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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN
LAW AND JUSTICE DIVISION

Islamabad, the 24th November, 2021

No. F. 2(1)/2021-Pub.—The following Ordinance Promulgated on 23rd November, 2021 by the President is hereby published for general information:—

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;

(745)

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[1702(2021)/Ex. Gaz].

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;

- (xxxix) “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;

- (liii) “Political Party” means a political party within the meanings of the Election Act, 2017 (XXXIII of 2017) or any other relevant law for the time being in force;
- (liv) “Peasant” means a landless farm worker or, a person, who during the period of five years preceding the year in which the election is held, owning less than five acres of land as sole owner for subsistence living;
- (lv) “Prescribed” means prescribed by the rules under this Ordinance;
- (lvi) “Provincial Government” means Office of Chief Commissioner, Islamabad Capital Territory, Islamabad for the purposes of this Ordinance;
- (lvii) “Public Service” means a service provided by a local government in relation to its functions for the residents;
- (lviii) “Recognized Institution” means an educational institution recognized by the Higher Education Commission established under the Higher Education Commission Ordinance, 2002 or any other similar agency mandated for this purpose under any other relevant law;
- (lix) “Regulations” means the regulations issued under of this Ordinance;
- (lx) “Rules” means the rules made under this Ordinance;
- (lxi) “Schedule” means a Schedule appended to this Ordinance;
- (lxii) “Servant of Local Government” means an employee of the local government appointed or continued under this Ordinance;
- (lxiii) “Standing Instructions” mean the standing instructions issued under this Ordinance;
- (lxiv) “Sub-Committee” means the sub-committee of a committee of the Metropolitan; and
- (lxv) “Worker” means a person who primarily depends upon personal labour or a small scale business for subsistence, a worker as defined in the Industrial Relations Ordinance, 2002 (Ordinance XCI of 2002) and in both cases, his annual income does not exceed such

limit as the Government may from time to time determine having regards to the prevailing poverty line;

- (lxvi) “Youth” means a person who is enrolled as a voter in the respective Neighborhood Council and is not less than twenty-five years of age on last day fixed for filing of nomination papers; and
- (lxvii) “Zoning Regulation” means the Islamabad Capital Territory Zoning Regulations, 1992.

(2) The expressions, not defined in sub-section (1), shall have the same meaning as defined in any other relevant law or generally used.

3. **Elections of local governments.**—(1) As soon as may be but not later than six months of the commencement of this Ordinance, the Government shall constitute local governments in accordance with the provisions of this Ordinance.

4. **Succession of the defunct local government.**—(1) Subject to sub-section (3), the local government shall succeed:—

- (a) such property of the defunct local government located within the limits of its local area which, in view of the Government, is required by it for the due discharge of any function under this Ordinance;
- (b) all employees of defunct local government, in the view, who are required by it for the discharge of any function under this Ordinance; and
- (c) such rights, fund, claim or liability or portion thereof which, in the view of the Government, was respectively raised, made or accrued by a defunct local government in relation to areas comprising its local area.

5. **General authority of the local government.**—(1) Subject to and to the extent given under this Ordinance, local government shall have the authority to run the affairs of respective local area without improper interference.

(2) A local government shall, having regard to the practical considerations—

- (a) exercise its authority and incur expenditure in the best interests of the residents without any favour or prejudice in a democratic and accountable manner;

- (b) involve all residents in running its affairs and from time to time consult them on the level, quality, range and impact of services;
- (c) provide services in financially and environmentally sustainable manner;
- (d) give equitable access to services; and
- (e) promote and undertake development in the respective local area.

(3) Every resident shall have the right to—

- (a) contribute to the running of the affairs of local government in accordance with this Ordinance;
- (b) receive prompt response to his written or oral communication, including any complaint, to the local government;
- (c) be informed of the decisions of the local government affecting his rights, property and reasonable expectations;
- (d) regular disclosure of the state of affairs of the local government, including its finances;
- (e) demand that affairs of the local government are conducted impartially and without prejudice and are untainted by personal self-interest; and
- (f) use and enjoyment of facilities and services provided by the local government.

(4) Every resident shall, where applicable, pay promptly toll, tax, fee, rates or other charges imposed by the local government, allow officers and servants of the local government reasonable access to their property in relation to the performance of their duties, and comply with lawful bye-laws or instruction of the local government applicable to them.

6. **Local government to work within the existing framework.**—The local government shall function within the existing framework and adhere to all applicable federal laws applicable in Islamabad Capital Territory.

7. **Certain matters to be prescribed.**—Wherever this Ordinance requires anything to be done but does not make any provision or sufficient provision as to the authority by whom it shall be done, or the manner in which it shall be done, then it shall be done by such authority and in such manner as may be prescribed.

CONSTITUTION AND FUNCTIONING OF LOCAL GOVERNMENTS

Metropolitan Area and Neighborhood Councils

Chapter-2

8. **Demarcation of local areas.**—(1) As soon as may be, but not later than six months of the commencement of this Ordinance, the Government shall by an order published in the official Gazette identify the limits of Islamabad Capital Territory and include Metropolitan Corporation and neighbourhood councils of Islamabad.

(2) MCI shall consist of all areas of the ICT except the area of which come under cantonment area or any area specified by the government time to time.

(3) Each neighborhood councils shall have a population of at least twenty thousand, in addition, Election Commission of Pakistan may have the power of ten percent margin to increase or decrease any neighborhood council.

(4) The Government shall name each neighborhood, preferably by the common name of the inhabitation or, where the neighborhood comprises more than one distinct inhabitation, by the name of any one of such distinct in habitations.

9. **Constitution of local governments.**—(1) The Government shall, having regards to the provisions of this Ordinance, constitute local governments of various classes in the following manner, namely:—

- (a) a Metropolitan Corporation for Islamabad Capital Territory; and
- (b) neighborhood councils.

(2) Local government shall be a body corporate having perpetual succession and a common seal, and, subject to the provisions of this Ordinance, shall have power to acquire, hold and transfer property, both movable and immovable, to contract and to do all other things necessary for the purposes of its constitution; and shall by its name sue and be sued.

10. **Local government structure.**—(1) Islamabad Capital Territory local government shall consist of—

- (a) a directly elected Mayor of the local government;

- (b) a Mayor's Cabinet comprising such members and professionals as is given under this Ordinance;
- (c) a council comprising such number and description of members, including the convenor, as is provided under this Ordinance:
 - (i) keep under review the performance of duties and exercise of powers by the head of the local government under this Ordinance;
 - (ii) investigate and prepare reports on actions and decisions of the head of the local government under this Ordinance;
 - (iii) investigate and prepare report on any other matter which it considers to be of importance for the residents; and
 - (iv) submit a proposal for the purpose of this Ordinance to the head of the local government where it considers it appropriate; and
- (d) an administration comprising officers and servants of the local government.

(2) A head of the local government shall perform such duties and exercise such powers as are mentioned under this Ordinance.

(3) A convenor shall perform such duties and exercise such power as are mentioned under this Ordinance.

(4) The administration of local government shall be headed by a Chief Officer, who shall be appointed by the Ministry.

(5) The Chief Officer shall perform such duties and exercise such powers as are mentioned under this Ordinance.

11. Constitution of neighborhood councils.—(1) As soon as may be, but not later than six months of the commencement of this Ordinance, the Government shall, in collaboration with the Election Commission, ensure elections of neighborhood council for every neighborhood in the Islamabad Capital Territory.

(2) Every neighborhood council shall consist of a chairperson and such number of general and special members as given under this Ordinance.

TABLE**Strength of Members for Various Neighborhood Councils**

S. No.	Neighborhood population as per latest census	General Members including Chairperson	Members representing religious minorities	Members representing women	Member representing Youth	Members representing Senior Citizens
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	-	5	1	2	1	1

(3) The chairperson and members of every neighborhood council shall be elected under this Ordinance.

12. Term of office of local government and neighborhood councils.—Local government and every neighborhood council, unless otherwise dissolved, shall hold office for four years.

13. Meetings of neighbourhood councils.—(1) Every neighbourhood council shall hold a general meeting once in every month on such date and time as may be appointed by its chairperson.

(2) The chairperson shall, when required in writing by a majority of the members to call an extra-ordinary meeting, shall do so within three clear days.

(3) Where, a chairperson fails to convene a general meeting under sub-section (1) or an extra-ordinary meeting under sub-section (2), the designated officer may hold such general or, as the case may be, the extra-ordinary meeting.

(4) All meetings of the neighbourhood councils shall be open to the residents and other interested persons.

(5) All meetings of the neighbourhood council shall be held at a public place within the limits of the respective neighbourhood.

(6) The chairperson, or as the case may be, the designated officer, shall give a seven clear days' notice for every general meeting and, in the like manner, a three clear days' notice for every extra-ordinary meeting specifying the place, date and time of such meeting and the business to be transacted thereat.

14. Minimum quorum requirements.—Save as otherwise provided in this Ordinance, one third of the members including the chairperson shall form quorum of the meeting of respective neighborhood council.

15. Decisions of neighborhood council.—(1) All matters before every neighborhood council shall, unless otherwise specifically provided by or under

this Ordinance, be decided by a majority of votes of the members present and voting and the chairperson or any other member presiding the meeting, unless he refrains from voting, shall give his vote before declaring the number of votes for and against them in question and in the case of equality of votes, he may give his casting vote.

(2) Notwithstanding the provisions of sub-section (1), where the quorum of a meeting is completed with the attendance of two members, no decision of such meeting shall take effect unless it is unanimous.

16. Any action of neighborhood council not to be invalidated by vacancy or irregularity in appointment of a member.—No action of a neighborhood council shall be invalid by reason only of the fact that the number of members holding office at the time of the performance of any such act was less than the number fixed under this Ordinance, or by reason of any irregularity in the appointment of any chairperson or member.

17. Primary functions of a neighbourhood council.—(1) It shall be the duty of every neighbourhood council, within the limits of the funds at its disposal, to make arrangements for carrying out the requirements of the village or area of neighbourhood council, as the case may be, the neighbourhood in respect of the matters given under this Ordinance, including all subsidiary works and buildings connected therewith so far as they are likely to promote the health, safety, comfort or convenience of the respective village or neighbourhood or of visitors thereto.

(2) Nothing in sub-section (1) shall be deemed to impose any duty or confer any power upon the neighbourhood council with respect to any matter under the direct administrative control of any department of the Government or of a local government or to authorize the neighbourhood council to interfere with any existing legal rights.

18. Composition of the Mayor's Cabinet for Local Government ICT.—(1) The Mayor's Cabinet shall comprise such number of members and professionals as mentioned below—

TABLE
Composition of Mayor's Cabinet for ICT Local Government

S No.	Local area population size as per latest census	Maximum Permissible Number of Members	Maximum Permissible Number of Technocrats/Professionals	Total Member's of Mayor's Cabinet
(1)	(2)	(3)	(4)	(5)
	Metropolitan Corporation Islamabad	6	6	12

Explanation.—For the purpose of removing any ambiguity, the number of professional members of the Cabinet shall be worked by subtracting the actual number of Members MCI appointed as members of the Mayor’s Cabinet remaining within the limits given in the third column from the total number of total members given in the second column of the above chart.

(2) A professional shall means a person who has successfully completed sixteen years of education from a recognized institution and has an experience of not less than fifteen years in public administration, public finance, public education, public health, or any other area relating to the functions of the local government.

19. Representation of Members in the ICT council.—(1) Council shall consist of general members and special members representing women, religious minorities, youth, and labor/peasant and trader in a local area, one of whom shall be the convenor.

TABLE

Strength of Members for ICT Council

S. No	General Members	Members representing Women	Members representing Religious Minorities	Members representing Youth	Members representing Traders	Members representing Labour/ Peasant	Members representing Senior Citizen	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	45	10	3	3	3	3	3	70

20. Powers and responsibility of local Government.—(1) The Capital Development Authority shall be regulator of the Master Plan and its implementation to the extent of Islamabad Capital Territory as approved by the Government from time to time.

- (2) For the purposes of this Ordinance—
- (a) a Metropolitan Corporation shall be responsible for the following functions and offices;
- (i) to make the plan of development of local economy;
 - (ii) to develop the master plan for tourism in ICT after consultation with respective departments and division;
 - (iii) management of primary, elementary and secondary education facilities;
 - (iv) school enrolment and universal education;

- (v) monitoring and supervision of primary health care facilities;
- (vi) preventive health and hygiene;
- (vii) population welfare including population control;
- (viii) solid waste collection and disposal;
- (ix) sewerage collection and disposal including water management and treatment;
- (x) births, deaths, marriages and divorce registration;
- (xi) museums and art galleries;
- (xii) open markets;
- (xiii) livestock and agriculture markets;
- (xiv) public parking facilities;
- (xv) city or rural roads and traffic management;
- (xvi) public transport;
- (xvii) abstraction of water for industrial and commercial purposes;
- (xviii) emergency planning and relief;
- (xix) support to federal agencies in prevention of crime and maintenance of public order;
- (xx) regulatory enforcement in the functions assigned under this Ordinance;
- (xxi) establishment and management of pre-schools;
- (xxii) libraries;
- (xxiii) drinking water supply;
- (xxiv) burials, cremations etc.;
- (xxv) public conveniences;

- (xxvi) children's services;
- (xxvii) community safety;
- (xxviii) arts and recreation;
- (xxix) public fairs and ceremonies;
- (xxx) sports;
- (xxxi) environmental health, awareness and services;
- (xxxii) parks and land scape development;
- (xxxiii) slaughtering of animals;
- (xxxiv) streetlights;
- (xxxv) sign boards, street advertisements and cattle; and
- (xxxvi) any other function which shall prescribe in rules of business of MCI under this Ordinance.

21. Powers and responsibility of neighborhood council.—(1) It shall be the duty of every neighborhood council, within the limits of the funds at its disposal, to make arrangements for carrying out the requirements of the neighbourhood in respect of the functions given below, including all subsidiary works and buildings connected there-with so far as they are likely to promote the health, safety, comfort or convenience of the respective neighbourhood or of visitors thereto.—

- (a) maintenance of common spaces including their sanitation;
- (b) planting and preservation of trees and destruction of harmful weeds;
- (c) relief of the poor or the sick;
- (d) relief in calamities and emergencies;
- (e) public health including inoculations and epidemic control campaigns;
- (f) population welfare, including population control;

- (g) universal education including measures for school enhancing enrolment and attendance of students, and providing stipends and scholarships;
- (h) promotion of hygiene including improved latrines, septic tanks and reduction of open defecation;
- (i) support local government in collection and disposal of domestic waste;
- (j) organization and celebrations of public festivals, other than religious festivals;
- (k) libraries and reading rooms;
- (l) organization of voluntary labour and contributions to community work;
- (m) construction, repair and maintenance of neighbourhood assets, including minor repairs of public schools, health and other facilities provided in the neighbourhood by the Government or a local government;
- (n) removal of encroachments and prevention of illegal trespass over public properties; and
- (o) any other matter which Government or Local Government may by notification declare to be a suitable subject for administration by neighbourhood generally or by any particular neighbourhood.

(2) Nothing in sub-section (1) shall be deemed to impose any duty or confer any power upon the neighbourhood council with respect to any matter under the direct administrative control of any department of the Government or of a local government or to authorize the neighbourhood council to interfere with any existing legal rights.

22. Assignment or withdraw of additional responsibilities by Government.—The Government shall assign or withdraw any function to a local government or neighbourhood council which is not included in this Ordinance on such terms and conditions as may be prescribed.

23. Discharge of functions by local governments.—(1) Subject to sub-section (2) below, a local government and neighbourhood council may discharge its functions through one or more of the following means, namely:—

- (a) an officer or servant of the local government;
- (b) an office, authority or agency owned or operated by the Government by mutual agreement under this Ordinance; and
- (c) by contracting or outsourcing.

(2) No local government shall contracting out any public service which constitutes or involves the exercise of power to award administrative or other penalties, interferes with or otherwise affects the liberty of an individual, involves the power to enter, search or seize any property, or a power or duty to enforce any law.

24. Delegation of functions to neighbourhood councils.—(1) Local government may by a mutual agreement, delegate one or more of its functions or one or more public services relating to any such function to a neighbourhood council.

(2) In performance of a function or delivery of a public service delegated under sub-section (1), the neighbourhood council shall adhere to the general or specific directions of the local government delegating that function.

25. Agency arrangements.—(1) Local government may, through a written agreement, make arrangements with an office, authority or agency of the Government for any of the following purposes:

- (a) provision by any party to the arrangement to the other of any administrative, professional, technical or any other services related to the functions of that local government;
- (b) the use by one party to the arrangement of any facility, amenity, vehicle, plant, stores or apparatus belonging to the other and placement of the services of any person employed in connection with any facility, amenity, vehicle, plant, stores or apparatus in question; and
- (c) the provision or maintenance by one party to the arrangement of any works, facility, amenity, vehicle, plant, store or apparatus for the provision or maintenance of which the other is responsible.

(2) An office, authority or agency of the Government shall not make arrangements under sub-section (1) without prior permission of the Government.

(3) The expenses incurred by a government agency for carrying into effect the agreement under sub-section (1) shall be defrayed by the local government for whom services are provided by that government agency.

26. Manner of exercise of authority by a local government.—(1) Subject to the provisions of this Ordinance, the executive authority of a local government shall vest in and be exercised by Mayor through officers of the local government authorized by him in accordance with this Ordinance.

(2) The mayor of the local government, council or any of its committee or sub-committee may direct, guide or supervise but not-directly engage in the discharge of a function of the local government.

27. All acts and orders to be taken or made in the name of local government.—All acts and orders of a local government shall be expressed to be take nor made in its name and shall be authenticated in the prescribed manner.

28. Power of a Neighbourhood council to enter into contracts and acquire, hold and dispose of property.—(1) Every neighbourhood council shall have the power to enter into contracts and acquire property.

(2) Every road, building, work or other property, whether moveable or immovable, constructed or acquired by a neighbourhood council out of the local fund shall vest in it.

(3) The Government or Local Government may by a general or specific order, transfer to a neighbourhood council any of its property situated within its limits, with such limitations or conditions as it may consider appropriate.

(4) No neighbourhood council shall alienate any property vested in it unless it is required to do so by a resolution passed with simple majority at an extra-ordinary meeting of the respective neighbourhood council convened for this purpose and a prior permission for this purpose has been obtained from the Government.

