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ORDINANCE No. XXVIII OF 2021

AN

ORDINANCE

*to reconstitute and rationalize the local governments system in
the Federal Capital Territory*

WHEREAS it is expedient to reconstitute local governments system in the Islamabad Capital Territory for effective discharge of certain public services and to provide for their authority and duties for this purpose, and matters connected therewith and ancillary thereto;

AND WHEREAS the Senate and the National Assembly are not in session and the President of the Islamic Republic of Pakistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

It is hereby enacted as follows:—

Introduction

Chapter-1

1. **Short title, extent and commencement.**—(1) This Ordinance shall be called the Islamabad Capital Territory Local Government Ordinance, 2021.

(2) It extends to the Islamabad Capital Territory except any area excluded by the Federal Government, by notification.

(3) It shall come into force at once.

2. **Definitions.**—(1) In this Ordinance, unless there is anything repugnant in the subject or context:—

- (i) "Administration" means the Islamabad Capital Territory Administration
- (ii) "Local Government Administration" consisting of Chief Officer, other officers and servants of the local government;
- (iii) "Administrator" means an officer appointed by the Federal Government to conduct the affairs and business of Local Governments when the Mayor or the Local Governments are either suspended or removed or have completed the tenure or when Mayor is yet to be elected under this Ordinance;
- (iv) "Auditor General" means the Auditor General of Pakistan appointed under the Constitution of the Islamic Republic of Pakistan;
- (v) "Authority" or "CDA" means the Capital Development Authority;

- (vi) "Authorized auditor" means any commercial auditor other than the Auditor General authorized by the Government to undertake extra ordinary audit of a local government;
- (vii) "Board" means Local Government Board constituted under this Ordinance;
- (viii) "Bye-laws" means bye-laws made under this Ordinance or made under the Capital Development Authority Ordinance, 1960 (XXIII of 1960) or the Municipal Administration Ordinance, 1960;
- (ix) "Candidate" means a candidate for election under this Ordinance;
- (x) "Census" means a population and housing census provisionally or finally published under the General Statistics (Reorganization) Act, 2011 (XIV of 2011);
- (xi) "Chairperson" means the Chairperson of a Neighborhood Council;
- (xii) "Chief Officer" means an officer of the local government who is the head of the administration and includes a Chief Corporation Officer who shall be the head of the administration of Islamabad Metropolitan Corporation;
- (xiii) "Circumstances of Emergency" means circumstances imminently endangering public health, safety, loss of life, significant or large scale harm to property and require an immediate action;
- (xiv) "Committee" means a committee of the council constituted under this Ordinance;
- (xv) "Convenor" means the Convenor of the council and in relation to the holding of a meeting of the council, shall also include a member or any other person presiding over the meeting on behalf of the Convenor;
- (xvi) "Contractual Appointment" means, appointed on contractual basis against regular posts and appointed on contractual basis against project posts;
- (xvii) "Court" includes the Court of Executive Magistrate or Municipal Magistrate, ICT;
- (xviii) "Council" means the council comprising the convenor and other members of a local government;

- (xix) "Defunct Local Government" means a local government dissolved under this Ordinance;
- (xx) "Director Local Fund Audit" means the Director of Local Fund appointed by the Auditor General for the Audit under this Ordinance;
- (xxi) "District" means the area specified in section 2 of the Capital of the Republic (Determination of Area) Ordinance, 1963 (Ordinance VI of 1963);
- (xxii) "District Magistrate" means the Deputy Commissioner Islamabad Capital Territory vested with the powers provided in the Code of Criminal Procedure 1898 as implemented in Islamabad Capital Territory;
- (xxiii) "Director General Local Government" means an officer of federal pool appointed by the Federal Government;
- (xxiv) "Election Commission" means the Election Commission of Pakistan established under Article 218 of the Constitution;
- (xxv) "Electoral Group" means an electoral group enlisted under this Ordinance;
- (xxvi) "Electoral Officer" means an officer appointed for election under this Ordinance and includes a Presiding Officer, an Assistant Presiding Officer and a Polling Officer or any other officer for the purpose of this Ordinance;
- (xxvii) "Electoral Roll" means a roll of all eligible voters in an electoral unit prepared under this Ordinance;
- (xxviii) "Electoral Unit" means electoral unit constituted for an election under this Ordinance;
- (xxix) "Electronic Voting Machine or "EVM" means any device that is used by the Election Commission for conduct of free and fair local government elections for voting purposes, other than Ballot Papers whether for voting, counting of votes, transmitting the final results or recounting of the votes purposes;
- (xxx) "Estimate of Receipts and Expenditure" means the estimate of expected receipts and expenditure of a local government for a given financial year, and as the case may be, shall include the estimate of

receipts and expenditure of constituent offices, entities and agencies of local government;

- (xxxvi) "Finance Commission" means the Local Government Finance Commission constituted under this Ordinance;
- (xxxvii) "Financial Year" means the year commencing on the first day of July and ending on the thirtieth day of June;
- (xxxviii) "Government" means Federal Government;
- (xxxix) "Head of the Local Government" means the head of the local government and includes,—
 - (a) Mayor of Metropolitan; and
 - (b) Chairperson of a neighborhood council;
- (xl) "Local Government Commission" means the Islamabad Local Government Commission established under this Ordinance;
- (xli) "Local Area" means the jurisdiction of a local government determined under this Ordinance;
- (xlii) "Local Fund" means the fund of a local government;
- (xliiii) "Local Government" means Metropolitan and neighborhood council of local government constituted under this Ordinance;
- (xliv) "Master Plan" means the Master Plan developed, maintained and enforced in the Islamabad Capital Territory by the Capital Development Authority;
- (xlv) "Mayor" means the Mayor of the Metropolitan Corporation elected under the Ordinance;
- (xlvi) "Member" means a member of a local government;
- (xlvii) "Metropolitan Corporation" means the Metropolitan Corporation notified under the Ordinance;
- (xlviii) "Misconduct" means transgression of the prescribed code of conduct or dereliction of duty or deliberate unlawful behavior or violation of law or rules or lawful directions or orders of the Government and includes,—

- (a) gross negligence in the performance of duties with manifest wrongful intent or evil design; or
 - (b) an act that results in wrongful gain to any person by wrongful application of law; or
 - (c) making or managing appointment, promotion or transfer of an officer or official in violation of law or rules or for extraneous consideration; or
 - (d) bribery, corruption, jobbery, favoritism, nepotism or willful diversion of the fund of the local government;
- (xliv) "Member" means Member of local government;
- (xlv) "Metropolitan" means a local area of a Metropolitan Corporation;
- (xlvi) "Ministry" means Ministry of Interior or as the Rules of Business may specify where necessary otherwise;
- (xlvii) "Municipal Corporation" or "MCI" means Mayor, convenor and others members;
- (xlviii) "Municipal offence" means an act or omission punishable under this Ordinance and includes an act or omission declared as municipal offence under any other law for the time being in force in the Islamabad Capital Territory;
- (xlix) "Municipal Magistrate" means the executive magistrate having powers under Criminal Procedure Code, 1898 (Act No. V of 1898) and notified by the Provincial Government;
- (1) "Municipal Warden" means the enforcement official deployed for the enforcement of municipal and other bye-laws of the Local Government in Islamabad Capital Territory appointed under this Ordinance;
- (1i) "Neighborhood" means a Mouza, mohallah, a group of streets, sectors or roads, in areas designated as neighborhood by the Provincial Government;
- (1ii) "Neighborhood Council" means a neighborhood council constituted under this Ordinance;