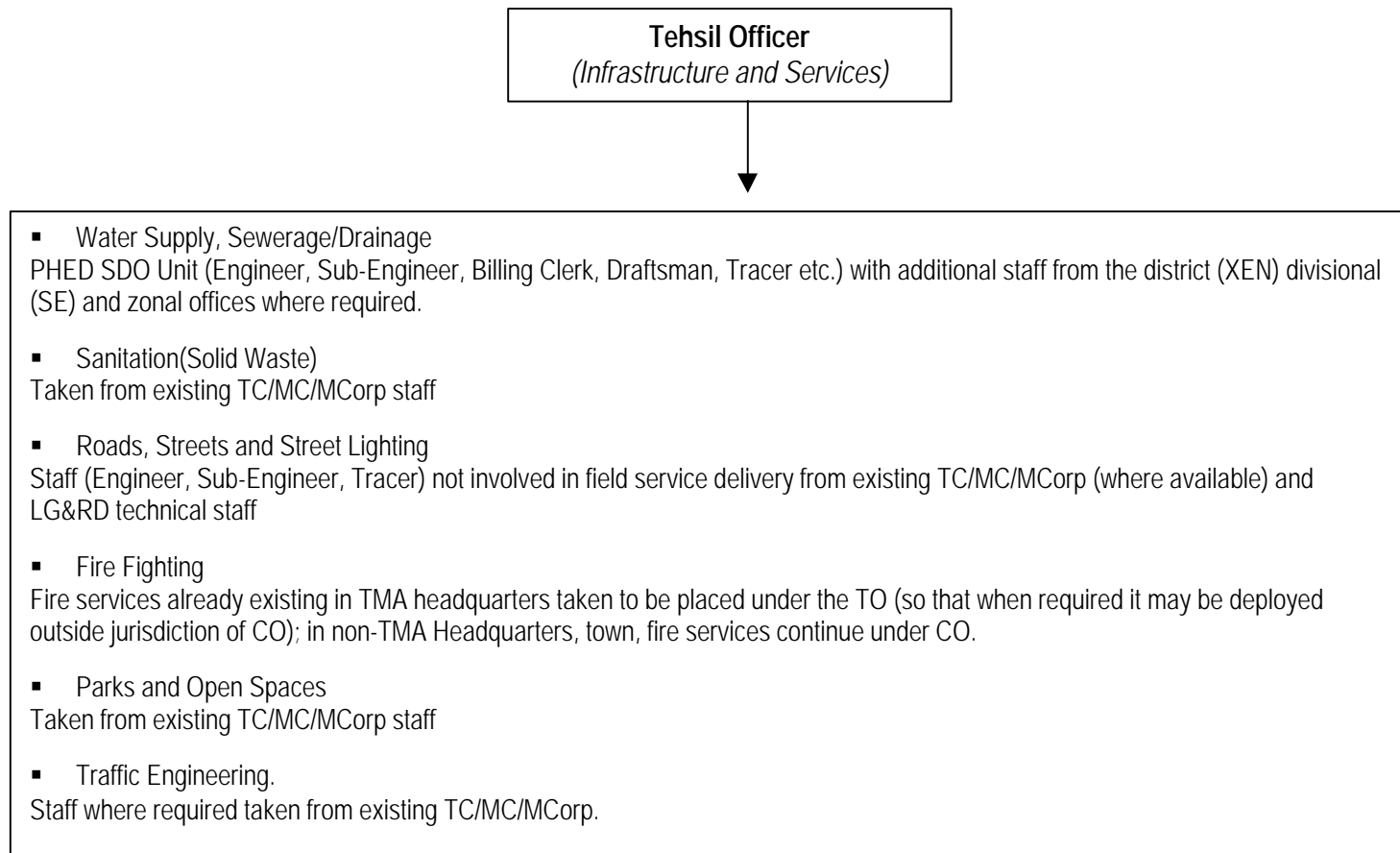


FIGURE 5: TEHSIL OFFICE REGULATION