29. Power of a neighbourhood council to require removal of unlawful obstructions and refrain from causing public inconvenience.—(1) A neighbourhood council may, by notice in writing specifying a reasonable period—

- (a) require the person obstructing or interfering with a public way, drain or a local stream unlawfully to remove such obstruction or stop such interference;

- (b) require a trespasser in a neighbourhood common property to vacate such property or to remove any unlawful construction or obstruction therein;
- (c) require the owner or occupier of any land, well, water-pump, or building which includes or is attached to any latrine, pool or ditch, containing or used for the collection of any drainage, filth or stagnant water, which is a nuisance to the neighbourhood, to take such actions as it may deem reasonably necessary to remove the nuisance;
- (d) require the owner of any wall or building, which is deemed by it to be in any way dangerous, to remove or repair such wall or building;
- (e) require the owner or occupier of any building or property to keep his building or property in a sanitary state;
- (f) require the owner of any dog or other animal suffering or reasonably suspected to be suffering from a communicable disease which is likely to harm public health or well being of other animals to destroy or cause to be destroyed or confine or cause to be confined such dog or animal; and
- (g) require the owner of a dog or other animal which is likely to annoy or intimidate passers-by to restrain such dog or animal.

(2) If any act or work required to be done under this section is not executed within the period specified in the notice, the neighbourhood council may itself cause such act or work to be executed and recover a sum not exceeding the cost thereof from the person, owner or occupier notified.

30. Power of a neighbourhood councils to make certain general orders.—A neighbourhood council may be general order to be published in the manner prescribed, namely —

- (a) measures for keeping the respective the neighbourhood in a sanitary state;
- (b) regulate the manner of sweeping of streets, cleaning of drains and collection, removal and disposal of manure;
- (c) measures to remove and prevent epidemics including immunization against diseases, and to promote public health in general;

- (d) prohibit the use of the water of wells, ponds or other excavations suspected to be dangerous to the public health;
- (e) regulate or prohibit watering of cattle or bathing or washing at or near wells, ponds or other excavations or sources reserved for drinking water;
- (f) prescribe measures for increased plantation of trees, shrubs or other plants;
- (g) regulate or prohibit cutting or trimming of trees, shrubs or any other plant or part of a plant or tree;
- (h) regulate the protection of standing crops;
- (i) regulate or prohibit the dyeing or tanning of skins or any other undertaking or process which adversely affects public health or environment of the neighbourhood in general;
- (j) regulate or prohibit the excavation of earth or stone or other materials within the residential area less excavation meant to be filled by the foundation of buildings or other structures;
- (k) regulate the disposal of carcasses of all animals dying within the neighbourhood except animals slaughtered for consumption; and
- (l) measures for preserving and improving aesthetics of the neighbourhood.

31. **Power of a neighbourhood council to report delinquency on the part of local officials.**—(1) On a complaint of any delinquency on the part of a local official in performance of his duty made to it, the neighbourhood council may enquire into the matter and make a report along with the prima-facie evidence to his superior officer, or the Mayor or to the respective head of department.

(2) The local government board shall, after such further enquiry as may be required, take suitable actions and inform the neighbourhood council.

(3) Nothing in this section shall be construed as empowering the neighbourhood council to summon any such officials except as provided under this Ordinance or to exercise control over them.

32. **Joint works and undertakings.**—(1) A neighbourhood council may contribute its sums or other resources towards any work, measure or service

undertaken by another neighbourhood council, a local government or any other agency from which neighbourhood may be benefited.

(2) The extent of sums or other resources to be contributed under subsection (1) shall be agreed with the other neighbourhood council, local government or agency having regard to the extent of benefits derived from such joint work or undertaking.

(3) In case of any difference on the extent of sums or other resources required, or contributed under this section between two or more neighbourhood councils, the matter shall be decided by the competent officer.

(4) In case of any difference on the extent of sums or other resources required, or contributed under this section between a neighbourhood council and a local government or any other agency, the matter shall be decided by the local government commission.

33. Duties and powers of the Mayor of the Local Government Islamabad Capital Territory.—(1) In addition to any other duty assigned to him under this Ordinance or any other law for the time being in force, a mayor of the local government shall be responsible for —

- (a) ensuring that the business of the local government is carried out strictly in accordance with this Ordinance and all other relevant laws for the time being in force;
- (b) efficient, effective and transparent functioning of the local government;
- (c) accomplishment of operational, developmental and fiscal objectives set out by the council or as the case may be the Government under this Ordinance;
- (d) presenting not less than one report on the performance of Local Government to the council and the Government and Finance Commission during each financial year;
- (e) representation of the Local government at civic or ceremonial functions;
- (f) any other duty, not being the duty assigned to any other authority under this Ordinance, as the council may, by a general or special resolution direct;
- (g) any other duty as may be assigned to him by the Government; and

(h) general supervision and control over officers of the local government for the above purposes.

(2) Mayor of the local government shall, in relation to the above duties or for the transaction of business of the local government, exercise.—

(a) such powers as are conferred upon him under this Ordinance or any other law for the time being in force; and

(b) such powers of the local government, not being the powers of the council or the powers assigned to any officer or authority under this Ordinance, as are delegated upon him by the council through are solution.

(3) Subject to other provisions of this Ordinance, a head of the local government shall, during the performance of his duties or exercise of his powers, observe the general policy or directions of the Government.

(4) At the end of each calendar year or at such other appointed internal, the mayor of the local government shall evaluate the work done and results obtained by the Chief Officer as against his duties and the manner in which he exercised his powers under this Ordinance and submit a report to the Administrative Secretary in the prescribed manner which shall reflect on his Personal Evaluation report of that officer.

(5) Notwithstanding him being not a member, a head of the local government shall have the same right to be present at any meeting of the council, or the meeting or any of its committee or sub-committee and of taking part in the discussion thereat, or to make an address, or any statement or explanation of facts as if he were a member of council or a member of such committee or, as the case may be, the sub-committee, but he shall not vote upon any proposition at such meeting.

34. Duties and powers of a convenor of MCI.— (1) In addition to any other duty assigned to him under this Ordinance, a convenor shall —

(a) convene meetings of the council as required under this Ordinance;

(b) preside over, and ensure orderly conduct of meetings of the council at which he is present;

(c) maintain record of meetings of the council; and

(d) constitute committees of the council under this Ordinance and over see their working.

(2) A convenor shall, in relation to the above duties, exercise such powers as are conferred upon him under this Ordinance or any other law for the time being in force.

(3) Without prejudice to the provisions of sub-section (2), a convenor may, in relation to above duties, direct a member to abstain from or withdraw immediately from a meeting wherein his opinion the attendance of meeting by that member of council would constitute conflict of interest or the conduct of that member during the meeting is grossly disorderly.

35. Duties of a Member of MCI.—(1) While acting under this Ordinance, a member shall —

- (a) serve the overall interest of the local area which here presents; and
- (b) ensure that there is no conflict, or possible conflict between his private interest and honest performance of his role of serving public interest.

(2) A Member of council shall not direct or attempt to direct an officer or servant of a local government, or direct or attempt to direct on the manner in which the duties of an officer or servant of the local government shall be performed.

36. Primary duties of a Chairperson.—The Chairperson shall—

- (a) ensure that the business of the neighbourhood council is carried out strictly in accordance with this Ordinance and other laws for the time being in force;
- (b) efficient, effective and transparent functioning of the neighbourhood council;
- (c) presenting not less than two reports on the performance of the neighbourhood council to the Finance Commission and one report to the local government and Government during each calendar year;
- (d) subject to other provisions of this Ordinance, convene and preside over general and extra-ordinary meetings of the neighbourhood council;
- (e) as and when called upon by the neighbourhood council, submit;
 - (i) consolidated account of all moneys received in and expenditures incurred from the local fund during each financial year;

- (ii) a report on audit of accounts under this Ordinance; and
- (iii) clarification on any matter relating to his duties under this Ordinance.
- (f) approach the Government or a local government in relation to any common need of the residents as directed by neighbourhood council;
- (g) subject to other provisions of this Ordinance, convene and preside over general and extra-ordinary meetings of neighbourhood council;
- (h) prepare and present an estimate of receipt and expenditure.
- (i) remedy the defects or irregularities, if any, pointed out in the report on audit of accounts of the, neighbourhood council;
- (j) submit a copy of every resolution and order of the neighbourhood council to the designated officer;
- (k) maintain records of the neighbourhood council;
- (l) faithfully observe code of conduct;
- (m) represent the neighbourhood council at civic or ceremonial functions.
- (n) maintain general supervision and control over employees of the neighbourhood council for the above purposes;
- (o) any other duty as the neighbourhood council may, by a resolution direct; and
- (p) any other duty as may be assigned to him by the Government or local government.

37. **Primary Duties of a member of Neighbourhood council.**—The Member of a neighbourhood council shall —

- (a) serve overall interest of the neighbourhood which here presents;
- (b) ensure that the business of the neighbourhood council is carried out strictly in accordance with this Ordinance and other laws for the time being inforce;

- (c) contribute towards efficient, effective and transparent functioning of the neighbourhood council;
- (d) accomplish objectives set out by the neighbourhood council;
- (e) avoid conflict, or possible conflict between his private interest and honest performance of his role of serving public interest;
- (f) attend the meetings of the neighbourhood council;
- (g) any other duty as the neighbourhood council may, by a resolution direct; and
- (h) any other duty as may be assigned to him by the Government.

38. **Duties and powers of Chief Officer.**—(1) A Chief Officer shall be the principal officer of the local government and all other officers and servants of that local government shall be subordinate to him. A Chief Officer shall report to the Mayor of the Local Government.

(2) In addition to any other duty assigned to him under this Ordinance or any other law for the time being in force, a Chief Officer shall—

- (a) work as the principal accounting officer of the local government;
- (b) assist and advise the mayor of the local government, convenor and committees of the council in proper discharge of their duties under this Ordinance;
- (c) ensure timely, effective and efficient implementation of local government policy and decisions;
- (d) supervise and control officers and servants of the local government and coordinate and synergize the work of all offices of the local government;
- (e) maintain financial and administrative discipline and ensure that the business of the local government is carried out strictly in accordance with the provisions of this Ordinance and other laws for the time being in force;
- (f) enter into and manage all contracts on behalf of the local government;
- (g) undertake all procurements on behalf of the local government;

- (h) maintain records pertaining to the functions of the local government;
 - (i) acts for and on the behalf of the local government in every action or other legal proceedings whether instituted by or against the local government;
 - (j) assist relevant authorities in the circumstances of emergency; and
 - (k) perform such other duties as are assigned to him by the Government, head of the local government, council or a committee or sub-committee of the council.
- (3) A Chief Officer shall, in relation to the above duties, exercise —
- (a) such powers as are conferred upon him under this Ordinance or any other law for the time being inforce;
 - (b) such powers of the local government as are delegated upon him by the council through a resolution;
 - (c) such powers of the mayor of the local government as are delegated upon him by the mayor of the local government;

39. **Attendance of council meetings etc. by Chief Officer.**—(1) The Chief Officer shall have the same right to being present at any meeting at the council, or a committee or a sub-committee of the council and of taking part in the discussions thereat as if he were a member o council or a member of such committee or, as the case may be, the sub-committee, and may at any time make a statement or explanation of facts, but he shall not vote upon, or move, any proposition at such meeting.

(2) In so far as it is not inconsistent with or does not interfere with the due discharge of his duties, a Chief Officer shall, when required upon by the convenor, attend a meeting of the council or a committee or sub-committee of the council and render such advice or provide such assistance as may reasonably be required of him.

40. **Personal responsibility for acts done and expenditure incurred without lawful authority.**—Every person exercising any authority for the purposes of this Ordinance, shall be personally responsible for any act done by him personally or done under his direction; any loss, financial or otherwise, suffered by a local government due to a decision made by him personally or under his direction or any expenditure incurred by him personally or incurred

under his direction without lawful authority or in violation of any provision of this Ordinance or any other law for the time being enforced.

41. **Power to make contract.**—(1) Subject to the provisions of this Ordinance, all contracts shall be made, varied or discharged on behalf of the local government by the Chief Officer.

(2) The Government may, by an order specify that contracts for carrying out of a work or the purchase of goods or services of a particular nature or exceeding a particular pecuniary value shall not be made, varied or discharged by the Chief Officer without the prior approval of the council.

(3) The Government may likewise, by an order specify that contracts for carrying out of a work or the purchase of goods or services of a particular nature or exceeding a particular pecuniary value shall not be made, varied or discharged without prior approval of the council and confirmation of such approval by an officer authorized by the Government.

(4) All contracts made by the Chief Officer on his own authority shall be reported to the mayor of the local government immediately and the council at the meeting next following the making of the contract.

Chapter-3

Meetings of the MCI

42. **Disposal of business of a local government.**—All business of a local government shall, to the extent provided under this Ordinance, be disposed of at the meetings of its council, or by the Mayor of the local government, or by the officers of the local government in the prescribed manner.

43. **Business of the council to be disposed of at meetings.**—Every matter required by any provision of this Ordinance or the rules or bye-laws to be decided by the council or its committee or sub-committee shall be decided at a meeting of the council, committee or, as the case may be, sub-committee, held in the prescribed manner.

44. **Decisions at the meetings how made.**—(1) Save as otherwise provided under this Ordinance, all matters or questions which come before the Member a committee shall be decided by a simple majority of votes of the Members or, as the case may be, the members present at the meeting and voting.

(2) The convenor shall not vote on any matter or question pending decision before the council except in case of equality of votes.

(3) In the like manner, a Member presiding over a meeting of the committee of the council shall not vote on any matter or question pending decision before it except in case of equality of votes.

45. Ordinary, special and emergency meetings.—(1) Every matter required by any provision of this Ordinance or the rules or bye-law to be decided by the council shall be transacted at an ordinary meeting unless required by this Ordinance or the rules or bye-law to be transacted at a special meeting.

(2) Any matter to be decided by the council in relation to the circumstances of emergency may be transacted at an emergency meeting.

46. Presiding over of council meetings.—(1) All meetings of a councils shall ordinarily be presided over by the convenor.

(2) Notwithstanding the provisions of sub-section (1), first meeting of the council shall be presided over by the convenor of the council immediately preceding that council and in case there was no council immediately preceding that council, by an officer to be authorized in this behalf by the Government.

47. Quorum of council meetings.—(1) Unless otherwise provided under this Ordinance, or the rules, the quorum necessary for transaction of business at an ordinary or special meeting of the council shall be one-half of the Members holding office at the time.

(2) The quorum necessary for transaction of business at an emergency meeting shall be one-third of the Members holding office at that time.

(3) If at any ordinary, special or emergency meeting of a council, the number of members present does not constitute a quorum, the convenor shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before and transacted at the adjourned meeting in the usual manner.

(4) If at any of the subsequent meeting called under sub-section (2) the number of members present is again insufficient to constitute a quorum, the convenor shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before and transacted at this meeting whether there be a quorum present there at or not.

48. Frequency of council meetings.—Every council shall meet at least once in every calendar month and shall be in session for at least fifty accumulated days in a calendar year.

49. Vacancy or defect in membership not to effect power of a council to act.—(1) A council shall have the power to act notwithstanding any vacancy in its membership.

(2) No proceedings of a council shall be invalid merely by the reason that a person who was, for the time being, not entitled to do so, sat and voted or otherwise took part in its proceedings.

50. Right of public to attend council and committee meetings.—(1) Subject to the provisions of sub-sections (2) and (3), every meeting of the council and committee shall be open to the public.

(2) The convenor presiding over a meeting referred to in sub-section (1), may exclude public from whole or part of the proceedings of a meeting if majority of the members present there at consider that public information of the proceedings of the meeting shall be prejudicial to public interest by reason of confidential nature of business to be transacted at the meeting.

(3) Nothing in sub-section (1) shall affect or derogate the power of the convenor to exclude a person from the meeting for the purpose of suppressing or preventing disorderly conduct or other misbehaviour at, or disturbance of, the meeting.

51. Preservation of order at council meetings.—(1) The convenor shall be responsible for orderly conduct of the meeting of the council and for this purpose may direct a Member or a person witnessing the meeting whose conduct, in his opinion, is grossly disorderly to withdraw immediately from the meeting.

(2) The Member or person ordered to withdraw from a meeting under sub-section (1) above shall withdraw from the meeting forthwith and shall also absent himself during the remainder of day's proceedings.

(3) If a Member is ordered to withdraw from two meetings consecutively, the convenor may while making such order also suspend the member of council from attending the meetings for any period not exceeding thirty days and the member shall absent himself from the meetings accordingly.

(4) Where the member referred to in sub-section (1) tenders an apology to his satisfaction, the convenor may remit the period of suspension of the member of council.

(5) If the member or the person ordered to withdraw from the meeting under sub-section (1) above, unlawfully remains in the meeting, the convenor may take such steps as he deems fit to cause him to be removed.

52. **Record of proceedings of meetings.**—(1) The names of members present and minutes of the proceedings at each meeting of the council shall be drawn up and recorded in the prescribed manner in a book to be kept for the purpose.

(2) The minutes of a meeting recorded under sub-section (1) shall be signed by the convenor and shall at all reasonable time and without charge be open to inspection by all members and the public.

(3) No member of council shall be entitled to object to the minutes of a meeting in which he was not present.

53. **Indemnity of members of council in relation to anything said in proceedings of a meeting.**—(1) Mayor, Convenor and member of the Local Government shall not be liable to any proceedings in any Court in respect of anything said by him or any vote cast by him in the meeting of a council or committee so long as such action does not—

- (a) undermine the ideology, integrity or solidarity of Pakistan; or
- (b) seek to create or excite feelings of enmity, ill shall, or hatred between different communities, sects, classes or sections of citizens of Pakistan; or
- (c) contains any indecent, obscene, scurrilous or ironical expressions or remarks to defame any person.

(2) Mayor, convenor or members of council who acts in contravention of the provisions of sub-section (1) may, without prejudice to any other action against him, be disqualified and removed from his office by the Government after due notice and inquiry in the prescribed manner.

54. **Defraying of expenses in relation to meetings.**—Local government may, in the prescribed manner, make payments to defray any expenditure reasonably incurred by Mayor, convenor, member or officer, or any other member of its committee or sub-committee in respect of attendance of a meeting of the council, committee or, as the case may be, a sub-committee.

55. **Bye-laws for meetings.**—(1) Having regards to the provisions of this Ordinance and the rules, every local government shall, within three months of the assumption of office, frame bye-laws for the conduct of its meetings.

(2) Where a local government fails to timely meet the requirements of sub-section (1), the Government may prescribe bye-laws for that local government which shall be valid as if framed by that local government.

Chapter-4

Committees of the MCI

56. **Appointment of committees.**—(1) A council may appoint a committee for any general or special purpose and may also delegate to such committee, with or without restrictions or conditions, any of its business except the power with respect to approval of receipts and expenditure, rates and taxes, bye-laws, or the powers with respect to acquiring, holding or disposing of local government properties.

(2) Without any prejudice to the provisions of sub-section (1), every council shall constitute the following committees, namely—

- (a) a committee to oversee financial matters of the local government including its receipts and expenditure;
- (b) a committee to oversee the formulation and delivery of local development plan and annual development plans;
- (c) a committee to oversee maintenance of accounts and conduct of audits and implementation of the recommendations of the audit reports; and
- (d) a committee to oversee provision of infrastructure and public services in the local area.

(3) A committee appointed under this section may, subject to any direction of the council, appoint a sub-committee, and may delegate to such sub-committee with or without restrictions any business delegated to the committee by the council under sub-section (1).

57. **Membership of a committee.**—(1) The number of members of a committee and their respective term of office shall be such as may be determined by the council.

(2) Subject to any restrictions imposed by the council, the number of members of a sub-committee and their respective term of office shall be such as may be determined by the committee constituting it.

(3) While constituting a committee or a sub-committee, the council or, as the case may be, the committee may appoint a person as member of the committee or sub-committee who is not a member of council.

(4) A person, not being a person in the service of Pakistan or in the service of the local government, shall not be appointed at a member of a committee or sub-committee unless he is otherwise qualified for being elected as a member of a council under this Ordinance.

58. **Cessation of a committee.**—A council which appoints a committee may at any time, revoke any such appointment and may also revoke or vary anything delegated, or any restrictions or conditions imposed.

59. **Bye-laws for committees.**—(1) Having regards to the provisions of this Ordinance and the rules, every local government shall, within three months of the assumption of office, frame bye-laws for the constitution and conduct of its committees.

(2) Where a local government fails to timely meet the requirements of sub-section (1), the Government may prescribe bye-laws for that local government which shall be valid as if framed by that local government.

Chapter-5

Elections, Term of Offices and Related Matters

60. **Election Commission to conduct local government elections.**—
(1) All elections under this Ordinance shall be conducted by the Election Commission.

(2) The Election Commission shall undertake such measures and make such arrangements as are necessary for the conduct of elections in accordance with the law and in a just, fair and transparent manner.

(3) The Election Commission shall keep in safe custody the record of an election including the votes secured by a political party or an electoral group for a period specified in the Elections Act, 2017.

61. **Election method in general.**—(1) Election under this Ordinance shall be held on the basis of adult franchise through secret ballot in the prescribed manner and involve —

- (a) the return of the mayor of the local government;
- (b) the return of the members of council; and
- (c) Electronic Voting Machine (EVM) and I-voting.

(2) The mayor of the local government shall be directly elected from ICT.

(3) The penal of special seats shall be selected by the Mayor, which is consist on women, minority, youth, trader, labour or peasant or senior citizen, within seven days as for ratio of the provisions of this Ordinance.

(4) General seats shall be divided by ratio of securing the votes of each candidate of the Mayor.

(5) In addition to the candidate for the office of the mayor of the local government, a political party or an electoral group shall be field at least as many qualified candidates for election as there are seats of general members and seats reserved for women, religious minorities, youth, labor, peasant, traders and senior citizen.

(6) The names of the special seats of and general seats of MCI shall be submitted to the Election Commission of Pakistan after election being the Elected Mayor or electoral group leader as their parties or electoral group will prescribe.

(7) Nothing in this section shall prevent a political party or an electoral group from nominating not more than two additional candidates for the election of a mayor of the local government to provide for his inability to contest for any other reason; and fielding as many qualified candidates to the seats of various categories of members in excess of but not less than the number of such seats provided for the respective council keeping in view rejection of nominations, or for filling casual vacancies during the term of the council for any reason under the provisions of this Ordinance.

(8) The convenor shall be elected by the members of MCI from amongst themselves in the prescribed manner through simple majority of votes.

(9) Where the office of the head of the local government or, as the case may be, the convenor falls vacant during their term of office, they shall be elected under this Ordinance.

62. **Electoral units.**—(1) The entire local area shall constitute one multi-member at large electoral unit for elections to the MCI.

(2) The Election Commission shall, not less than sixty days prior to the date fixed for the election, notify electoral units in the official gazette.

(3) The electoral units constituted under this section shall remain valid for every subsequent election under this Ordinance unless altered by the Election Commission subsequent to review of local areas under this Ordinance.

63. **Enlistment of an electoral group.**—The Election Commission shall, through public notice, specify the dates for enlistment of electoral groups of a local government with the office of the Election Commission for election under this Ordinance.

64. **Electoral rolls.**—(1) The Election Commission shall use the electoral rolls prepared for elections under this Ordinance.

65. **Right to vote.**— (1) No person shall be eligible to vote in an electoral unit unless his name, for the time being, appears in the electoral roll of that electoral unit.

(2) Subject to sub-section (2), a voter may cast only one vote for the election to the offices of the mayor of the local government and general seats and special seats in MCI.

66. **Voter to cast vote in Council.**—(1) A voter whose name appears in the electoral roll of the respective area may cast vote for the election of Mayor, Chairperson of neighbourhood council and Members of the neighbourhood council.

(2) Each council shall consist on four general wards from which the election of the Chairperson of neighbourhood council and Members of general wards of the neighbourhood council shall be selected.

(3) The panel of special seats shall win by the winner candidate of chairperson of neighbourhood council.

(4) All elections under this Ordinance shall be held on political party basis, however, an individual may participate in election.

67. **Method of election of neighbourhood.**—(1) All members including the chairperson shall be returned by the residents of the respective neighbourhood through in the basis of secret ballot and adult franchise.

(2) The entire neighbourhood shall constitute one multi-member ward for the election of the chairperson.

(3) Any resident who is otherwise eligible for being elected as a member in terms under this Ordinance may register himself as a candidate for the election.

(4) The names of the special seats of the neighbourhood council shall be submitted to the Election Commission of Pakistan after being elected by the Chairperson as their political parties will prescribe.

68. Qualifications for being a candidate to election or for holding office of the chairperson or member.—(1) A resident shall be eligible to contest an election under this Ordinance, if—

- (a) all Candidates of neighbourhood council except youth for on the last day fixed for the filing of nomination papers for election, is not less than twenty-two years age;
- (b) his name appears for the time being in the electoral roll of the neighbourhood from where he is a candidate; and
- (c) the age limit for youth seat shall be eighteen years to twenty five years while he or she shall submit their nomination papers.

(2) Without any prejudice to the provisions of sub-section (1), no person shall be eligible to contest an election under this Ordinance or to hold the office of the chairperson or a member, if—

- (a) he is not a resident or ceases to be a resident of the respective neighbourhood;
- (b) he has been, on conviction for an offence involving moral turpitude, sentenced to imprisonment for a term exceeding six months, unless seven years have elapsed from the date of expiry of the period of that sentence;
- (c) he has been ordered to give security for good conduct under section 562 of the Code of Criminal Procedure, 1898 (V of 1898), or is registered as a habitual offender or a proclaimed offender under section 45(2)(ii) of the Code of Criminal Procedure, 1898;
- (d) he has been convicted of an offence related to conduct of elections under this Ordinance or any other law for the time being in force;
- (e) he has been guilty of a corrupt practice or has been held to be corrupt;
- (f) he has obtained a loan for an amount of ten hundred thousand rupees or more, 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 stands unpaid for more than one year from the due date, or has had such loan written off unlawfully;

- (g) he, his spouse or any of his dependents has not paid any tax, fee or any other charge payable to the Government, a local government, neighbourhood council or any amount exceeding ten thousand rupees due upon him, his spouse or any of his dependant for the use of any service such as telephone, electricity, gas and water for over six months.
 - (h) he is, or becomes a lessee, tenant, contractor or share holder in any property of the respective neighbourhood or is in illegal or unauthorized possession of such property;
 - (i) he is under contract for work to be done or goods to be supplied to the respective neighbourhood council, or has otherwise any pecuniary interest in its affairs.
 - (j) he is in or enters into the service of Pakistan, or any statutory body or other body which is set up, or owned or controlled by the Government, or a local government in Pakistan, or in which the Government or a local government has controlling share or interest, or he is or becomes asalaried official of a public or statutory corporation;
 - (k) he has been dismissed, discharged or compulsory retired from the service of Pakistan, or the service of a local government or a public or statutory corporation on the charge of misconduct or a corrupt practice; and
 - (l) he is or becomes disqualified for the membership of Parliament or a Provincial Assembly under any law for the time being inforce.
- (3) Where a person contesting an election under this Ordinance claims to be a Muslim, he shall submit to the Returning Officer a declaration given in the Sixth Schedule alongwith his nomination papers for the election.

Chapter-6

Conduct of Elections

69. **Notification of election date and call up for election.**—(1) Through an order published in the official gazette, the Election Commission shall, after having consulted the Government on this matter, fix a dates for elections to electoral units under this Ordinance and thereby call upon—

- (a) the voters of the electoral unit to elect the head of the local government and members of MCI and thereafter;

- (b) the members of MCI council to elect the convenor; and
- (c) the voters of the electoral unit to elect the chairperson of the neighbourhood council and council members.

(2) Subject to the provisions of this Ordinance, the date fixed for an election under sub-section (1) shall be no earlier than one hundred and twenty days from the date of publication of the order in the official gazette.

70. Only nominated and eligible persons allowed to contest elections.—(1) No persons shall be nominated for an election of local government under this Ordinance unless he is otherwise eligible for an election in terms mentioned under this Ordinance.

(2) A person shall not contest an election under this Ordinance unless a political party or an electoral group includes the person as candidate for mayor of the local government or on its list of candidates of members under the Ordinance.

(3) The Returning Officer shall not accept the nomination of a candidate unless the amount as may be prescribed is paid in cash or in the form of a bank draft or pay order in favour of the Election Commission by or on behalf of the candidate as candidature fee.

(4) The candidature fee paid by or on behalf of the candidate shall be non-refundable.

(5) The Returning Officer shall deposit the cash, bank draft or pay order received as candidature fee as may be prescribed.

(6) A candidate may pay only one candidature fee even if the candidate is nominated for the same seat by more than one nomination papers.

(7) The Returning Officer shall, after public notice and hearing the person nominated as a candidate or a person authorized by him in this behalf, satisfy itself that each nomination has been properly made and the person nominated as a candidate is eligible to be a candidate for the relevant election under this Ordinance.

(8) A candidate shall not contest election under this Ordinance unless the Returning Officer is satisfied that the candidate is validly nominated and qualified to be a candidate under this Ordinance.

71. Polling stations and appointment of electoral officers.—The Election Commission shall set up such number of polling stations and polling booths as may be required for an election under this Ordinance and may appoint

such number of electoral officers as it considers appropriate for such election under the Elections Act, 2017.

72. All political parties, electoral groups and candidates allowed to appoint election and polling agents.—(1) Every political party and electoral group contesting election under this Ordinance may appoint one election agent for the entire electoral unit and one polling agent for each polling booth at every polling station in the electoral unit.

(2) No person shall be appointed as an election agent or a polling agent under this section unless he is otherwise qualified to be elected as a member under this Ordinance.

73. Code of Conduct for elections.—(1) The Election Commission shall by an order published in the official gazette, prescribe a Code of Conduct for candidates, election agents, polling agents and other relevant persons for every election under this Ordinance.

(2) The Code of Conduct prescribed under sub-section (1) shall, among other things, define the consequences of violation of its provisions and the authority responsible for taking cognizance of such violations and their powers for such purpose.

74. Returned candidates.—(1) The candidates to the office of the mayor of the local government appointed by the political party or, as the case may be, the electoral group, securing highest number of votes in the respective electoral unit shall stand elected.

(2) The candidates to the office of a members of MCI Council shall be elected in the ranking order given by the political party or the electoral group on whose list they are contesting in proportion to the votes secured by that political party or, as the case may be, electoral group in the respective electoral unit in the prescribed manner.

(3) Where there is equality of votes between two or more political parties or electoral groups obtaining highest votes, the Returning Officer shall forthwith draw a lot in respect of such political parties or electoral groups and on whom the lot falls, its candidate for head of the local government shall be declared elected.

(4) The members of council securing highest number of votes of the members in a special meeting of the council shall stand elected as the convenor.

Chapter-7

Qualifications and Term of Office of Member of MCI

75. Qualification for being a candidate and to hold the office of mayor of the local government, convenor, General Member, Woman, Minority, Traders, Labour, Youth and Senior Citizens.—(1) A person shall be eligible to be a candidate for the office of a head of the local government, convenor or member if his name appears for the time being in the electoral roll of the electoral unit from where he is a candidate.

- (a) all Candidates of MCI council except yourh and senior citizens on the last day fixed for the filing of nomination papers for that election, is not less than twenty-two years of age;
- (b) his name appears for the time being in the electoral roll of the ICT council;
- (c) from where he is a candidate;
- (d) the age limit for youth seat shall not be less than eighteen years and not more than twenty five years while he or she shall submit their nomination papers; and
- (e) the candidates of senior citizens on the last day fixed for the filing of nomination papers for that election, is not less than sixty years of age.

(2) Without any prejudice to the provisions of sub-section (1) , no person shall be eligible to be a candidate for the office of a head of the local government, convenor or member or to hold the office of a head of the local government, convenor or Member, if —

- (a) he has been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being inforce;
- (b) he is under contract for work to be done or goods to be supplied to that local government or has otherwise any pecuniary interest in its affairs;
- (c) he is in or enters into the service of Pakistan, or any statutory body or other body which is set up, or owned or controlled by the Government, or a local government in Pakistan, or in which the Government or a local government has controlling share or interest

or he is or becomes a salaried official of a public or statutory corporation;

- (d) he holds an office of profit in the service of Pakistan other than an office which is not whole-time office remunerated either by salary or by fee, or the office of Lumbardar, whether called by this or any other title, or the office of Qaumi Razakar;
- (e) he has been dismissed, discharged or compulsorily retired from the service of Pakistan, or the service of a local government or a public or statutory corporation on the charge of misconduct or a corrupt practice;
- (f) he has obtained a loan for an amount of ten hundred thousand rupees or more, 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 stands unpaid for more than one year from the due date, or has had such loan written off unlawfully;
- (g) he, his spouse or any of his dependents has not paid any tax, fee or any other charge payable to the government or a local government, or any amount exceeding ten thousand rupees due upon him, his spouse; or
- (h) any of his dependant for the use of any service such as telephone, electricity, gas and water for over six months;
- (i) he is or becomes disqualified for membership of the Parliament or a Provincial Assembly under any law for the time being in force.

(3) Where a person contesting an election to any office in the local government claims to be a Muslim, he shall submit to the Returning Officer a declaration given in the First Schedule along with his nomination papers for the election.

76. Defection from a political party or electoral group.—(1) The mayor of a political party or an electoral group may, after giving him an opportunity to show cause, declare a head of the local government, convenor or member to have defected his political party or, as the case may be, the electoral group who, after having been elected on its list

- (a) joins another political party or an electoral group; and

- (b) votes or abstains from voting in the council contrary to any direction of the political party or, as the case may be, electoral group in relation to the election of the convenor or a vote for removal of the mayor of the local government or convenor.

(2) After having declared a Member defector, the head of the political party or, as the case may be, electoral group shall forthwith forward a copy of the declaration to the Election Commission.

(3) Where the declaration is confirmed by the Election Commission after due notice and inquiry, the head of the local government, convenor or Member referred to in sub-section (1) shall cease to hold office.

Explanation.— For the purpose of this section, the head of a political party or electoral group shall mean any person by whatever name called, declared as such by the political party or, as the case may be, electoral group.

77. Term of office of the MCI council, mayor of the local government, convenor and members of council.—(1) The MCI Council shall, unless it is dissolved earlier, continue for a period of four years from the date of its first meeting.

(2) As soon as may be after the notification of the results of an election by the Election Commission, the Government shall fix a date or several dates of the first meeting of the councils.

(3) Where for any reason, no date is fixed under sub-section (2) despite the lapse of forty-five days after the notification of the results of an election, the elected head of the local government may call first meeting of the council.

(4) The term of office of every head of the local government including Mayor, Convenor and members shall, unless removed earlier under this Ordinance, be the same as that of the council.

78. Oath of office and submission of declaration etc.—(1) A person elected as a mayor of the local government, convenor or members shall, before assuming his office, make and subscribe to an oath, appropriate to his office, in the form set out in the Second Schedule.

(2) The Government shall notify the fact of assumption of office by every head of the local government, convenor and members in the official gazette after having satisfied itself that the declarations referred to in sub-section (2) above have been appropriately made.

79. **Oath of Office of Members of the MCI Council, Chairperson or Members of Neighbourhood Council.**—After having been elected and before entering upon the duties of his office, every chairperson and member shall, in a general meeting of the neighbourhood council, respectively take an oath as given at Third Schedule.

80. **Term of office of the chairpersons and members.**—Unless otherwise removed, the term of office of every member and chairperson shall co-terminate with the term of the neighbourhood council.

81. **Filling of casual in case of vacancy in the office of chairperson of neighbourhood council.**—(1) A chairperson or member may resign from his office by writing under his hand addressed to the respective designated officer.

(2) Every resignation shall take effect forthwith and the respective office shall become vacant immediately.

82. **Filling of casual vacancies in neighbourhood councils.**—(1) Where the office of the chairperson falls vacant due to his death, resignation, removal or for any other reason, the vacancy shall be filled with fresh election.

(2) Where the office of a general member, other than the chairperson falls vacant due to his death, resignation, removal or for any other reason, the vacancy shall be filled with fresh election.

(3) Where the office of member to a seat reserved for women or religious minorities falls vacant due to his death, resignation, removal or for any other reason, the chairperson shall stand elected as per given list by the parties.

(4) A person appointed a member under sub-sections (1), (2) and (3) shall hold office for the remainder of the term of office of the member to whom here places.

(5) In case the special seats of MCI Council and Neighbourhood Council becomes vacant, the concerned party or the concerned Electoral Group may suggest another name to Election Commission of Pakistan.

83. **Resignation by a mayor of the local government, convenor or members.**—(1) Mayor of the local government, convenor and council or may, at anytime, resign from his office by writing under his hand to the respective Chief Officer whereupon his resignation shall be deemed to have been accepted and effective forthwith.