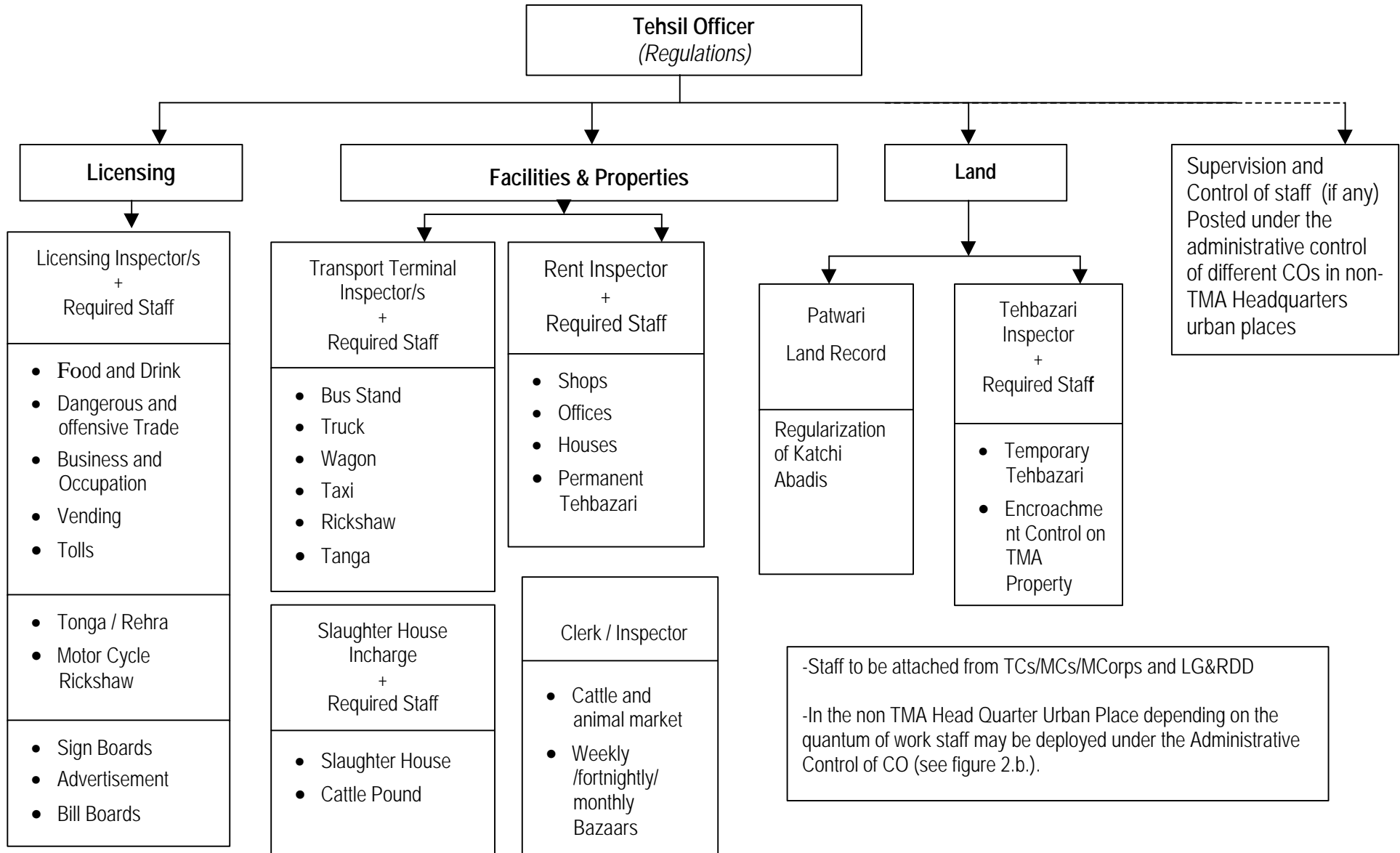
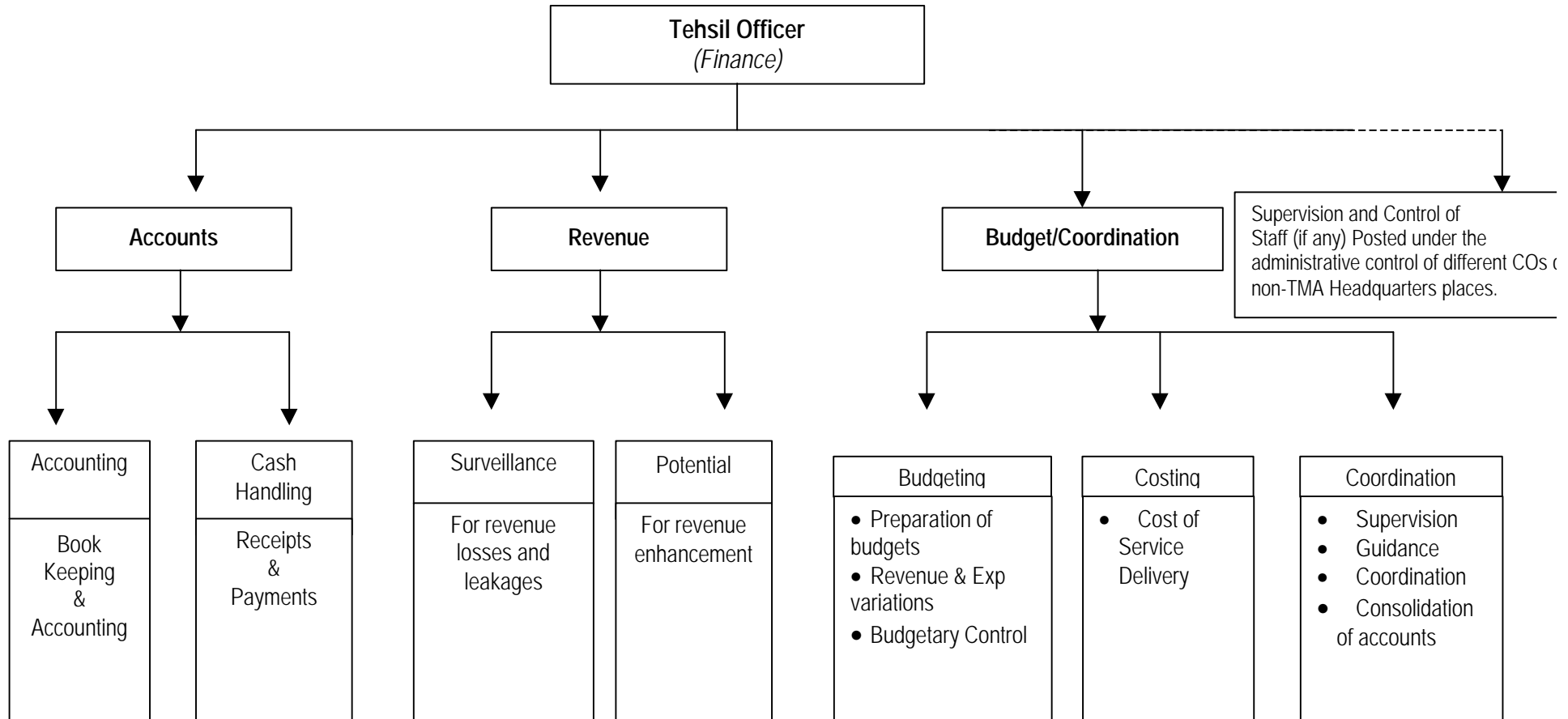