(2) The Chief Officer receiving a resignation under sub-section (1) shall forward it to the Government immediately.

(3) The Government shall immediately send the resignation to the Election Commission which shall, by notification to be issued within fifteen days from the date of receipt of resignation, declare the office of the resigning head of the local government, convenor or members of council to be vacant from the date of receipt of resignation by the Chief Officer.

84. Fresh elections in case of vacancy in the office of the mayor of the local government.—(1) If the office of the mayor of the local government falls vacant during the term of the council for any reason, the Election Commission shall hold a fresh election to the office of the head of the local government.

(2) The mayor of the local government, convenor and members elected through an election under this section shall, unless removed earlier under this Ordinance, hold office for the residual term of the council.

(3) Notwithstanding the provisions of sub-section (1) and (2), if the office of a mayor of the local government falls vacant within one hundred and twenty days before the expiry of the term of the council, no fresh elections shall be called.

85. Filling of casual vacancies of convenor, general members and special seats.—(1) Subject to the provisions of sub-section (4), if, for any reason, the office of a members falls vacant during the term of a council, the candidate immediately below the last elected candidate in the ranking order declared by the political party or the electoral group to which the member vacating the office belonged, shall be elected to that office.

(2) If, for any reason, the office of the convenor falls vacant during the term of a council, the council shall elect a convenor through fresh election.

(3) A convenor or member elected under this section shall, unless removed earlier under this Ordinance, hold office for the residual term of the council.

(4) If a vacancy referred to in sub-section (1) or sub-section (2) occurs within one hundred and twenty days before the expiry of the term of the council, the vacancy shall not be filled.

86. Temporary accession to the office of a mayor of the local government and convenor.—(1) The convenor shall accede to the office of the mayor of the local government during his temporary absence.

(2) The convenor may nominate one of the member to accede to his office during his temporary absence and where no such nomination is made, the

members of council may choose any one of them to accede to the office of the convenor during his temporary absence.

Explanation.—For the purpose of this section, absence shall mean temporary absence from office for reasons such as leave, travel and illness for a period of not more than sixty days.

87. **Appointment of Administrator.**—The government may appoint an administrator to perform functions of the local government until the Mayor is elected and assumes office or on expiry of its term or removed.

Chapter-8

Local Government Funds

88. **Funds of a local government.**—(1) Every local government shall establish and maintain the following funds, namely:—

- (a) all taxes on the service that are listed in the thirteen schedule, as well as all other taxes that a province receives;
- (b) a local fund for the credit of such moneys and for such purposes as respectively as specified under this Ordinance; and
- (c) a public fund for the credit of such moneys and for such purposes as respectively as specified under this Ordinance.

(2) All funds of a local government shall be held in trust for the purposes of this Ordinance.

(3) All moneys payable to any fund of local government shall be received by or on behalf of that local government and shall be forthwith consigned to custody as per the provisions of this Ordinance.

(4) All funds of a local government shall be administered in such manner as may be prescribed.

89. **Credit of moneys to a local fund.**—(1) There shall be credited to the local fund of a local government, namely:—

- (a) such moneys as the local government may, on coming into force of this Ordinance, succeed from the balance funds of a defunct local government under this Ordinance;

- (b) proceeds of all taxes, fees, rates, tolls, rents and other charges levied by or on behalf of the local government under this Ordinance;
- (c) all moneys received as rents and profits payable or accruing to the local government from property vested in or controlled or managed by it;
- (d) all moneys received as proceeds of the disposal of local government properties by, or on behalf of the local government under this Ordinance;
- (e) all fines imposed under this Ordinance and any such fine or part thereof which shall stand transferred to the local government under any other law for the time being in force;
- (f) all moneys received by way of any administrative penalty, compensation or compounding of offences under this Ordinance;
- (g) all moneys transferred to the local government by the Government or by any other local government under this Ordinance;
- (h) all moneys received as gifts, grants or contributions made to the local government by any person, organization, institution or the Government;
- (i) all moneys received by the local government in connection with the performance of its functions under this Ordinance or any other law for the time being in force;
- (j) all interests and profits arising from any investment of, or from any transaction in connection with, any money belonging to the local government.
- (k) all taxes on services shall be levied by the MCI in the Capital Territory as per instructions of the Government from time to time;
- (l) all loans raised by the local government under this Ordinance; and
- (m) all proceeds from such other sources of income as the Government may, from time to time, direct to be placed at the disposal of the local government.

(2) All moneys, for the time being, in a local fund shall form part of the composite cash balance of the Federal Government but shall be used exclusively for the purpose of and in accordance with the provisions of this Ordinance.

90. **Application of local fund.**—(1) The money credited to the local fund shall be applied to various purposes in the following order of preference in—

- (a) making payments for the conduct of election under this Ordinance and in meeting any other expenditure declared by the government to be an appropriate charge on the local government;
- (b) discharging all liabilities imposed upon the local government;
- (c) the payment of salaries, allowances and other remunerations of the officers and servants of the local government and, in so far as practicable, making due provisions for their pensions and similar other expenses; and
- (d) the payment of all other sums, charges and costs necessary for effective discharge of functions of the local government and for otherwise carrying into effect this Ordinance, or of which the payment shall be duly or directly sanctioned under any of the provisions of this Ordinance.

(2) A local government shall not, directly or indirectly, apply any part of its local fund, or any money under its control, for any purpose not authorized specifically or generally under this Ordinance or any other law for the time being in force.

(3) During every financial year in which local government elections are to be held, the expenditure or commitment of expenditure of a local government prior to the convening of elections shall not exceed eight per centum per mensem of the relevant approved estimate of receipts and expenditure.

91. **Credit of money to public fund.**—(1) Money shall be credited to the public fund of a local government consisting of—

- (a) all receipts accruing from a trust administered or managed by the local government;
- (b) refundable deposits received by the local government from one or more other local governments;
- (c) all deferred liabilities of the local government; and

(d) an amount paid to the local government in trust for a person.

(2) The money in a public fund shall not form part of the composite cash balance of the Federal Government.

92. **Application of public fund.**—(1) The money from time to time credited to the Public Fund of a local government shall be applied in the following manner, namely:—

(a) all payments accruing from a trust administered or managed by the local government shall be applied for the purposes of that trust;

(b) all refundable deposits received by the local government from another local government shall be applied for the refund of the deposited amount to that local government;

(c) all money received as a deferred liability shall be applied towards retiring that liability; and

(d) an amount paid to local government in trust for a person shall be applied for making payment to that person.

(2) The money from time to time credited to the public fund of a local government shall not be applied to any purpose other than the purposes specified in this section.

93. **Local fund of neighbourhoods.**—(1) There shall be a fund, to be called the neighbourhood local fund, vested in every neighbourhood council to pay for its expenses for the purpose of this Ordinance.

(2) All money in the neighbourhood local fund shall be held by the respective neighbourhood council as a trust for all the residents of that neighbourhood.

94. **Sources of neighbourhood local fund.**—Without any prejudice to the provisions of this Ordinance, the following money shall be credited to the neighbourhood local fund—

(a) all grants from the Government or a local government;

(b) all fees, fines and other moneys received by or on behalf of the neighbourhood council under this Ordinance, or otherwise.

(c) rents and profits accruing from the property of the neighbourhood council;

- (d) incomes from investments made from the local fund;
- (e) proceeds from any other sources of income placed by the Government at the disposal of the neighbourhood council;
- (f) all donations from any other sources; and
- (g) All taxes on services rendered.

(2) The Government grants to a neighbourhood under sub-section (1) shall in no case be less than the amount which the Local Government Finance Commission may fix for that neighbourhood in accordance with the formulae for transfer of Capital Fund to the local government in whose local area it is situated.

Explanation.— For the purpose of this section, the term formulae shall mean the formulae for transfer of capital allocable resources determined under the Ordinance.

95. Custody of neighbourhood local fund.— (1) All money credited to a local fund shall, if not otherwise applied or invested in accordance with the provisions of this Ordinance, be kept in the State Bank, a treasury, a post office or such bank or banks as may be appointed by the Government, from time to time, for this purpose.

(2) All interests, profits, dividends or other sums receipts in respect of such custody of a local fund shall, immediately, after receipt or becoming due, accrue to it.

96. Legal basis for application of local fund.— (1) Subject to other provisions of this Ordinance, no expenditure shall be incurred by or on behalf of a neighbourhood council from its local fund unless it is.—

- (a) previously authorized in accordance with the estimates of receipts and expenditure; or
- (b) previously authorized in accordance with the estimates of receipts and expenditure certified by the designated officer; or
- (c) under an order of the Government; or
- (d) necessarily incurred in circumstances of emergency in relation to a duty of a neighbourhood council functions.

(2) All expenditures incurred by or on behalf of a neighbourhood council in the circumstances of emergency shall, as soon as may reasonably be possible, brought to the notice of the neighbourhood council.

(3) A consolidated account of all moneys received in and expenditures incurred from the local fund during each financial year shall be presented to the neighbourhood council.

97. Matters in respect of which money from neighbourhood local fund may be applied.— (1) Having due regards to the provisions of this Ordinance, the local fund shall not be applied to any purpose other than for the payment in whole or in part, of the charges and expenses incidental to these matters as prescribe under this Ordinance about—

- (a) performance of any functions entrusted to the neighbourhood council under this Ordinance;
- (b) expenses required for the audit of neighbourhood local fund and accounts of the neighbourhood council;
- (c) expenses in respect of such portion of the cost of provision of a public service as may be held by the Government to be equitably debatable to the neighbourhood council in return for the services rendered to it by the agency providing that public service;
- (d) grants-in-aid to the educational, public health or any other public institution within the limits of the neighbourhood;
- (e) charges and expenses incurred outside the neighbourhood when such application of funds is, in the opinion of the neighbourhood council, for the benefit of the neighbourhood; and
- (f) any other expense or charge which the Government may at any time, on the recommendation of a neighbourhood council, or otherwise declare to be a fit and proper charge on the neighbourhood local fund.

(2) Except with the previous sanction of the Government, the actual cash balance of a neighbourhood local fund, excluding any investments, suspend balance of grants of all kinds and receipts, shall not be permitted at any time to fall below an amount equal to ten per centum of the income of the neighbourhood council during the previous financial year.

Chapter-9

Local Government Budget

98. Legal basis for local government expenditure.— (1) Subject to other provisions of this Ordinance, a local government shall have the power to spend such sums from its funds as are necessary for the purposes of this Ordinance.

(2) No expenditure shall be incurred by or on behalf of a local government from its local fund unless it is:

- (a) previously authorized in the estimates of receipts and expenditure approved under this Ordinance;
- (b) previously authorized in the estimates of receipts and expenditure certified by the Government under this Ordinance;
- (c) previously authorized in the estimates of receipts and expenditure revised or readjusted under this Ordinance;
- (d) made under an order of the Government under this Ordinance; and
- (e) necessarily incurred in circumstances of emergency in relation to a function of the local government.

(3) All expenditures incurred by or on behalf of a local government in the circumstances of an emergency shall, as soon as may reasonably be possible, brought to the notice of the council and if such expenditure was made by a Chief Officer or any other authority, also to the notice of the head of the local government.

(4) A consolidated account of all expenditures incurred during each financial year shall be presented to the MCI when an estimate of receipts and expenditure for the next following financial year is presented under this Ordinance.

99. Submission of estimates of receipt and expenditure by head of the local government and its approval.— (1) Every financial year, during the third week of March, the head of the local government shall.—

- (a) cause to be prepared a draft estimate of receipts and expenditure of the respective local government for the next following financial year;
- (b) publish the draft estimate of receipts and expenditure for public information in such manner as may appear appropriate to him to solicit suggestions and objections;
- (c) consider any suggestion and objections received; and
- (d) not less than fifteen days after the publication of draft estimate of receipts and expenditure, present it before the council.

(2) The council may, at a public meeting and with a simple majority of vote of all members holding office:

- (a) revise the draft estimate of receipts and expenditure in such manner as the council considers appropriate;
- (b) having regards to the provisions of this Ordinance, approve the estimate of receipt and expenditure.

(3) Wherein the view of the head of the local government, revision of estimate of receipts and expenditure under clause (a) of sub-section (2) above is not in accordance with the provisions of this Ordinance or is otherwise inappropriate, he may, again present the estimate of receipt and expenditure, with or without any revision, before the MCI.

(4) The council may, at a public meeting, consider the estimate of receipt and expenditure presented before it under sub-section (3) and:

- (a) having regards to the provisions of this Ordinance, approve it with a simple majority of vote of all Members holding office; or
- (b) revise or reject it with a two-third majority of vote of all Members holding office.

(5) Following shall be the approved estimate of receipt and expenditure of the local government for the following financial year—

- (a) the estimate approved under clause (b) of sub-section (2);
- (b) the estimate approved or revised under sub-section (4); and
- (c) the estimate presented by the head of the local government which is not revised or rejected by simple majority of vote of the council.

(6) If, for any reason, the estimate of receipt and expenditure is not approved before the commencement of the financial year to which it pertains, the local government expenditures, on various categories of expense, for that financial year shall be made in accordance with the approved estimates for the preceding financial year on pro rata basis till such time the estimate is approved under this section or an order for this purpose is issued by the Government under the provisions of this Ordinance, whichever is earlier.

100. Revision of the approved estimates.— (1) At any time before the expiry of the financial year to which an approved estimate of receipts and expenditure relates, the head of the local government or the council may reduce,

add or transfer the amount or a portion thereof from one category of expense in the estimate to another category or authorize an additional category of expenditure, if the same is considered necessary for the purpose of this Ordinance.

(2) The revision of an approved estimate of receipts and expenditure under this section shall, so far as may be, subject to the provisions of this Ordinance.

101. Duty of a local government to re-adjust income and expenditure in certain cases.— (1) If at any time during a financial year, it appears to the Mayor or the MCI that the receipts of local fund of the local government during the same financial year shall not sufficient to meet the expenditure sanctioned under the approved estimate for that year, the Mayor or, as the case may be, the MCI shall sanction forthwith any measures which they consider necessary for proportionating the year's receipt to expenditure.

(2) For the purposes of sub-section (1), in addition to any other measure authorized under this Ordinance, Mayor or, as the case may be, the MCI may either diminish the sanctioned expenditure for relevant financial years so far as it may be possible with due regards to all the requirements of this Ordinance, or have recourse, subject to other provisions of this Ordinance, to supplementary taxation or to an increase of rates or charges, or adopt all or any of those methods.

(3) There adjustment of an approved estimate under this section shall, so far as may be, subject to the provisions of this Ordinance.

(4) Wherein the opinion of the Finance Commission, sufficient circumstances exist for an action under sub-section (1) and both Mayor and the MCI are not taking such action or a sufficient action, it may, after affording an opportunity of hearing to the Mayor, make one or more provisions as given under sub-section (2) and such provisions shall be deemed to be authorized by the local government under this section.

102. Receipts to always exceed the expenditure of local governments.—An estimate of receipts and expenditures shall not be approved unless the estimated receipts for the relevant financial year exceed the sums required to meet estimated expenditure of a local government for that year.

103. Ring fencing of expenditure of local governments.—The Government may, in consultation with the Capital Finance Commission, fix minimum expenditure requirements which shall be met by a local government during any financial year towards one or more public services provided by it which, in its opinion, is necessary to maintain minimum service standards pertaining to that public service.

104. Advance notification of fund by Capital Finance Commission.— (1) The Finance Commission shall, by the first of March of each financial year, notify the provisional amounts which may be credited to the local fund of each local government from Capital allocable amount during the financial year under the provisions of this Ordinance.

(2) If capital fund to be transferred to the local fund of a local government are not notified as required under sub-section (1), the local government may proceed with the preparation and approval of estimate of receipts and expenditure based on the amount of funds credited to it by the Government during the preceding financial year.

(3) The estimate of receipts and expenditure approved under sub-section (2) may be revised by the local government after the notification of amounts to be credited to its local fund in, so far as may be, accordance with the provisions of this Ordinance.

105. Preparation and approval of estimate of receipts and expenditure of neighbourhood.— (1) By third week of March each financial year, every chairperson shall—

- (a) prepare a draft estimate of receipts and expenditure of the respective neighbourhood for the next following financial year;
- (b) place the draft estimate of receipts and expenditure for information of all residents on the notice board of the neighbourhood council; and
- (c) not less than fifteen days after placing of the draft estimate of receipts and expenditure on the notice board, present it before the neighbourhood council.

(2) The neighbourhood council may, at a public meeting, approve the estimate of receipt and expenditure presented before it or revise or reject it with a simple majority of vote of all members, for the time being holding office.

(3) An estimate of receipts and expenditure which is not revised or rejected under sub-section (3) with simple majority, shall be deemed to be the approved estimate of receipts and expenditure of the neighbourhood council for the financial year.

(4) If, for any reason, the estimate of receipt and expenditure is not approved before the commencement of the financial year to which it pertains, the expenditures of the neighbourhood council, on various categories of expense, for that financial year shall be made in accordance with the approved estimates for

the preceding financial year on pro rata basis till such time the estimate is approved under this section or an order for this purpose is issued by the Government.

106. Authority of a local government to levy taxes etc.— (1) A local government may, through a notification published in the official gazette, levy, all or any of the tax including property tax, fees, rates, tolls, rent, services and other charges given in the Twelfth Schedule.

(2) For the purpose of sub-section (1), every local government shall, among other things, abide by the directions of the Finance Commission under this Ordinance.

(3) A local government may charge for the services being provided in ICT.

107. Procedure for imposition, revision or abolishment of a local tax etc.— (1) A Mayor under the provisions of this Ordinance may make proposal with respect to —

- (a) levy of a new tax, fee, rate, toll, tax on services or other charge; or
- (b) increase or reduction in the incidence of a tax, fee, rate, toll or other charge or otherwise revision of a tax, fee, toll or other charge which is for the time being in force; or
- (c) suspension or abolishment of a tax, fee, rate, toll or other charge which is for the time being in force; or
- (d) exemption of any person or class of persons, or property or goods or class of property or goods, or services or other things from the levy of a tax, fee, rate, toll or other charge which is for the time being in force.

(2) Every proposal for levy of a new tax, fee, rate, toll or other charges under sub-section (1) shall, among other things, mention the—

- (a) class of persons, or description of property or goods, or services or other things on which the proposed tax, fee, rate, toll or other charge shall apply;
- (b) method of assessment of the proposed tax, fee, rate, toll or other charge; and

(c) incidence at which the tax, fee, rate, toll or other charge is to be levied.

(3) As soon as may be after making of a proposal under sub-section (1) above, the head of the local government shall, through a public notice, invite suggestions and objections on the proposal mentioning therein, among other things, the date and time by which the suggestions and objections shall be submitted.

(4) The last date of submission of objections under sub-section (3) above shall be fixed in such manner as to allow not less than thirty clear days commencing from the date of publication of the notice.

(5) Any resident of the relevant local area or a person affected by the proposal referred to in sub-section (1) above, may submit his suggestions or objections or both in writing to the Chief Officer by the date and time appointed under sub-section (3) above.

(6) After having considered all suggestions and, as the case may be, objections received under sub-section (5), the Mayor may—

- (a) accept suggestions and objections in as much as Mayor deems appropriate and present a revised proposal before the council in a public meeting; or
- (b) reject the suggestions and objections and present his original proposal before the MCI in a public meeting.

(7) The council may with a simple majority of vote of all members, for the time being holding office—

- (a) revise or further revise the proposal in such manner as the council considers appropriate; or
- (b) having regard to other provisions of this Ordinance, approve the proposal.

(8) Where in view of the Mayor, the revision or further revision of the proposal under clause (a) of sub-section (7) above is not in accordance with the provisions of this Ordinance or is otherwise inappropriate, he may, present the proposal, with or without any further revision, before the council again.

(9) The Mayor may, at a public meeting:

- (a) approve the proposal presented before it with simple majority of vote of all members holding office; or
- (b) revise or reject it with a simple majority of vote of all members holding office.

(10) Without any prejudice to other provisions of this section, a proposal presented by a Mayor which is not rejected or revised by the MCI with simple majority, should be deemed to have been approved.

108. Rating areas and property tax.— (1) The property tax shall be collected by Metropolitan Corporation.

(2) In matters for which no provision or no adequate provision relating to the property tax has been made under this Ordinance, the provisions of the Urban Immovable Property Tax Act, 1958 (West Pakistan Act V of 1958), as adapted in Islamabad Capital Territory, shall apply.

(3) The tax collected under this section shall be distributed amongst the metropolitan corporation and neighbourhood councils in such a ratio as the Government may, by notification specify.

109. Power of the Finance Commission in case of unfair local taxes etc.— (1) If at any time, on a representation made to it for this purpose or otherwise, it appears to the Finance Commission that the incidence of a tax, fee, rate, toll rent, services or other charge imposed under this Ordinance is unfair or excessive or that levy of a tax, fee, rate, toll, rent, services or other charge or of any part thereof is injurious to the interests of the general public, the Finance Commission may through an order require the concerned local government to take, within a prescribed period, measures to remove the objection.

(2) Any resident of the relevant local area or a person or entity affected by the imposition levy of a tax, fee, rate, toll, services or other charge may make are presentation to the Finance Commission under sub-section (1) animals or other things therein liable to any tax, fec, rate, toll or other charge under this Ordinance.

110. Presentation of bill for local taxes and rates.— (1) When any sums become due for payment on account of any tax, fee, rate, toll, services or other charge under this Ordinance, the Chief Officer or any other officer authorized by him shall, cause to be presented to any person liable for payment thereof a bill for the sum claimed as due.

(2) Every such bill shall specify the period for which and the property, occupation, services or things in respect of which the sum is claimed and shall

also give notice of the time by which the sums shall be paid and liability incurred in default of payment and the time within which an objection may be preferred against such claim under this Ordinance.

111. Notice of demand to be issued on non-payment of bill.— (1) If the sum for which a bill has been presented is not paid within the time specified therein, the Chief Officer or any other officer authorized by him may cause to be served upon the person to whom such bill has been presented a notice of demand in the prescribed form.

(2) For every such notice of demand, a fee of such amount, not exceeding fifteen per centum of the sums due, shall be payable by the said person, and the said amount shall be included in the cost of recovery.

112. Payments to be made in authorized banks against receipts.— (1) All sums on account of a tax, fee, rate, rent, services and any other charges under this Ordinance shall be paid to the local government through an authorized bank unless a permission for any other method of payment is obtained from the Government.

(2) For all sums paid to a local government on account of any tax, fee, rate, rent, toll or other charge under this Ordinance, a receipt, stating among other things the amount and the tax, fee, rate, toll or other charge on account of which it has been paid, shall be tendered by the person receiving such payment on behalf of the local government.

113. Tax etc. not to become invalid for defect in form.— (1) No assessment of value, or charge or demand of any tax, fee, rate, toll or other levy made under this Ordinance, shall be called in question or in any way be effected by reason of:—

- (a) any mistake in the name, residence, place of business or occupation of any person liable to pay such tax, fee, rate, toll or other charge; or
- (b) any mistake in the description of any property, service or thing liable to such tax, fee, rate, toll or other charge; or
- (c) any mistake in the amount of assessment of such tax, fee, rate, toll or other charge; or
- (d) any clerical error; or
- (e) any other defect of form.

(2) It shall suffice for any assessment of value, or levy or demand of a tax, fee, rate, toll, services or other charge that the person, property, service or any other thing subject thereof is so described as to be sufficiently identifiable.

114. Records pertaining to valuation, assessment and collection of local tax etc.— (1) Every Chief Officer shall prepare and maintain records pertaining to valuation, assessment and collection of all taxes, fees, rates, tolls, rents and other charges levied by the local government in the prescribed manner.

(2) All records prepared and maintained by the Chief Officer under sub-section (1) above shall be authenticated by the Mayor.

(3) The Chief Officer shall cause to be displayed at a conspicuous place in the office of the local government a copy of all records authenticated under sub-section (2) above for public inspection and shall, on application of any person, also cause to be furnished to him a copy thereof or any extract thereof on payment of such reasonable fee as may, from time to time, be fixed by the MCI.

115. Authority of the Government to appoint any of its agency or officer for local tax collection.— (1) In the interest of economy, efficiency and effectiveness, the Government may by a notification in the official Gazette, direct that an agency or an officer of the Government engaged in collection of its tax, fee, rate, toll, or other charge shall also collect one or more taxes, fees, rates, tolls, rents, services or other recharges on the behalf of local government or constitute a separate agency for this purpose and provisions relating to the authority of the Chief Officer in relation to collection of local tax, fee, rate, toll or other charge under this Ordinance shall *mutatis mutandis* apply on that agency or officer.

(2) Agency or officer referred to in sub-section (1) above shall, to the extent of collection of a local tax, fee, rate, toll or other charge be responsible to the local government.

116. Fees and rates which may be levied by neighbourhood councils.— Subject to the general directions and control of the Government, a neighbourhood council may levy following rates and fees, namely—

- (a) tolls on persons, vehicles or animals or any class of them at any toll- bar established by it on any road or ferry vested in or under its management;
- (b) a sanitation rate, where arrangements for street sweeping, drainage, Sewerage of other sanitary measures are made by the neighbourhood council;

- (c) a water rate, where arrangements for supply of water for drinking, irrigation or any other purposes is made by the panchayat or, as the case may be, the neighbourhood council;
- (d) a lighting rate, where arrangements for lighting of public streets and places is made by the neighbourhood council;
- (e) fee for holding fairs at pilgrimages and fairs within the limits of the neighbourhood; and
- (f) any other rate, fee or levy approved by the Government on the request of a neighbourhood council, or as otherwise considered appropriate.

Chapter-11

Local Government Finance Commission

117. **Establishment of Local Government Finance Commission.**— (1) As soon as may be, but not later than one hundred and twenty days of commencement of this Ordinance, the Government shall appoint a commission to be called the Islamabad Local Government Finance Commission, hereinafter referred to as the Finance Commission, to perform such functions as are mentioned in this Ordinance.

(2) The Finance Commission shall comprise of the eight members including the Chairperson in the manner below.—

- (a) the Government shall appoint five members including one woman, one expert and three members of National Assembly from Islamabad Capital Territory as members of this commission.
- (b) the Government shall appoint the Chairperson of the Finance Commission amongst the members of the Finance Commission.
- (c) Mayor, Islamabad Capital Territory; and
- (d) two members of the Local Council, out of whom one shall be appointed by the leader of the council and the other by the leader of the opposition in the council;

(3) In case of the absence of the chair person for any reason, the present members shall elect one of them to chair the Finance Commission for the duration of his absence.

(4) The Finance Commission may co-opt any other person for advice in relation to a particular matter under its consideration; however, the co-opted member shall have no right of vote.

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

(6) The members of the local government finance commission shall not be deemed to or construed to be in the service of Pakistan or local government.

118. Term of office and premature removal of certain members.— (1) A mayor of the local government shall hold the office of member of Finance Commission for four year from the date of assumption of office.

(2) An expert member shall hold office for four years from the date of assumption of office.

(3) The Government may, after due notice and inquiry in the prescribed manner, remove any member of the Finance Commission, not being the elected member of National Assembly, during the tenure of his office on ground of in efficiency, misconduct, misuse of office or inability to perform functions on account of bad health or physical or mental incapacity.

(4) Any member of the Finance Commission may resign from his office by writing under his hand.

119. Eligibility for appointment as an expert or a member representing head or leader of the opposition of the MCI.— (1) A person shall be eligible for appointment as an expert member if he —

- (a) holds at least sixteen years education in a discipline related to the functions of the Finance Commission, possesses special knowledge of economics, public finance, accounts, or working of the local governments in general with at least fifteen-years' experience in the aforesaid or any other related affairs;
- (b) is, for the time being, qualified to be a candidate for an election;
- (c) is not in the service of Pakistan or any office or body which is set up, or owned or controlled by the Government, or a local government in the Islamabad Capital Territory, or in which the Government or a local government has a controlling share or interest or otherwise holds any office of profit in the Government; and

- (d) is not a member of a political party or holds any office of a political party or is in the employment of a political party or on the date of his consideration for appointment at least five years have not lapsed since he ceased to be such member, or holder of such office or in such employment.

(2) Subject to the provisions of sub-section (4), a person who has previously remained as an expert member shall be eligible for re-appointment as a member of the Finance Commission.

120. Certain restrictions to apply on subsequent employment of an expert member.— A person who has remained an expert member of the Finance Commission shall not be eligible for appointment in the Service of Pakistan or any statutory body or other body which is set up, or owned or controlled by the Government, or in which the Government or a local government has a controlling share or interest or otherwise hold any office of profit in the Government unless a period of two years has elapsed since the date of relinquishment of his office as member.

121. Oath of office of members of Finance Commission.— Before entering upon office, every member of the Finance Commission shall make an oath in the form set out in the Eleventh Schedule.

122. General functions of the Finance Commission.— (1) In addition to any other work assigned to it under this Ordinance or any other law for the time being in force, the Finance Commission shall—

- (a) establish formulae for determining the size of allocable amount and the share of local governments and neighbourhood councils;
- (b) advise the Government or a local government and neighbourhood council on matters relating to fiscal transfers to and fiscal performance of local governments;
- (c) support local governments in effecting improvements in their fiscal capacity and performance, better budget management and increased adherence to financial and procurement laws;
- (d) recommend the schedule, nature and structure of independent audits of the local governments and neighbourhood council;
- (e) monitor fiscal health of local governments and neighbourhood council on an annual basis in particular their fiscal effort and performance; their ability to meet budgetary and development targets, their debt management and to make a determination of

fiscal distress defined in terms of the ability of a local government to balance their budgets by ensuring that the sum of estimated net revenues and appropriated fund balances are sufficient to cover appropriations and other liabilities including pension and general provident fund liabilities;

- (f) during the first month of each financial year, present to the Government and local government a report on fiscal performance of local government and neighbourhood council during the previous financial year which shall, among other things, include an analysis of the matters referred to in this sub-section and fiscal transfers made to the local government and neighbourhood council and own resources raised by them and their performance in meeting budgetary and performance objectives.

Explanation.— For the purpose of this section, the term fiscal stress shall mean the condition under which local government is unable to generate sufficient receipts within the period under question to meet its expenditure and other liabilities.

123. Procedure of Finance Commission.— (1) The Finance Commission shall, subject to this Ordinance and the rules, regulate its own procedure.

(2) All decisions of the Finance Commission shall be made through a simple majority of votes of the members present and voting on one member one vote basis.

(3) The quorum necessary for transaction of business at an ordinary or special meeting of the Finance Commission shall be one-half of the members holding office at the time out of whom not less than two shall be the expert members.

(4) All meetings of the Finance Commission shall be public unless the members present, by a simple majority vote, decide to exclude public from the whole or part of the proceedings on the ground that public information of the proceeding so first meeting shall be prejudicial to public interest by reason of the confidential nature of business to be transacted at that meeting or for such other special reasons as may arise from the nature of business to be transacted or the proceedings a the meeting.

(5) The Finance Commission shall exercise the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908) with regards to summoning and enforcement the attendance of any person and

compelling the production of documents and records for the purposes of this Ordinance.

124. Duty of local governments and other public entities etc. to cooperate with Finance Commission.— (1) The Finance Commission may require the Government, a local government, an agency owned or managed by the Government or a local government, or any other person or authority in the Islamabad Capital Territory to render assistance to it or to provide all information which it reasonably requires for the purposes of this Ordinance.

(2) It shall be the duty of the Government and all such local governments, public entities, or other persons and authorities to render assistance or to provide information as is required by the Finance Commission under subsection(1).

125. Secretariat of the Finance Commission.— (1) The Finance Commission shall have a secretariat comprising such number of officers and staff as the Government may from time to time determine.

(2) There shall be a separate budget for the Finance Commission in the annual budget.

(3) The secretariat of the Finance Commission shall be headed by the Chief Officer who shall also be the Principal Accounting Officer of the Finance Commission.

Chapter-12

Inter-governmental Fiscal Transfers

126. Capital Fund and Transfer to Local Governments.— Every Year the Federal Government shall set aside a grant to be called grant for Local Government in Islamabad Capital Territory which shall be transferred in accordance with the formula determined by the Government.

127. Principles for determining transfers to individual local governments and related grants.— (1)The collective share of neighborhood councils shall constitute not more than thirty per centum of the capital fund.

(2) In so far as possible, the share of a local government in the capital fund amount shall be worked out having regard to the following, namely—

- (a) fiscal needs of the local government that is moneys required by it to maintain minimum service standards in relation to the function assigned to it under this Ordinance;

- (b) Equalization payments that is the moneys transferred to the local government to compensate for comparative poverty and backwardness of the local area;
 - (c) fiscal capacity that is the potential of the local government to raise local taxes, toll, fees, rates and other charges under this Ordinance;
 - (d) fiscal effort that is the local government is compensated for collecting higher local taxes, toll, fees, rates, rents and other charges as against the potential to raise them;
 - (e) better expenditure management that is the local government is compensated for adherence to financial and procurement rules, bringing innovations and transparency in its working and achieving higher value for money; and
 - (f) quality of public services that is the local government is compensated for maintaining higher quality of public services.
- (3) Based on the above, Capital Fund shall be transferred to the local governments through any one or more of the following means, namely—
- (a) general purpose transfers worked out on the basis of principle given at clause (a), (b) and (c) of sub-section (1); and
 - (b) performance grants worked out on the basis of principles given at clause (d), (e) and (f) of sub-section (1).

128. Accounts of local governments to be kept in the prescribed manner.—Accounts of all receipts and expenditure of a local government shall be kept in the prescribed manner and form.

129. Authority for audit of local government accounts.— (1) The Auditor General of Pakistan shall, on the basis of such audits as he considers appropriate or necessary, certify the accounts of a local government for each financial year shall also share his report with respective Mayor and finance commission.

(2) A Mayor of the local government may appoint an internal auditor in the prescribed manner for assisting and advising him in adding value to and improving local government operations.

130. Audit of accounts of neighborhood councils.— (1) Secretariat of the Finance Commission.— (1) The Finance Commission shall have a secretariat

comprising such number of officers and staff as the Government may from time to time determine.

(2) A copy of report on every audit carried out under sub-section (1) shall be submitted to the relevant chairperson and finance commission as well as the relevant designated officer.

(3) The chair person receiving audit report under sub-section (2) shall remedy, the defects or irregularities pointed out therein within three months and submit a report to the relevant designated officer.

(4) Where a report on remedying of defects and irregularities as required under sub-section (3) is not submitted to the designated officer, he shall report this matter to the Secretary.

131. Authority of Auditor General to inspect documents etc.— (1) The Auditor General shall, during the course of audit of a local government under this Ordinance, have the authority to:—

- (a) access and inspect all books, deeds, contracts, accounts, vouchers, receipts, maps, plans, documents, or other information, materials or things as he may reasonably require;
- (b) enter into and inspect, at all reasonable times, any building, land, premises or structure owned, used, managed or controlled by the local government; and
- (c) examine, at all reasonable times and after due notice, the head of the local government, convenor or any Member, the Chief Officer or any other officer or servant of the local government.

(2) It shall be the duty of every head of the local government, Convenor and Members, Chief Officer and other officers and servants of the local government or any other person or authority in the Islamabad capital Territory to afford every facility and cooperation to the Auditor General including provision of complete information or records or any other assistance as he may reasonably instruct in relation to the audit of a local government.

132. Statement of accounts and audit reports to be made public.— (1) The Chief Officer shall display at a conspicuous place in the office of the local government and such other places and manner as the Government may from time to time direct, a copy of the annual statement of accounts and audit report of accounts of the local government for public inspection.

(2) The Chief Officer shall also make available a book for the record of any objections or suggestions concerning the statement and report mentioned in sub-section (1) and shall also make arrangements so that any member of council or a resident of the local area or other person interested in the matter may, at any reasonable time, record his objections or suggestions in that book.

(3) The Chief Officer shall, at such intervals as the Government may from time to time direct, bring to the notice of the head of the local government, the convenor, Auditor General and the Government all objections or suggestions recorded in the book as mentioned in sub-section(2).

133. Audit fees.— (1) The Government may from time to time determine a scale of fee in respect of audit of accounts of local governments under this Ordinance.

(2) A local government shall pay to the Government such amount as fee for audit of its accounts in accordance with scale of fee determined under sub-section (1) above.

134. Power of the MCI to remove a mayor of the local government and convenor.— (1) A mayor of the local government shall stand removed from his office if the MCI, through a resolution passed by three-fourth majority of the members for the time being holding office, decide to remove him on the ground of misconduct or if, in their opinion, his removal appears to have become necessary for effective performance of functions by the local government.