FIGURE 6: STRUCTURE & SCOPE: TEHSIL OFFICE FINANCE



Staff from ULCs, LG&RDD and PHED related to these functions to be attached to TO Finance. The TO might deploy staff under a CO (in a non TMA headquarter urban place).

In the Non-TMA Head Quarter Urban Place/s staff to be attached to CO Unit.

ANNEX B: FORMS TO BE FILLED

Annex B: Forms to be Filled for the TMA Transition Report

PART I: FORMS TO BE INCLUDED IN THE DISTRICT TRANSITION REPORT

- IA: Officers and Staff Pertaining to the Exclusive Functions of the District Government to be placed from ULCs in the Tehsil
- IB: Assets (other than land and buildings) Pertaining to the Exclusive Functions of the District Government to be placed from the ULCs in the Tehsil
- II: Officers and Staff positions of TMA remaining vacant to be filled from provincial, divisional and district level offices of PHED, LG&RDD AND H&PPD
- III: One Time Transition Cost Estimates
 - Statement A: Relocation of officers and staff (excluding those in Form IA)
 - Statement B: Relocation of Assets (excluding those in Form IB)
 - Statement C: Repair of Buildings
 - Statement D: Purchase of Assets
 - Statement E: Any Other one time transaction expenditure
 - Statement F: Liabilities and Payables as on 30.06.2001 of tehsil level offices of provincial departments devolved to the TMA