(2) In the like manner, a convener shall stand removed from his office if the respective council, through a resolution passed by simple majority of the Members for the time being holding office, decide to remove him on the ground of misconduct or if, in their opinion, his removal appears to have become necessary for effective performance of the functions of the local government.

(3) A council shall not proceed against the head of the local government or convenor unless a notice to propose are solution under this section has been delivered upon the Government, the Chief Officer and the head of the local government.

(4) Every notice of intent to propose a resolution under this section shall:

- (a) be signed by at least one-third of the members holding office;
- (b) contain a statement of reasons for the proposed removal; and
- (c) specify a day for the holding of a special meeting of the council to consider the proposed removal, being a day, which is not less than

fifteen working days after the day on which the notice is delivered to the Chief Officer.

(5) On receipt of notice under sub-section (2), the Chief Officer shall forthwith send a copy of the same to every member and shall also display it at a conspicuous place in the office of the local government.

(6) Subsequent to the receipt of the notice, the convenor shall convene a special meeting of the council on the date specified in it to consider the proposed removal.

(7) In case the convenor does not take any steps to convene a special meeting by such day which is five days prior to the day specified under sub-section (3), a notice for the convening of special meeting shall be issued by the Government.

(8) The head of the local government or the convenor who is proposed to be removed from office shall have a right to make a statement of response in relation to the proposal for removal before the council.

Without prejudice to any other provision of this Ordinance, where a resolution for the removal of a head of the local government succeeds, the council shall dissolve immediately and fresh elections shall be called.

135. Certain limitations to apply in bringing a resolution for removal of a mayor of local government and convenor.— No resolution for the removal of a mayor of the local government or convenor shall be proposed or approved by the Mayor unless a period of twelve months has elapsed subsequent to the assumption of office by him or where a period of twelve months is remaining in completion of the term of the council in terms.

136. Oversight through committees of the council.— (1) A council may constitute such committees as it deems appropriate to oversee and report upon the performance of local government in its various functions and ancillary matters.

- (2) Among other things, such committees shall report upon:
- (a) achievement of any targets set out by the Mayor or the MCI;
 - (b) degree of responsiveness of the local government to citizen needs; and
 - (c) access to and quality of public services delivered by the local government.

(3) Upon consideration of report submitted by a committee, the MCI may, through a resolution passed with simple majority of votes of Members present and voting, require the head of the local government to take such action as it considers appropriate to effect improvement or remedy a defect or irregularity.

(4) During its work, a monitoring committee shall not intrude or interfere in or MCI the work of any officer of the local government.

(5) A member of the monitoring committee involved in violation of any provision of sub-section (4) shall be removed from the monitoring committee by the MCI.

137. Removal of a chairperson by neighbourhood council through vote of no-confidence.— (1) An application stating intention to move a motion of no-confidence against the chairperson shall be made to the relevant designated officer by not less than three-fourth of the total members of the respective neighborhood council.

(2) Having due regards to the provisions of sub-section (5), the designated officer shall, within fifteen days of the receipt of the application referred to in sub-section(1), convene and preside over a meeting of the neighbourhood council by giving seven clear days in notice, for taking decision on the no-confidence motion.

(3) A no-confidence motion shall be carried by not less than three-fourth majority of all the members for the time being holding office.

(4) Where a no-confidence motion is carried, the successor chairperson shall be appointed in accordance with the provisions of this Ordinance.

(5) No application referred to in sub-section (1) shall be made by members or accepted or acted upon by a designated officer if —

- (a) a period of not less than two years has lapsed from the date on which the chairperson has entered his office;
- (b) a period of six months or less is left in the term of the neighborhood council; and
- (c) a period of not less than six months has lapsed from the date of previous non-confidence motion, if any, was rejected.

138. Establishment of Local Government Commission.— As soon as may be, but not later than six months of the commencement of this Ordinance,

the Government shall constitute Local Government Commission, hereinafter referred to as the Commission, to perform such functions as are conferred upon it by or under this Ordinance.

139. Chairperson and members of the Commission.— (1) The Commission shall comprise of seven members including the Chairperson—

- (a) three elected Members of National Assembly from Islamabad Capital Territory shall be members of this commission:

Provided that the Government shall appoint one of the elected Member of National Assembly, as the Chairperson of the Local Government;

- (b) one senator elected against the seat reserved for Islamabad Capital Territory shall be member of this commission; and
- (c) three expert members, including one woman, appointed by the Government in terms as prescribed under this Ordinance.

(2) In the case of absence of the Chairman for any reason, the members shall elect one of the members present at the meeting to be the Chairperson for the duration of his absence.

(3) The Commission may co-opt any other person for advice in relation to a particular matter under its consideration; however, the co-opted members shall have no right of vote.

(4) No proceedings or actions of the Commission shall be invalid merely on the ground of existence of a vacancy or defect in composition of the Commission.

(5) The members of the local Government commission shall not be deemed to or construed to be in the service of Pakistan or Local Government.

140. Term of office and premature removal of certain members.— (1) The Government may, after due notice and inquiry, remove any member of the Commission, not being the MNA under this Ordinance, during the tenure of his office on the grounds of inefficiency, misconduct, misuse of office or inability to perform functions due to bad health or physical or mental incapacity.

(2) A person shall not be eligible for appointment as a member of the Commission if he has previously been removed from his office under sub-section (1).

141. Casual vacancies.— (1) Where the position of a member becomes vacant on account of his resignation, removal, death or for any other cause, the

Government shall appoint a person to fill this vacancy in the same manner as was applicable for the selection of that member.

(2) A person appointed under sub-section (1) shall hold office for the remainder of the term of office of the member whom he replaces.

142. Eligibility for appointment of expert members.— (1) A person shall be eligible for appointment as an expert member only if he—

- (a) holds at least sixteen years education in a discipline related to one or more functions of the Commission, possesses special knowledge of local government and their work with at least fifteen years experience in public administration, dispensation of justice, community development or any other related affairs;
- (b) is qualified to be a candidate for an election under this Ordinance;
- (c) is not in the service of Pakistan or any office or body which is set up, or owned or controlled by the Government, or a local government in the Islamabad Capital Territory, or in which the Government or a local government has a controlling share or interest or otherwise holds any office of profit in the Government; or
- (d) is not a member of a political party or holds any office of a political party or is in the employment of a political party or on the date of his consideration for appointment at least five years have not lapsed since he ceased to be such member, or holder of such office or in such employment.

(2) A person who has previously remained as an expert member shall be eligible for re- appointment as a member of the Commission.

143. Certain restrictions to apply on subsequent employment of an expert member.— A person who has remained as a member of the Commission as an expert member under this Ordinance shall not be eligible for appointment in the service of Pakistan or any statutory body or other body which is set up, or owned or controlled by the Government or a local government in the Islamabad capital territory, or in which the Government or a local government has a controlling share or interest or otherwise hold any office of profit in the Government unless a period of two years has elapsed since the date of relinquishment of his office as member.

144. Oath of office of members of the Commission.— Before entering upon office, every member of the Commission shall make an oath in the form set out in the Seventh Schedule.

145. Functions of the Local government Commission and duty of the government to have regards to their reports.— (1) Without any prejudice to other provision of this Ordinance, the Commission shall carry out following functions, namely:—

- (a) enquiries into any matter referred to it by the Government, or such other matters concerning a local government as are required under this Ordinance or considered important by the Commission;
- (b) coordination on key issues referred to it by the Government; and
- (c) advise the Government on general aspects concerning local government and neighbourhood council and on any particular aspect concerning local government, if so requested by the Government, the mayor of the local government or the Chief Officer;
- (d) submission of an annual report on various aspects of the performance of local governments in the Islamabad Capital Territory in such form as agreed with the Government;
- (e) resolve the dispute between any division, office, department of the government and local government and if the commission failed to settle the dispute, the aggrieved party may move to the government for resolution of dispute;
- (f) removal Mayor on account of Misconduct in the prescribed manner.

Explanation:— For the purpose of this Ordinance, any member including Mayor, Chairperson, Convenor, Officers and Officials of the Local Government or any other person shall be guilty of misconduct as defined in this Ordinance;

(2) The Government shall, during the exercise of its powers under this Ordinance, have regards to the reports of the Commission submitted in relation to the matters mentioned under sub-section (1).

146. Certain powers of a court to vest upon the Commission.— The Commission shall, for the purpose summoning and enforcing attendance of persons and examining them on oath, compelling the production of documents, receiving evidence on affidavits and appointment of commissions for record of evidence under this Ordinance, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908) and shall be deemed to be a Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

147. Procedure of the Commission.— (1) The Commission shall, subject to this Ordinance and the rules, regulate its own procedure.

(2) All decisions of the Commission shall be made through a simple majority vote of the members present and voting.

(3) All meetings of the Commission shall be open to the public, unless the members present thereat, by a simple majority of vote, consider that public information of the proceedings of the meeting shall be prejudicial to public interest by reason of confidential nature of business to be transacted at the meeting.

148. Duty of the Government, local governments etc. to cooperate with the Commission.— (1) The Commission may require the Government, a local government, or any person, office or authority in the Islamabad Capital Territory to render such assistance or to make available such information or records which it reasonably requires for the purposes of this Ordinance.

(2) It shall be the duty of the Government, every local government, person, office or authority in the Islamabad Capital Territory to render assistance or to make available such information or record as is required by the Commission under sub-section (1).

149. Secretariat of the Commission.— (1) The Commission shall have a secretariat comprising such number of officers and staff as the Government may from time to time determine.

(2) There shall be a separate budget for the Commission in the annual budget.

(3) The secretariat of the Commission shall be headed by the Chief Officer who shall also be the Principal Accounting Officer of the Commission.

150. Local Government Board.— (1) There shall be constituted a Board to be called the Local Government Board consisting of a Chairman and not less than three and not more than five members to be appointed by the Government on such terms and conditions as the Government may determine.

(2) The Director General Local Government shall be ex-officio Chairman, of the Board.

(3) The Government shall appoint a Secretary of the Board to deal with day-to-day administration of the Board and to perform such other functions as may be assigned to him by the Board.

- (4) The Board shall—
 - (a) deal with service matters in respect of the members of the prescribed local government service cadre; and
 - (b) perform such other functions as may be prescribed.
- (5) The business of Board shall be conducted in such manner as may be Prescribed.

151. Local development plan.— (1) Within six months of the assumption of office, mayor of the local government shall prepare a plan for the development of respective local area in relation to the functions of the local government under this Ordinance during the next four years, to be called the local development plan.

(2) A local development plan shall be prepared in such form and manner as the Government may by an order specify and, among other things, include:

- (a) objectives of the local government with respect to development of local area;
- (b) strategies for achievement of these objectives and indicators for monitoring such achievement; and
- (c) resource plan describing financial and other resources required for the attainment of stated objectives and how such resources shall become available to the local government.

(3) In the like manner, sufficiently before the commencement of a financial year, head of the local government shall prepare a draft plan of construction or other works and activities by or on behalf of the local government to be carried out during that financial year, called the draft annual development plan.

(4) Every draft annual development plan prepared under sub-section (3) shall be aligned to and contribute towards the objectives of the local development plan.

(5) The local development plans under this Ordinance shall be subject to approval by the CDA as per planning regulations set under the Master Plan, of Capital Development Authority Ordinance, 1960 (XXIII of 1960) and rules made thereof.

152. Initiation of proposals for new works etc.— (1) For the purpose of drawing up an annual development plan, the head of the local government

shall call for proposals for carrying out of construction or other works or activity by or on behalf of a local government.

(2) A proposal under sub-section(1) may be initiated by any one or more of the following, namely:—

- (a) a member of council;
- (b) the convenor;
- (c) the Chief Officer;
- (d) the council through are solution;
- (e) a resident of the local area;
- (f) Neighbourhood Council located in the relevant local area; and
- (g) by or under the authority of the Government.

(3) Every proposal under sub-section (1) shall be drawn in the prescribed form and made to the Chief Officer of the relevant local government by such dates as may be specified by the Mayor.

(4) The provisions of this section shall not apply to any construction or other work or activity by or on behalf of a local government for the maintenance, repair or renewing of any of its existing facility or amenity, the value of which does not exceed such amounts as the Government may, from time to time, specify.

153. Approval of annual development plan.— (1) The Mayor shall present the draft annual development plan before the council at a public meeting.

(2) The council may, with a simple majority of vote of all Members holding office:

- (a) revise the draft annual development plan; or
- (b) approve the draft annual development plan.

(3) Where in the view of the head of the local government, revision of the draft annual development plan by council is not in accordance with the provisions of this Ordinance or is otherwise inappropriate, he may, again present the draft annual development plan, with or without any revision, before the council, and after due consideration, the council may:

- (a) approve it with a simple majority of vote of all Members holding office; and
- (b) revise or reject it with a two-third majority of vote of all members holding office.

(4) Without any prejudice to other provisions of this section, the annual development plan presented by the head of the local government under sub-section (3) which is not rejected or revised by the council with two-third majority, should be deemed to have been approved.

154. **Planning Guidelines.**— As soon as may be, but not later than six months of the commencement of this Ordinance, the Governments shall by an order notified in the official gazette, specify planning guidelines for approval of construction or other works or activity by or on behalf of local government.

Chapter-13

Municipal Offences and their Cognizance

155. **Municipal offences.**— Acts of omissions listed in the second column of the Eleventh Schedule by a person, either directly or in directly, by himself or any other person, shall be an Offence under this Ordinance and shall be prosecuted or dealt with in the manner given under this Ordinance.

156. **Establishment of Municipal Warden Unit.**— (1) There shall be a Municipal Warden Unit in Islamabad under this Ordinance as may be prescribed. Municipal Warden Unit shall be headed by Director level officer who shall be appointed by the Provincial Government through notification among the pool of officers working in ICT.

(2). Mayor shall be functional head of the Municipal Wardens for purposes of this Ordinance.

157. **Cognizance of municipal offences.**— (1)The relevant Municipal Warden shall, on the basis of information laid before him, or on the basis of own knowledge or otherwise, forthwith proceed to investigate an offence in the prescribed manner.

(2) Every investigation under sub-section (1) shall, unless so authorized by the respective Municipal Magistrate, be completed within fifteen days.

(3) Where as a result of an investigation, the Municipal Warden arrives at that there is sufficient evidence of the commission of an offence, he shall draw a charge sheet against such person or persons whom he considers guilty of the

offence and mention therein the amount of administrative penalty which shall be paid by them, in view of pecuniary limits mentioned at third column of the Fifteenth Schedule against that offence.

(4) Every charge sheet under sub-section (3), along with necessary evidence and a notice for payment of administrative penalty shall be forthwith communicated by the Municipal Warden to all persons against whom it is drawn with an option to settle the charge, or as the case may be the charges, by paying the mentioned amount to the respective local government within a period specified in the notice or, in case they wish so, appear before their respective Municipal Magistrate by that date and contest their case.

(5) Where a person fails to pay administrative penalty within the period specified under sub-section(4), the Municipal Warden shall submit the charge or charges against that person alongwith the investigation report and necessary evidence before the respective Municipal Magistrate.

(6) Every Municipal Warden shall once during each calendar month, or at such other lesser intervals as the District Magistrate may direct, submit a complete list of persons who were proceeded against by him during this period under this section and have not paid administrative penalty in full along with charge or charges against each to the respective Municipal Magistrate.

(7) Notwithstanding anything contained in this Ordinance, where any person, in the opinion of Municipal Warden Unit, is contravening any provision of the law relating to the offences specified in twelfth Schedule, the Municipal Warden shall charge the accused by issuing ticket as prescribed.

158. Proceedings before the Municipal Magistrate.— (1) Where on the basis of the investigation report and evidence submitted before him by the Municipal Warden under this Ordinance, the Municipal Magistrate considers that a prima facie case exists, he shall proceed to decide the matter.

(2) For the purpose of sub-section (1), the procedure for a trial in summary manner provided under the Code of Criminal Procedure, 1898 (Act V of 1898) shall mutatis mutandis apply to the proceedings of the Municipal Magistrate.

(3) If after proceeding in the case under sub-section (2), the Municipal Magistrate considers that a person charged under this Ordinance has committed an offence under this Ordinance, he shall direct the person to pay administrative penalty having regards to the pecuniary limits given under fourth column of the Fifteenth Schedule against that offence by a specified time.

(4) If, despite direction under sub-section(3), a person fail stop any administrative penalty within the specified period, then for cement officer may either direct the Municipal Warden to file a complaint before the respective Municipal Magistrate or any other competent court or proceed to recover it in any one or more of the following manners, namely:—

- (a) attachment of immoveable property or sale of any movable property, including bank account of the person;
- (b) appointment of receiver for the management of the movable or immovable property of the person;
- (c) recovery of the amount as arrear of land revenue through the Collector concerned; and
- (d) require any entity to deduct and pay the penalty to the local government from whom any amount is due or is likely to be due to the person or who holds, or controls or is likely to control the receipt or disposal of any amount belonging to the person.

(5) Municipal Magistrate shall hear appeals against the decisions of Municipal Warden and may impose penalties as prescribed.

(6) Municipal Magistrates shall work under supervision of District Magistrate.

159. Certain powers of a court to vest upon Municipal Magistrate.—

(1) An Municipal Magistrate, for the purpose summoning and enforcing attendance of persons and examining them on oath, compelling the production of documents, receiving evidence on affidavits and appointment of commissions for record of evidence under this Ordinance, shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (V of 1908) and shall be deemed to be a Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898).

(2) Without prejudice to any provision of sub-section (1), an Municipal Magistrate shall be deemed to be an Executive Magistrate with the meanings of the Code of Criminal Procedure, 1898 (Act V of 1898).

160. Appointment of Municipal Magistrates and Municipal Wardens.— (1) Municipal Magistrates shall be appointed by the Provincial Government.

- (2) Municipal Warden shall be appointed as prescribed under this Ordinance.
- (3) The Chief Officer shall, in consultation with the Mayor, designate areas which constitute the jurisdiction of each Municipal Warden

161. General powers of Municipal Wardens and Municipal Magistrates.— (1) Where, an Municipal Warden or Municipal Magistrate considers that, such action is warranted in the interest of public health, safety, convenience or welfare, or to avoid danger to life or property, he may, in relation to an offence listed in the Eleventh Schedule, by a written order—

- (a) suspend, remove or caused to be removed, any work;
- (b) seize, destroy or caused to be destroyed, any good or thing;
- (c) seal premises;
- (d) prohibit an activity; and
- (e) direct that certain measures shall be taken by the relevant person by such time and in such manner as the considered necessary and appropriate.

(2) A person who fails to promptly obey the direction of an Municipal Warden or Municipal Magistrate under sub-section (1) shall an offence punishable with imprisonment which shall not exceed one year, or with fine which shall not exceed one-hundred thousand rupees.

162. Right of citizen not affected.— Nothing contained in this section shall effect the right of a citizen or resident of local area to bring a legal suit or any other legal proceedings against any local government, its officers and servants for violating his rights under any law for the time being in force.

163. Punishment for non-payment of tax etc.— A person against whom a tax, fee, rate, toll or other charge imposed upon him under this Ordinance has become final and he does not pay the same despite demand of the Chief Officer or an officer authorized him in this behalf, shall be guilty of an offence punishable with imprisonment for a term not exceeding six months and a fine not exceeding five hundred thousand rupees, or with both.

164. Penalty for disobedience of an order of neighbourhood council to remove obstruction or refrain from causing public inconvenience.— A person who, without sufficient cause, does not act or undertakes the work as required of him in a notice served upon him under the provisions of this Ordinance within the period specified therein, shall be guilty of an offence punishable with a fine which may extend to fifty thousand rupees and if such offence continues, with a further fine which may extend to one thousand rupees for every day after the first during which the offence continues.

165. Penalty for disregard or disobedience of a general order of neighbourhood council.— A person who, without sufficient cause, disregards or disobeys a general order of a neighbourhood council passed under the provisions of this Ordinance, shall be guilty of an offence punishable with a fine which may extend to twenty-five thousand rupees and if such offence continues, with a further fine which may extend to five hundred rupees for every day after the first during which the offence continues.

Chapter-14

Miscellaneous

166. **Administration of Federal Education Directorate.**— (1) The Federal Directorate of Education (FDE) shall report to the Mayor for all purposes of the education to the extent of the Capital Territory of Islamabad.

(2) Head of the Federal Directorate of Education shall be appointed with the consent of the Mayor.

167. **Transfer of wings of Capital Development Authority to the MCI.**— (1) After the commencement of this Ordinance, within one year, all wings of Capital Development Authority shall be transferred to the MCI except mentioned below—

- (a) Chairman Secretariat;
- (b) Planning Wing; and
- (c) Estate Wing.

Provided that the administration wing and finance wing of the Capital Development Authority shall be partially transferred to the MCI, subject to the notification by the Government in light of the Capital Development Authority Ordinance, 1960 (XXIII of 1960).

(2) The CDA shall remain custodian of its land bank and other land transferred by the Federal Government and shall develop the same as prescribed by the government or decided by CDA Board.

(3) The Wings as mentioned in proviso of sub-section (1) shall also be established by the MCI. The assets, rights and liabilities of the said wings shall be divided between the CDA and MCI as per their requirements to be worked out by the Local Government Commission or the Government prescribed from time to time.

(4) The government can assign any specific function of MCI to CDA or any other Authority/ Organization it may deem fit.

(5) For the purposes of continuity the on-going Projects being executed or implemented through CDA shall be completed by CDA.

168. **Transfer of departments of Islamabad Capital Territory (ICT) Administration to MCI.**— The following departments of ICT Administration shall transfer to MCI with all rights, assets and liabilities:—

- (a) Labour Department
- (b) Auqaf Department;

- (c) Civil Defense Department;
- (d) Food Department;
- (e) Zakat & Ushar Department;
- (f) Agriculture Department;
- (g) Live Stock & Dairy Development;
- (h) Water Management Department;
- (i) Soil Conservation Department; and
- (j) Fisheries Department.

(2) Relevant enactments of these departments shall stand amended accordingly.

169. **Regularization of employees.**— (1) All the employees who are serving in CDA, ICTA and MCI and transferred to the MCI as mentioned in the provisions of this Ordinance, including as a contingent, ad-hoc, contractual or serving on any project and working on deputation shall be regularized by the Mayor in the manner prescribed by MCI under this Ordinance.

(2) Within a period to be notified with prescribe manner under this Ordinance by administrative division may exercise a one-time irrevocable option to become employees of local government Islamabad. The civil servants or who opt for such employment shall be subject to term and conditions of employment as may be prescribed including but not limited to their service structure, promotion and disciplinary matters, such opting employees shall be entitled to all post-retirement benefits and emolument as per existing their rules and policy. The local government shall deposit pension contribution on their behalf, in future all new appointment must have been by local government as local government employees.

(3) All transferred employees who opt by choice to transfer to MCI for such employment, shall be subject to term and conditions of employment as may be prescribed including but not limited to their service structure, promotion and disciplinary matters. Such opting employees shall be entitled to all post-retirement benefits and emolument as per their existing rules and policy. The local government shall deposit pension contribution on their behalf, in future all new appointments must have been made by local government employees as local government employees.

(4) A person who does not exercise the option pursuant to sub-section 2 shall retain employment status prior to the commencement of this Ordinance, whether an employee of authority or a civil servant, entitled to all perks and privileges declared by the Federal Government or Authority from time to time and shall be deemed an employees of local government.

170. Chief Officer, other officers and servants of local governments.— (1) Local government shall have a Chief Officer and such number and description of other officers and servants as the Government may from time to time determine as prescribed by the rules.

(2) All servants of a local government shall be appointed by that local government in the prescribed manner and subject to such general directions and conditions as the Government may, from time to time, consider appropriate.

171. Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Ordinance, the Government may make such order, not inconsistent with the provisions of this Ordinance as may appear to be necessary, for the purpose of removing the difficulty.

172. All heads of the local governments, convenor, members, officer and servants of the local governments to be public servants.— All heads of the local governments, Convenor, officers and servants of the local government and any other person authorized to Ordinance under this Ordinance shall be deemed to be a public servant within the meanings of section 21 of the Pakistan Penal Code, 1860 (Act XIV of 1860).

173. Resolution of disputes inter se neighbourhood councils or with a local government and other agency.— (1) Where a dispute arises between two or more neighbourhood councils, either of the neighbourhood council may refer it to the local government commission to resolve the issue.

(2) Where a dispute arises between a neighbourhood council with a local government, either of the two may refer it to the Secretary Administrative Division for decision.

174. Neighbourhood council staff.— (1) The number and nature of employees of a neighbourhood council shall be such as the Government may, from time to time, determine.

(2) Notwithstanding anything to the contrary contained in any law for the time being in force, all employees referred to in sub-section (1) shall be liable to termination at a notice of thirty days and ineligible for regular employment and associated benefits including promotion, pension and gratuity.

175. Remuneration etc. for Mayor, Convenor and Members of Council.— With the previous approval of the Government, MCI may, with a simple majority of vote, allow such remuneration, honoraria, allowance and other benefits to the mayor of the, Convenor, members and professional members of the Mayor's Cabinet as it may consider appropriate.

176. **Training of Mayor, Convenor and Members.**— Mayor, Convenor and Members shall attend such training at such place and for such period, as the Government may from time to time direct.

177. **Delegation of powers by a local government.**— Subject to the rules, a local government may delegate any of its powers, except the powers of the council, to the mayor of the local government or any of its officers or servants.

178. **Bar of suits etc. for action taken in good faith.**— No suit, prosecution, or other legal proceedings shall lie against any officer or servant of a local government, or any other person acting under this Ordinance, for anything done in good faith under this Ordinance.

179. **Bar against employment of mayor of the local government, convenor and Members in the local government.**— No head of the local government, convenor and Member of a local government shall be employed by or under that local government unless a period of three years has lapsed since his seizing to be such head of the local government, convenor or Member.

180. **Power to make rules and bye-laws.**— (1) The Government may, by notification in the official gazette, make rules for carrying out the purposes of this Ordinance.

(2) A local government may, and if required so by the Government shall, within ninety days of such instruction, make bye-laws not inconsistent with the rules and the Ordinance.

(3) Where a local government fails to meet the requirements of sub-section (2), the Government may prescribe bye-laws for that local government which shall be valid as if framed by that local government.

(4) Every bye-law shall come into force on publication in the official gazette.

(5) The Government may by notification establish or abolish any number of Regulatory Authorities/ Directorates for distribution of functions under this Ordinance.

181. **Neighbourhood councils to promulgate bye-laws.**— (1) Every neighbourhood council may, having due regards to the provisions of this Ordinance and the rules made thereunder, make bye-laws to carry out the purpose of this Ordinance in so far as it relates to its functions, powers and duties.

(2) The by-laws made under sub-section (1) shall not have effect unless these are declared to be compliant with the provisions of this Ordinance and the rules made there under and are published in such manner as may be prescribed.

182. Government may prescribe model by-laws.—The Government may, having due regards to the provisions of this Ordinance and the rules made thereunder, prescribe model bye-laws for adoption by neighbourhood councils.

183. Power to issue regulations and standing orders.— (1) The Secretary of the administrative Division may, with the approval of the Minister issue regulations on policy matters relating to the work of local governments which shall be consistent with the provisions of the Ordinance and the rules made thereunder.

(2) The Secretary may, issue standing orders on general matters relating to the work of local governments which shall be consistent with the Ordinance, rules made thereunder and the regulations.

184. Repeal and Savings.— (1) The Islamabad Capital Territory Local Government Act, 2015 (X of 2015) is hereby repealed.

(2) Save as otherwise provided specifically provided in this Ordinance, nothing in the Ordinance shall affect or be deemed to affect anything done, action taken, investigation or proceedings commenced, order, rule, regulation, bye-laws appointment, conveyance, mortgage, deed, document or agreement made tax or fee levied, resolution passed, direction given, proceedings taken or instrument executed or issued, under or in pursuance of the Capital Territory Local Government Ordinance, 1979 and section 15-A of the Capital Development Authority Ordinance, 1960 and any such thing, action, investigation, proceedings, order, rule, regulation, bye-laws, appointment, conveyance, mortgage, deed, document, agreement, tax, fee, resolution, direction, proceedings or instrument shall, if in force at the commencement 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.

Chapter-15

Transitional Arrangements

185. Interim authorities and continuation of public services.— (1) On coming in to force of this Ordinance, all Mayors, Chairmen, Deputy Mayors and Members of the defunct local governments shall cease to hold their respective offices forthwith.

(2) Subject to any other relevant law, all officers and servants of the defunct local governments shall continue to discharge their respective duties and

exercise their powers with the successor local governments under this Ordinance, till such time they are assigned or transferred to any other local government.

(3) Nothing in this section shall preclude the Government from appropriately re-organizing the defunct local governments or for that matter reorganizing or reassigning any other office or authority established under the Islamabad Capital Territory Local Government Act, 2015 (X of 2015).

186. Interim maintenance of offices and authorities to be transferred to local governments under this Ordinance.— Pending the transfer of control of the office, agency or authority referred under the provisions of this Ordinance, any public service, or duty or other function which at the commencement of this Ordinance is being undertaken or performed by that office, agency or authority shall, notwithstanding any provision of this Ordinance, continue to be undertaken by that office or authority till such time that it is transferred to the local government.

187. Fiscal transfers and taxes etc. to continue.— (1) On coming into force of this Ordinance, where a local government was receiving any fiscal transfer, grant or compensation in lieu of Zilla tax or Octroi, the successor local government shall continue to receive such transfer, grant or compensation.

(2) All taxes, cess, fee, toll, rates, rent, fee or other charges which were being charged under the Islamabad Capital Territory Local Government Act, 2015 (X of 2015) shall continue to be charged under this Ordinance, and every person liable to pay such tax, cess, fee, toll, rate, rent, fee or other charge shall continue to pay, unless such tax, cess, fee, toll, rate, fee or other charge is revised, withdrawn or varied under this Ordinance.

188. Fiscal transfers and budget of the succeeding local governments for the first year in office.— (1) If for any reason, on the date of assumption of office by a local government under this Ordinance for the first time, no Finance Commission has been established, capital fund and the share of transfers to local governments from the Government, amount shall be determined by an interim committee constituted by the Government.

189. Salaries and emoluments of officers and servants of the local governments during transition.— (1) On their allocation, re-allocation or transfer, the salary, pensioner benefits and other emoluments of the officers and servant of the defunct local governments and any other office, agency or authority established under the Islamabad Capital Territory Local Government Act, 2015 (X of 2015), shall not be reduced or varied to their detriment.

(2) For the removal of any ambiguity in this regard, all officers and servants of the defunct local governments and any other office, agency or

authority established under the Islamabad Capital Territory Local Government Act, 2015 (X of 2015), shall continue to receive their authorized salary, pensioner benefits and other emoluments up till the time they are allocated, re-allocated or transferred to local governments constituted under this Ordinance.

First Schedule

(See section 75)

Declaration on Finality of Prophethood

I, (mention here the name of the candidate taking oath), son of, wife of or the daughter of (mention here the name of father of the candidate and in case the candidate is a married female, the name of her husband) do hereby solemnly swear that I believe in the absolute and unqualified finality of the Prophethood of Hazrat Muhammad (Peace be upon him), the last of the prophets, and that I am not the follower of anyone who claims to be a Prophet in any sense of the word or of any description whatsoever after Hazrat Muhammad (peace be upon him), and that I do neither recognize such a claimant to be Prophet or religious reformer nor do I belong to the Qadiani group or the Lahori group or call myself Ahmadi.

Second Schedule

(See section 78)

**Oath of Office of the Mayor of the Local Government
(in the name of Allah, the most Beneficent, the most Merciful)**

I, (mention here the name of the head of the local government taking oath), son of, wife of or the daughter of (mention here the name of father of the head of the local government and in case the Mayor of the local government is a married female, the name of her husband) elected as (mention here the office of Mayor of the local government as the case maybe) of the (mention here the name of respective local government) do hereby solemnly (incase the Mayor is a Muslim) swear, or (in case the Mayor is a non-Muslim) affirm:

That, I shall bear true faith and allegiance to Pakistan and would always work to strengthen its ideology, integrity, solidarity and prosperity;

And that, I shall perform my duties under the Islamabad Local Government Ordinance, 2021 and rules, bye-laws and regulations made under it and all other applicable laws, honestly, efficaciously and efficiently to the best of my ability;

And that I shall, as (mention here the office of the Mayor of the local government viz. Lord Mayor, Mayor of Chairperson), always work in the best interest of the residents without any favour or prejudice and shall not allow my personal interest to influence my official conduct or my official decision;

And that I shall, to the best of my ability, use moneys and resources of the (mention the name of the local government) in the best interest of the residents and would do all what is required to prevent misuse or misappropriation of such money or resources;

And that in all circumstances I shall do right to all people according to law without fear or favour, ill shall, or discrimination;

And that I shall, always act according to and uphold and promote democratic values;

And that I shall not directly or indirectly communicate or reveal to any person any matter which shall become known to me in my official capacity, except as may be required for the due discharge of my duties.

May Allah Almighty, or (in case the Mayor is a non-Muslim) God, help and guide me (A'meen)

Third Schedule

(See section 79)

**Oath of the Office of the Convenor
(in the name of Allah, the most Beneficent, the most Merciful)**

I, (mention here the name of the convenor taking oath), son of, wife of or the daughter of (mention here the name of father of the convenor and in case the convenor is a married female, the name of her husband) elected as convenor of (mention here the name of respective local government) do hereby solemnly (in case the convenor is a Muslim) swear, or (in case the convenor is a non-Muslim) affirm:

That, I shall bear true faith and allegiance to Pakistan and would always work to strengthen its ideology, integrity, solidarity and prosperity;

And that, I shall perform my duties under the Islamabad Local Government Ordinance, 2021 and rules, bye-laws and regulations made under it and all other applicable laws, honestly, efficaciously and efficiently to the best of my ability;

And that I shall, as a convenor, always work in the best interest of the residents and shall not allow my personal interest to influence my official conduct or my official decision;

And that I shall, to the best of my ability, use moneys and resources of the (mention the name of the local government) in the best interest of the residents and would do all what is required to prevent misuse or misappropriation of such money or resources;

And that in all circumstances I shall do right to all people according to law without fear or favour, ill shall, or discrimination;

And that I shall, always act according to and uphold and promote democratic values;

And that I shall not directly or indirectly communicate or reveal to any person any matter which shall become known to me in my official capacity, except as may be required for the due discharge of my duties.

May Allah Almighty, or (in case the convenor is a non-Muslim) God, help and guide me (A' meen)

Countersigned
Signature and seal of the
Presiding Officer

Signature of the Declarant

Fourth Schedule

(See section 79)

**Oath of Office of Members of Council/Chairperson/
Members of Neighbourhood**

(in the name of Allah, the most Beneficent, the most Merciful)

I, (mention here the name of the councillor taking oath), son of, wife of or the daughter of (mention here the name of father of the Member and in case the Member is a married female, the name of her husband) elected as councillor to (mention here the name of respective local government) do hereby solemnly (in case the councillor is a Muslim) swear, or (in case the councillor is a non-Muslims) affirm:

That, I shall bear true faith and allegiance to Pakistan and would always work to strengthen its ideology, integrity, solidarity and prosperity;

And that, I shall perform my duties under the Islamabad Local Government Ordinance, 2021 and rules, bye-laws and regulations made under it and all other applicable laws, honestly, efficaciously and efficiently to the best of my ability;

And that I shall, as a councillor, always work in the best interest of the residents and shall not allow my personal interest to influence my official conduct or my official decision;

And that I shall, to the best of my ability, use moneys and resources of the (mention the name of the local government) in the best interest of the residents and would do all what is required to prevent misuse or misappropriation of such money or resources;

And that in all circumstances I shall do right to all people according to law without fear or favour, ill shall, or discrimination;

And that I shall, always act according to and uphold and promote democratic values;

And that I shall not directly or indirectly communicate or reveal to any person any matter which shall become known to me in my official capacity, except as may be required for the due discharge of my duties.

May Allah Almighty, or (in case the councillor is a non-Muslim) God, help and guide me (A' meen)

Countersigned
Signature and seal of the
Presiding Officer

Signature of the Declarant

Fifth Schedule
(See section 79)

Declaration of Immediate Relatives etc.