PART II: TEHSIL LEVEL DEPARTMENTS OF PROVINCIAL GOVERNMENTS DEVOLVED TO TMA

- **PHED: Form IV:**
 - A. Tehsil level officers and staff of the PHED devolved to the TMA
 - B. Assets of the tehsil level offices of the PHED devolved to the TMA
 - C. Liabilities and Payables as on June 30. 2001 of tehsil level offices of the PHED devolved to the TMA
 - D. Receivables of tehsil level offices of the PHED devolved to the TMA
- **LG&RDD: Form V:**
 - A. Tehsil level officers and staff of the LG&RDD devolved to the TMA

- B. Assets of the tehsil level offices of the LG&RDD devolved to the TMA
- C. Liabilities and Payables as on June 30. 2001 of tehsil level offices of the LG&RDD devolved to the TMA
- D. Receivables of tehsil level offices of the LG&RDD devolved to the TMA
- **H&PPD: Form VI**
 - A. Tehsil level officers and staff of the H&PPD devolved to the TMA
 - B. Assets of the tehsil level offices of the H&PPD devolved to the TMA
 - C. Liabilities and Payables as on June 30. 2001 of tehsil level offices of the H&PPD devolved to the TMA
 - D. Receivables of tehsil level offices of the H&PPD devolved to the TMA

PART III: TC/MC/MCORP OFFICERS AND STAFF

- **Form VII:** Reorganization of officers and staff of the existing TC/MC/MCorps. at Tehsil Head Quarters / TMA Head Quarters place
- **Form VIII:** Reorganization of officers and staff of present TC/MC/MCorp for urban place other than the TMA Headquarter place (one form should be filled separately for each TC/MC/MCORP and to be numbered as Form VIII/1 onwards)
- **Form IX:** Condition of Assets in the present TC/MC/MCORP (one form should be filled separately for each TC/MC/MCORP and to be numbered as Form IX/1 onwards)

**PART I:
FORMS TO BE INCLUDED
IN DISTRICT TRANSITION REPORT**

ONE TIME TRANSITION COST ESTIMATES

SUMMARY

TEHSIL _____ **Date** _____

Particulars	Amount	Detailed Statements
1. Relocation of Staff (excluding staff in Form IA)	_____	Statement A
2. Relocation of Assets (excluding assets in Form IB)	_____	Statement B
3. Repair of Buildings	_____	Statement C
4. Purchase of Assets	_____	Statement D
5. Any Other	_____	Statement E
6. Liabilities and Payables as on 30.06.2001 of tehsil level offices of Provincial Departments devolved to TMA	_____	Statement F

TOTAL ONE TIME COST	Rs. _____	

STATEMENT C

REPAIR OF BUILDINGS

TEHSIL _____ **Date** _____

Sr. No.	PARTICULARS	Justification	Cost of Repair			Remarks
			Detail of repair required	@	Total cost of repair	
	OFFICES					
	RESIDENCES					
	TOTAL REPAIR OF BUILDINGS					

Use additional pages as required

Guidelines for Tehsil Transition Teams

STATEMENT F

LIABILITIES AND PAYABLES AS ON 30.06.2001 OF TEHSIL LEVEL OFFICES OF PROVINCIAL DEPARTMENTS DEVOLVED TO THE TMA

TEHSIL _____ **Date** _____

Particulars	PHED Form IVC	LG&RDD Form VC	H&PPD Form VIC	TOTAL
Electricity Bills Payable ³				
Telephone bills payable				
Other Utility bills payable				
Salaries payable to Staff				
Staff medical bills payable				
Payable to contractors for work done (by contract)				
TOTAL SHORT TERM LIABILITIES AND PAYABLES				
Long Term Loans (show each loan separately)				
Long Term Loans - (principal amount)				
Long Term Loans (overdue interest)				
TOTAL LONG TERM LIABILITIES				
TOTAL LIABILITIES AND PAYABLES				

Use additional pages as required

³ List separately for offices and facilities (such as water supply schemes etc) as well as official residences

PART II:
TEHSIL LEVEL DEPARTMENTS DECENTRALIZED TO TMA
These details are not required for inclusions in District Transition Report

LIABILITIES AND PAYABLES AS ON 30.06.2001 OF TEHSIL LEVEL OFFICES OF THE PHED DEVOLVED TO THE TMA

TEHSIL _____ **Date** _____

Particulars	Amount
Electricity Bills Payable separately provide details for offices and facilities (such as water supply schemes etc) as well as official residences)	_____
Telephone bills payable	_____
Other Utility bills payable	_____
Payable to Staff (salaries, medical bills, etc)	_____
Payable to contractors for work done (by contract)	_____
Other Liabilities (give detail of each)	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
TOTAL SHORT TERM LIABILITIES AND PAYABLES (A)	_____
LONG TERM LIABILITIES	
Long Term Loans - (principal amount)	_____
Long Term Loans (overdue interest)	_____
Others (give detail of each liability)	_____
_____	_____
_____	_____
_____	_____
TOTAL LONG TERM LIABILITIES (B)	_____
TOTAL LIABILITIES AND PAYABLES (A+B)	_____

**LIABILITIES AND PAYABLES AS ON 30.06.2001 OF TEHSIL LEVEL OFFICES OF
LG&RDD DEVOLVED TO THE TMA**

TEHSIL _____ **Date** _____

Particulars	Amount
Electricity Bills Payable separately provide details for offices and facilities (such as water supply schemes etc) as well as official residences)	_____
Telephone bills payable	_____
Other Utility bills payable	_____
Payable to Staff (salaries, medical bills, etc)	_____
Payable to contractors for work done (by contract)	_____
Other Liabilities (give detail of each)	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
TOTAL SHORT TERM LIABILITIES AND PAYABLES (A)	_____
LONG TERM LIABILITIES	
Long Term Loans - (principal amount)	_____
Long Term Loans (overdue interest)	_____
Others (give detail of each liability)	_____
_____	_____
_____	_____
_____	_____
TOTAL LONG TERM LIABILITIES (B)	_____

TOTAL LIABILITIES AND PAYABLES (A+B) _____

LIABILITIES AND PAYABLES AS ON 30.06.2001 OF TEHSIL LEVEL OFFICES OF H&PPD DEVOLVED TO THE TMA

TEHSIL _____ **Date** _____

Particulars	Amount
Electricity Bills Payable separately provide details for offices and facilities (such as water supply schemes etc) as well as official residences)	_____
Telephone bills payable	_____
Other Utility bills payable	_____
Payable to Staff (salaries, medical bills, etc)	_____
Payable to contractors for work done (by contract)	_____
Other Liabilities (give detail of each)	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
TOTAL SHORT TERM LIABILITIES AND PAYABLES (A)	_____
LONG TERM LIABILITIES	
Long Term Loans - (principal amount)	_____
Long Term Loans (overdue interest)	_____
Others (give detail of each liability)	_____
_____	_____
_____	_____
_____	_____
_____	_____
TOTAL LONG TERM LIABILITIES (B)	_____
TOTAL LIABILITIES AND PAYABLES (A+B)	_____

PART III
TOWN COMMITTEE, MUNICIPAL COMMITTEE AND
MUNICIPAL CORPORATION OFFICERS AND STAFF
These details are not required for inclusion in District Transition Report

CHAPTER V
TEHSIL AND TOWN MUNICIPAL ADMINISTRATION

(Proposed Ordinance, Revised Draft, June 11, 2001)

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

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

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

51. Provisions relating to tehsils apply to towns.- The provisions relating to Tehsil Administration shall, *mutatis mutandis*, apply to Town Municipal Administration and, in their application to the towns in the City District, shall have effect as if references therein to the Tehsil Municipal Administration, Tehsil Nazim, Tehsil Council, Village Council and Village were references, respectively, to the Town Municipal Administration, Town Nazim, Town Council, Neighbourhood Council and Neighbourhood.

52. *Entrustment of certain decentralised offices to Tehsil Municipal Administration.- On commencement of this Ordinance, the functions, administration and financial management of the offices of Local Government and Rural Development Department, Public Health Engineering Department and Housing and Physical Planning Department at the regional, zonal, divisional, district, tehsil and lower levels shall stand entrusted to the Tehsil Municipal Administration, alongwith the employees working in these offices:

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

* The respective Governments may use the titles of these Departments specified in their Rules of Business.

53. Structure of the Tehsil Municipal Administration.- (1) The Tehsil Nazim shall head the Tehsil Municipal Administration.

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

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

- (i) Tehsil Officer (Municipal Regulations) who shall be responsible for licensing, management of municipal lands, estates, properties, facilities and enterprises and enforcement of relevant municipal laws, rules and bye-laws.
- (ii) Tehsil Officer (Infrastructure and Services) who shall be responsible for water, sewerage, drainage, sanitation, roads, other than Provincial and district roads, streets and street lighting; fire fighting, park services.
- (iii) Tehsil Officer (Planning) who shall be responsible for spatial planning and land use control; building control; and coordination of development plans and projects with Union Administration, Village Councils and other local governments.
- (iv) Tehsil Officer (Finance) who shall be responsible for budget, revenue and accounts.

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

(5) Notwithstanding the dissolution of Town Committees, Municipal Committees and Municipal Corporations under this Ordinance, and until any contrary order is made by the Government or the service structure of the members of Local Council Service or the servants of Local Councils is altered, the administrative set-up of the such Committees and Corporations shall remain in tact and continue providing municipal services and the officers and staff working therein shall come under the executive control of the Tehsil Nazim through the Tehsil Municipal Officer:

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

54. Functions and powers of the Tehsil Municipal Administration.- The functions and powers of the Tehsil Municipal Administration shall be to-

- (a) prepare physical plans for the tehsil in collaboration with Union Councils, including plans for land use, zoning and functions for which the Tehsil Municipal Administration is responsible;
- (b) seek approval of the Tehsil Council to the physical plans prepared by it after due process of dissemination and public enquiry, incorporating modifications on the basis of such inquiry;
- (c) execute and manage development plans;
- (d) exercise control over land-use, land-subdivision, land development and zoning by public and private sectors for any purpose, including for agriculture, industry, commerce markets, shopping and other employment centres; residential, recreation, parks, entertainment; passenger and freight transport and transit stations;
- (a) enforce all municipal laws, rules and bye-laws governing its functioning:

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

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

Provided also that such exemption shall not extend to any organised housing scheme and zoning of industrial and commercial areas;

- (b) prevent encroachments;
- (c) regulate affixing of sign-boards and advertisements;
- (d) provide, manage, operate, maintain and improve the municipal infrastructure and services, including-
 - (i) water supply and control and development of water sources, other than systems maintained by the Union and Village Councils;
 - (ii) sewerage, sewage and sewage treatment and disposal;
 - (iii) provision of storm water drainage;

- (iv) sanitation and solid waste collection and sanitary disposal of solid, liquid, industrial and hospital wastes;
 - (v) maintenance of roads and streets, other than roads falling under the jurisdiction of, and maintained by, the District Government or Government and streets maintained by the Union Administration or Village Council;
 - (vi) traffic planning, engineering and management including traffic signaling systems, signs on roads, street markings, parking places, transport stations, stops, stands and terminals;
 - (vii) street lighting;
 - (viii) fire fighting; and
 - (ix) parks, playgrounds, open spaces and arboriculture;
- (e) compile information provided by Union and Village Councils of prioritised projects in the tehsils.
 - (f) prepare budget and annual development programme in collaboration with the Union Councils, under the directions of Tehsil Nazim;
 - (g) maintain, with the assistance of the District Government, Union and Village Councils, a comprehensive data base and information system for Tehsil Municipal Administration and provide public access to it on nominal charges;
 - (h) propose taxes, cess, user fees, rates, rents, tolls, charges, surcharges, levies, fines and penalties under Part II of the Second Schedule for approval of the Tehsil Council and notify the same after such approval;
 - (i) collect approved taxes, cess, user fees, rates, rents, tolls, charges, fines and penalties;
 - (j) organize sports, cultural, recreational events, fairs and shows;
 - (k) co-ordinate and support municipal functions amongst Unions and Villages;
 - (l) regulate markets and services and issue licenses, permits, grant permissions and impose penalties for violation as and where applicable;
 - (m) manage properties, assets and funds vested in the Tehsil Municipal Administration and Tehsil Council;
 - (n) develop and manage schemes, including site development in collaboration with District Government and Union Administration;
 - (o) authorise an officer or officers to issue notice to a person committing any municipal offence and initiate legal proceedings for continuance of commission of such offence or for failure to comply with the directions contained in such notice;
 - (p) prosecute, sue and follow up criminal, civil and recovery proceedings against violators of municipal laws in the courts of competent jurisdiction;

- (q) maintain municipal records and archives; and
- (r) prepare financial statements and present them for internal and external audit in the manner as may be prescribed.

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

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

- (b) on such terms and conditions as are mutually agreed, transfer its functions or responsibility with regard to providing municipal services to the Union Administration or Village Council:
Provided that no function or responsibility shall be transferred without allocation of corresponding funds:
Provided further that the responsibility to regulate and monitor such functions and services shall remain with the Tehsil Municipal Administration.
- (c) by an agreement and on such terms and conditions as may be mutually agreed, perform any function of the District Government;
- (d) with funds raised through voluntary contributions or external grant, but without recourse to additional enhanced taxation, user charges or fees or recourse to any other sources of public funds and without incurring debt of any nature, undertake any development project;
- (e) with the approval of the Government and concerned regulatory authorities of the Federal Government and Provincial Government, set-up, acquire, manage and operate any commercial activity on a self-financing basis with no liability to the public exchequer; and
- (f) set-up corporate body to perform any of its functions, singly or jointly with other public or private bodies.

55. Fiscal transfer for Tehsil Municipal Administration.- The Tehsil Municipal Administration shall receive fiscal transfers from the District Government in the manner as may be prescribed.

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

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

(3) The Tehsil Nazim shall be responsible to ensure that the business of the Tehsil Municipal Administration is carried out in accordance with the

provisions of this Ordinance and the laws relating to the municipal services for the time being in force.

(4) A Tehsil Nazim shall assume the charge of his office from the date on which he takes upon himself the oath of such office.

- 57. Functions of Tehsil Nazim.-** The functions of Tehsil Nazim shall be-
- (a) to provide vision and direction for efficient functioning of the municipal administration;
 - (b) to formulate strategies for development of municipal infrastructure and improvement of delivery of the municipal services of the tehsil;
 - (c) to oversee formulation and implementation of the annual municipal development plan;
 - (d) to oversee the delivery of services by the Tehsil Municipal Administration and implementation of the laws governing the municipal services;
 - (e) to present the budget proposal to the Tehsil Council for approval;
 - (f) to present a report in person on the performance to the Tehsil Council at least once in six months;
 - (g) to supervise the utilisation of the funds allocated to the Tehsil Municipal Administration and to ensure their proper accounting;
 - (h) establish and supervise the working of the Internal Audit Office; and
 - (i) to represent Tehsil Municipal Administration on public and ceremonial occasions.

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

- (a) for redressing public complaints relating to Tehsil Municipal Administration; and
 - (b) for liaising with the District Government and the Local Government Commission, through the District Government, for resolution of disputes relating to Tehsil Municipal Administration.
- (2) The Tehsil Municipal Officer shall-
- (a) ensure that the business of the Tehsil Municipal Administration is carried out in accordance with this Ordinance and any other law relating to municipal services for the time being in force;
 - (b) co-ordinate the municipal activities of the Tehsil Municipal Administration and Union Administrations within the Tehsil for coherent planning and development of municipal infrastructure and for effective and efficient functioning of the Tehsil Municipal Administration;

- (c) exercise general supervision over programmes, projects, services, and activities of the Tehsil municipal administration; and
- (d) provide information required by the Tehsil Council for the performance of their functions:

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

59. Personal responsibility of Tehsil Nazim.- The Tehsil 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.

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

61. Vacancy of the Office of Tehsil Nazim.- (1) In case the office of Tehsil Nazim falls vacant for reason of his death, resignation or removal or, where in the opinion of the Tehsil Council, he has become incapable to perform his functions on account of mental or physical incapacity, the Naib Tehsil Nazim shall act as Tehsil Nazim till an officiating Nazim is appointed under sub-section (6) of section 153 or a new Tehsil Nazim is elected under sub-section (5) of that section:

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

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

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

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

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

(4) Nothing contained in sub-sections (1) and (2) shall affect the provisions of section 158 in respect of removal of Tehsil Nazim by the Chief Election Commissioner.

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

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

(3) Where the Tehsil 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 Tehsil 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 members of Union Councils of the tehsil present and voting, the Tehsil 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 Tehsil Council, the proposer and seconder of such motion shall lose their seats both as Union Nazims and members of Tehsil Council.

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

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

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

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

**CHAPTER XVIII
MANAGING TRANSITION**

(Proposed Ordinance, Revised Draft, June 11, 2001)

177. Succession of the properties, assets and liabilities.- (1) Subject to section 121, on commencement of this Ordinance, the properties, assets and liabilities of the Local Councils, namely, Metropolitan Corporations, Municipal Corporations, District Councils, Municipal Committees, Town Committees, Union Councils under the SBNP Local Government Ordinance, 1979 (of 1979), shall be succeeded by the following local governments under this Ordinance: -

- (a) City District Government in the case of Metropolitan Corporation or Municipal Corporation in the concerned City District, as the case may be;
- (b) District Government in the case of District Council;
- (c) Tehsil Municipal Administration in the case of Municipal Corporations, Municipal Committees and Town Committees in the tehsil, as the case may be; and
- (d) Union Administration in the case of Union Councils.

178. First Nazims and Councils.- (1) The first local governments under this Ordinance shall be established on the 14th day of August, 2001.

(2) The Zila Nazims shall assume the office of the head of respective District Governments under this Ordinance on the 14th day of August, 2001, and the Government shall issue notification of the assumption of their office.

(3) The Tehsil Nazims and Town Nazims shall assume the office of the head of Tehsil Municipal Administration and Town Municipal Administration, as the case may be, under this Ordinance on the 14th day of August, 2001, and the Government shall issue notification of the assumption of their offices.

(4) The Union Nazims shall assume the office of the head of the Union Administration under this Ordinance on the 14th day of August, 2001, and the Government shall issue notification of the assumption of their offices.

(5) The Government shall make arrangements of accommodation for the offices of the local governments and, as far as possible, for that purpose the existing infrastructure shall be utilized.

179. 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) All functionaries of the Metropolitan Corporations, Municipal Corporations, Zila Councils, Municipal Committees, Town Committees and Union Councils set up under the SBNP Local Government Ordinance, 1979 (of 1979), shall continue to perform their respective duties and responsibilities with the successor local government under this Ordinance, until transferred to any other local government.

(3) Subject to the provisions of sub-sections (1) and (2), the control of the development authorities, water and sanitation agencies and solid waste management bodies shall vest in the district government.

(4) The Government shall commence closing down the operations of divisional offices and, where applicable, regional and zonal offices on coming into force this Ordinance, provided that such offices shall cease to function on 31st day of December, 2001.

(5) The Government shall, on the commencement of this Ordinance, decentralize administrative, financial and appellate powers of the divisional, regional and zonal officers to the Deputy District Officers, District Officers, Executive District Officers and District Coordination Officers, as the case may be.

180. Employees salaries not to be reduced on transfer, etc.- (1) On allocation, re-allocation or transfer of the employees of the Government, Metropolitan, Corporations, Municipal Corporations, District Councils, Municipal Committees, Town Committees and Union Councils or any other authority, agency or body to any local government established under this Ordinance, the salaries, emoluments and pensions of such employees shall not be reduced on such allocation, re-allocation or transfer.

(2) The Government shall ensure the payment of salaries, emoluments and pensions of the employees referred to in sub-section (1), including the employees of the Local Council Service and the servants of Local Councils set up under the Local Government Ordinance, 1979 (of 1979) during the financial year 2001-2002 or till such time as Government may deem appropriate.

181. Bar on recruitments.- (1) During the transition period specified in section 184, no fresh recruitment shall be made to fill any vacancy in the local governments set up under this Ordinance, except with the explicit sanction of the Government;

(2) The Government shall make available the services of the employees placed in its surplus pool for utilization in the offices decentralised to the District Government, Tehsil Municipal Administration, Town Municipal Administration and Union Administration.

(3) The local governments shall utilize the services of the employees of the Local Councils set up under the repealed SBNP Local Government Ordinance, 1979 (of 1979) for meeting the shortfall in the offices of the Zila Councils, Zila Nazims, Tehsil Councils, Tehsil Municipal Administrations, Town Councils, Town Municipal Administrations, Tehsil Nazims, Town Nazims and Union Administrations.

182. Financial transition.- (1) All taxes, cess, fees, rates, rents, tolls and charges which were being charged, levied and collected by any office of the Government, development authority, water and sanitation agency, board or solid waste management body or any Local Council, shall continue to be charged, levied and collected under this Ordinance by the successor local governments and every person liable to pay such taxes, cess, fees, rates, rents, tolls and charges shall continue to make payment thereof until revised, withdrawn or varied under this Ordinance.

(2) Where any Local Council established under the repealed Local Government Ordinance, 1979 (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.

183. Electoral Transition.- (1) Notwithstanding anything contained herein before, the first Zila Councils, Tehsil Councils, Town Councils and Union Councils constituted under this Ordinance shall be deemed to be validly constituted if sixty percent seats thereof are filled in the elections held under the SBNP Local Government Elections Ordinance, 2000 (of 2000).

(2) In any local area in which this Ordinance is in force but a relevant local government is not validly constituted due to a natural calamity or conditions beyond human control, the Government, may empower any person or persons to perform all or any of the functions of that local government under this Ordinance till the elected government assumes the charge of the office.

184. 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, 2002.