I, (mention here the name of the declarant), son of, wife of or the daughter of (mention here the name of father of the declarant and in case the declarant is a married female, the name of her husband) elected as or holding the office of (mention here the office of the declarant) of (mention here the name of respective local government) do hereby declare that my immediate relatives, or employer or employee, or persons intimately known to me who either hold, or are a candidate for appointment to any office of the local government or a contract for supply of goods or services or for any other purpose under the local government are as under:—

- (a) (mention here the name, father's name of the person declared or in case the person declared is a married female, the name of her husband, the position held or to which that person is a candidate for or the respective contract for supply of goods or services of for any purpose under the local government)
- (b)
- (c)

Countersigned
Signature and seal of the
Presiding Officer

Signature of the Declarant

Sixth Schedule

(See Section 68)

Declaration of Assets

I, (mention here the name of declarant), son of, wife of or the daughter of (mention here the name of father of declarant and in case the declarant is a married female, the name of her husband) elected as or holding the office of (mention here the office of the declarant) of (mention here the name of respective local government) do hereby declare that I and my parents, spouse, children and dependant(s) own following assets:—

A Immovable Property: Land									
S. No.	Location	Area	Nature (agricultural, residential, commercial etc.)	Present value	Name of owner	Extent of Declarant's interest	Date of acquisition	Manner of acquisition	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1									
2									
3									
4									
B Immovable Property: Residential Property									
S. No.	Address	Area	Present use	Present value	Name of owner	Extent of declaration interest	Date of acquisition	Manner of acquisition	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1									
2									
3									
4									
C Immovable Property: Other description									
S. No.	Address	Area	Present use	Present value	Name of owner	Extent of Declarant's interest	Date of acquisition	Manner of acquisition	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1									
2									
3									
4									
A Movable Property: Cash in hand, Credit, Insurance Policy, Debenture, Shares etc.									
S. No.	Descrip- tion	Present value	Name of owner	In case of loan, name of creditor and relationship between creditor with declarant		Date of acquisition	Manner of acquisition	Remarks	
(1)	(2)	(3)	(4)	(5)		(6)	(7)	(8)	
1									
2									
B Movable Property: Businesses									
S. No.	Description	Capital	Name of owner	Date of acquisition	Manner of acquisition		Remarks		
(1)	(2)	(3)	(4)	(5)	(6)		(7)		
1									
2									
C Movable Property: Motor Vehicles									
S. No.	Description (make, model, registration)	Present value	Name of owner	Date of acquisition	Manner of acquisition		Remarks		
(1)	(2)	(3)	(4)	(5)	(6)		(7)		
1									
2									

D Movable Property: Bank Account(s)						
S. No.	Account number, title, Bank and Branch	Present value	Name of account holder	Date of acquisition	Manner of acquisition	Remarks
1						
2						

I hereby declare that the Declaration made above is complete, true and correct to the best of my knowledge and belief .

Signature of the Declarant

Seventh Schedule
(See Section 144)

Oath of Office for Member of Capital Finance Commission

(in the name of Allah, the most Beneficent, the most Merciful)

I, (mention here the name of the member taking oath), on being appointed as a member of the Finance Commission, do hereby solemnly affirm:

That, I shall bear true faith and allegiance to Pakistan and would always work to strengthen its ideology, integrity, solidarity and prosperity;

And that, I shall perform my duties in accordance with the spirit of the provisions of Islamabad Local Government Ordinance, 2020 and rules, bye-laws and regulations made under it as well as the other applicable laws, honestly, efficaciously and efficiently to the best of my ability;

And that I shall, as a member of Finance Commission, always work in the best interest of the citizens of the Islamabad Capital Territory and shall not allow my personal interest to influence my official conduct or my official decision;

And that in all circumstances I shall do right to all people according to law without fear or favour, ill shall, or discrimination;

And that I shall not directly or indirectly communicate or reveal to any person any matter which shall become known to me in my official capacity, except as may be required for the due discharge of my duties.

May Allah Almighty, or (in case the councillor is a non-Muslim) God, help and guide me (A'meen)

Countersigned
Signature and seal of the
Presiding Officer

Signature of the Declarant

Eighth Schedule
(See Section 51)

Grounds for Suspension or Removal of a Head
of the local government, Convenor or Councillor

To be read with section 136 and 137 of this Ordinance.

- (a) Where the Mayor of the local government, convenor or, as the case may be, member is corrupt or involves himself in a corrupt practice within the meaning of section 2 of this Ordinance or under any other law for the time being in force;
- (b) Where the Mayor of the local government, convenor or, as the case may be, member generally acts in a manner which is prejudicial to the public interest;
- (c) Where the Mayor of the local government, convenor or, as the case may be, member repeatedly exceeds any authority or repeatedly misuses any authority conferred upon him under this Ordinance;
- (d) Where the Mayor of the local government, convenor or, as the case may be, member grossly exceeds any authority or grossly misuses any authority conferred upon him under this Ordinance;
- (e) Where the Mayor of the local government, convenor or, as the case may be, member is convicted of an offence involving moral turpitude or an offence carrying punishment of three years and more under any law for the time being in force;
- (f) Where the Mayor of the local government, convenor or, as the case may be, member incurs any of the disqualifications enumerated in the provisions of this Ordinance or otherwise becomes ineligible for being elected as a head of the local government, convenor or, as the case may be, member;
- (g) Where the Mayor of the local government, convenor or, as the case may be, member fails to take oath or submit a declaration under this Ordinance;
- (h) Where the Mayor of the local government, convenor or, as the case may be, member violates any provision of the oath undertaken by him under this Ordinance;
- (i) Where the Mayor of the local government, convenor or, as the case may be, Member fails to declare assets under the provisions of this Ordinance despite notice;

- (j) Where the Mayor of the local government, convenor or, as the case may be, member being the head of the local government, absents himself from office without reasonable cause repeatedly;
- (k) Where the Mayor of the local government, convenor or, as the case may be, member absents himself from three consecutive meetings of the council;
- (l) Where the Mayor of the local government, convenor or, as the case may be, member contravenes one or more provisions of this Ordinance;
- (m) Where the Mayor of the local government, convenor or, as the case may be, member is guilty of misconduct in terms of this Ordinance;
- (n) Where the Mayor of the local government, convenor or, as the case may be, member fails to comply with a lawful instruction of the Government despite notice; and
- (o) Where being the Mayor of the local government, he fails to undertake any measure or arrangement as required under the provisions of this Ordinance;

Ninth Schedule
(See section 134)

Grounds for Suspension or Removal of MCI

- (a) Where the MCI has been unable to meet its financial obligations for the last two financial years;
- (b) Where the local government becomes insolvent and remains so for a period of one financial year;
- (c) Where the local government generally acts in a manner prejudicial to the public interest; or
- (d) Where the local government otherwise grossly exceeds or abuses the authority conferred upon it under this Ordinance.

FORM-A

Oath of Office for Member
Local Government Commission

(in the name of Allah, the most Beneficent, the most Merciful)

I, (mention here the name of the member taking oath), on being appointed as a member of the Local Government Commission, do hereby solemnly affirm:

That, I shall bear true faith and allegiance to Pakistan and would always work to strengthen its ideology, integrity, solidarity and prosperity;

And that, I shall perform my duties in accordance with the spirit of the provisions of Islamabad Local Government Ordinance, 2020 and rules, bye-laws and regulations made under it as well as the other applicable laws, honestly, efficaciously and efficiently to the best of my ability;

And that I shall, as a member of Local Government Commission, always work in the best interest of the citizens of the Islamabad and shall not allow my personal interest to influence my official conduct or my official decision;

And that in all circumstances I shall do right to all people according to law without fear or favour, ill shall, or discrimination;

And that I shall not directly or indirectly communicate or reveal to any person any matter which shall become known to me in my official capacity, except as may be required for the due discharge of my duties.

May Allah Almighty, or (in case the member is a non-Muslim) God, help and guide me (A'meen)

Countersigned
Signature and seal of the
Presiding Officer

Signature of the Declarant

Serial	Offence	First stage administrative penalty	Administrative penalty by Municipal Magistrate	Imprisonment or fine to be imposed upon a person on conviction by a competent court (maximum limit)
A	Offences relating to unlawful use of public space			
(1)	(2)	(3)	(4)	(5)
(1)	Obstructing or tampering with any road, street, drain or pavement	Rupees one thousand	Rupees one thousand to four thousand	Imprisonment of seven days, or fine of rupees ten thousand or both
(2)	Fixing of wooden cabins or temporary shops or extension thereof on footpaths or beyond the street line	Rupees two thousand	Rupees two thousand to eight thousand	Imprisonment of seven days, or fine of rupees fifteen thousand or both

(3)	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.	Rupees thirty thousand, removal at encroacher's expense	Rupees fifty thousand to one hundred thousand, removal at encroacher's expense	Imprisonment for thirty days, or fine of rupees three hundred thousand, or both and removal of encroachment at encroacher's expense
(4)	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.	Rupees thirty thousand , removal at encroacher's expense	Rupees fifty thousand to one hundred thousand, removal at encroacher's expense	Imprisonment for thirty days, or fine of rupees three hundred thousand, or both and removal of encroachment at encroacher's expense
(5)	Changing or converting into any other use any portion of a commercial building or area specified or earmarked for public parking.	Rupees one Hundred and fifty thousand, removal at encroacher's expense	Rupees three hundred thousand to five hundred thousand, removal at encroacher's expense	Imprisonment for three months, or fine of rupees five hundred thousand, or both and removal of encroachment at encroacher's expense
(6)	Plying of handcarts for the sale of goods without permission	Rupees eight hundred	Rupees one thousand to two thousand	Imprisonment of seven days, or fine of rupees five thousand or both
(7)	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 government.	Rupees eight hundred	Rupees one Thousand to two thousand	Imprisonment of seven days, or fine of rupees five thousand or both
(8)	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 by a local government without permission	Rupees twenty five thousand, removal at encroacher's expense	Rupees thirty thousand to one hundred thousand, removal at encroacher's expense	Imprisonment for thirty days, or fine of rupees three hundred thousand, or both and removal of encroachment at encroacher's expense
(9)	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.	Rupees five thousand	Rupees five thousand to twenty thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(10)	Exhibiting any obscene advertisement.	Rupees ten thousand	Rupees thirty thousand	Imprisonment of one month, or fine of rupees one hundred thousand or both

(11)	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 concerned local government.	Rupees twenty five thousand, removal at encroacher's expense	Rupees thirty thousand to one hundred thousand, removal at encroacher's expense	Imprisonment for thirty days, or fine of rupees three hundred thousand, or both and removal of encroachment at encroacher's expense
(12)	Establishing any bus, wagon, taxi or other commercial motorized or non-motorized vehicle stand, for purposes 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.	Rupees one hundred thousand	Rupees one hundred thousand to five hundred thousand	Imprisonment of six months, or fine of rupees one million or both
B Offences relating to littering and spoiling				
(13)	Failure of the owner or occupier of an industrial or large commercial unit to cause or to knowingly or negligently allow 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	Rupees one hundred thousand	Rupees one Hundred thousand to five hundred thousand	Imprisonment of six months, or fine of rupees one million or both
(14)	Failure by the owner or occupier of a house or small shop to cause or to knowingly or negligently allow 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	Rupees four thousand	Rupees five thousand to twenty thousand	Imprisonment of seven days, or fine of rupees one hundred thousand or both
(15)	Throwing or placing any refuse, litter or garbage on any street, or in an place, not provided or appointed for the purpose by a local Government.	Rupees five hundred	Rupees five hundred. thousand to five thousand	Imprisonment of seven days, or fine of rupees ten thousand or both
(16)	Failure to provide for disposal of litter or garbage inside or outside a shop by its owner or occupier.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees thirty thousand or both
(17)	Failure to maintain clean premises of the area in front of a shop or office up to the public street or road serving this facility.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees thirty thousand or both

(18)	Failure to maintain clean premises of the area in front of a factory up to the public street or road serving this facility.	Rupees fifteen thousand	Rupees Twenty thousand to fifty thousand	Imprisonment of seven days, or fine of rupees one hundred thousand or both.
(19)	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 or occupier of a house, shop or office or premises.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees two thirty thousand or both
(20)	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 or occupier of an industry	Rupees forty, thousand	Rupees one hundred thousand to five hundred thousand	Imprisonment of seven days, or fine of rupees ten hundred thousand or both
(21)	Failure to clean the premises, houses, shops and cultivated lands of the plastic bags and other non-perishable materials.	Rupees two thousand	Rupees three thousand to ten thousand	imprisonment of seven days, or fine of rupees one twenty thousand or both
(22)	Damaging or polluting physical environment, inside or outside private or public premises; in a manner to endanger public health.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees two hundred thousand or both
(23)	Dumping of solid waste and refuse by any person or entity on a place other than landfill or dumping site, notified or designated by the concerned local Government.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees two hundred thousand or both
C	Offences relating to cattle, animals and pets			
(24)	Keeping or maintaining any cattle in any part of city where keeping of cattle is prohibited or failure to remove the cattle from the prohibited zone within the specified time when an order to this effect has beenmade	Rupees three thousand	Rupees four thousand to ten thousand	Imprisonment of one month, or fine of rupees thirty thousand or both
(25)	Keeping ferocious dogs or other animals in residential areas or taking such animals to public places or the areas specified by the local government, without leash or chain and without being muzzled or to set at large any animal or dog infected with rabies or any other infectious disease.	Rupees eight hundred	Rupees one thousand to four thousand	Imprisonment of seven days, or fine of rupees ten thousand or both
(26)	Obstructing lawful seizure of animals liable to be impounded on the ground of violations of rules or	Rupees fifteen thousand	Rupees twenty thousand to fifty thousand	Imprisonment of seven days, or fine of rupees two hundred thousand

	bye-laws governing the picketing, tethering, keeping, mulching or slaughter of animals or their trespass of private or public property.			or both
(27)	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.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(28)	Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.	Rupees seven thousand	Rupees fifteen thousand to thirty thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(29)	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.	Rupees fifteen thousand	Rupees twenty thousand to fifty thousand	Imprisonment of seven days, or fine of rupees two hundred thousand or both
(30)	Causing or permitting to be caused by any owner or keeper of an animal which, through neglect or otherwise, damages any land or crop or produce of land, or any public road.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(31)	Selling of individual cattle and animal in contravention of any law, rule or bye-laws of a local government.	Rupees fifteen thousand	Rupees twenty thousand to fifty thousand	Imprisonment of seven days, or fine of rupees two hundred thousand or both
(32)	Establishment and operation of a cattle market in contravention of any law, rule or bye-laws of a local government	Rupees two Hundred thousand	Rupees five hundred thousand to one million	Imprisonment for three months, or fine of rupees two million, or both
(33)	Keeping pigeon or other birds in a manner causing danger to air traffic	Rupees fifteen thousand	Rupees twenty thousand to fifty thousand	Imprisonment of seven days, or fine of rupees two hundred thousand or both
D	Offences relating to disposal of dead and carcasses of animals etc.			
(34)	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.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(35)	Disposal of carcasses of animals within prohibited distance.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both

(36)	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.	Rupees two thousand	Rupees three thousand to ten thousand	Imprisonment of seven days, or fine of rupees one twenty thousand or both
E	Offences relating to unlawful interference with local government properties and infrastructure			
(37)	Obstructing or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or sewerage system.	Rupees ten thousand	Rupees ten thousand to fifty thousand	Imprisonment of one month, or fine of rupees one hundred thousand or both
(38)	Owner or occupier of a house or shop drawing off, diverting or taking any water except with the previous permission of the local government	Rupees fifteen thousand	Rupees twenty thousand to fifty thousand	Imprisonment of seven days, or fine of rupees one hundred thousand or both
(39)	Owner or occupier of an industrial or a large commercial unit drawing off, diverting or taking any water except with the previous permission of the local government	Rupees seventy thousand	Rupees one hundred thousand to three hundred thousand	Imprisonment of one month, or fine of rupees five hundred thousand or both
(40)	Laying out a drain or altering a drain in a street or road without the previous sanction of the local government	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(41)	Connecting any house drain with a drain in a public street without the previous sanction of the local government	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(42)	Defacing or disturbing, without due authorization, any direction-post, lamp post or lamp extinguishing or any light arranged by a local government.	Rupees two thousand	Rupees three thousand to ten thousand	Imprisonment of seven days, or fine of rupees one twenty thousand or both
(43)	Failure to deliver back possession of property to the local government on cancellation and expiration of lease.	Rupees seventy thousand	Rupees one hundred thousand to two hundred thousand	Imprisonment of one month, or fine of rupees one five hundred thousand or both
F	Offences relating to sources of water supply etc.			
(44)	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.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(45)	Failure by the owner or occupier of any land or building to clean, repair, cover, fill up or drain off any private well, tank or other source of water supply, which is declared under this Ordinance to be injurious to health or offensive to the neighbourhood.	Rupees seven thousand	Rupees fifteen thousand to thirty thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both

(46)	Failure to stop leakages of water pipes, faucets and sanitary fittings resulting in dirty water pools affecting physical environments and breeding of mosquitoes.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(47)	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.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(48)	Extraction of water for industrial or commercial purposes without approval	Rupees seventy thousand	Rupees hundred thousand to three hundred thousand	Imprisonment of fourteen days, or fine of rupees five hundred thousand
(49)	Extraction of water from a natural stream, lake, pond or other water body of historic significance	Rupees three thousand	Rupees five thousand to ten thousand	Imprisonment of seven days, or fine of rupees twenty thousand or both
G	Offences relating to maintenance of trees, plants and hedges etc.			
(50)	Failure by the owner or occupier of a land to cut or trim the hedges growing thereon which overhang any well, tank or other source from which water is derived for use public	Rupees eight hundred	Rupees one thousand to four thousand	Imprisonment of seven days, or fine of rupees ten thousand or both
(51)	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	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(52)	Illegally cutting down of any tree, from any street or road of a local government road	Rupees thirty thousand	Rupees fifty thousand to one hundred thousand	Imprisonment of seven days, or fine of rupees two hundred thousand or both
H	Offences relating to public nuisance and public health			
(53)	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 in and around a hospital or an educational institution.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(54)	Loud shouting in abusive language causing distress to the inhabitants of a neighbourhood or village or any other public place.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both
(55)	Using or allowing the use for human habitation of a building declared by a local government to be unfit for human habitation.	Rupees fifteen thousand	Rupees twenty thousand to fifty thousand	Imprisonment of seven days, or fine of rupees two hundred thousand or both
(56)	Failure to lime- wash or repair a building, if so required by local government.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees fifty thousand or both

(57)	Begging importunately for alms by exposing any deformity or disease or any offensive sore or wound to solicit charity.	Rupees eight hundred	Rupees one thousand to four thousand	Imprisonment of seven days, or fine of rupees ten thousand or both
(58)	Discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain, or sewer, public water course or public land vested in or managed, maintained or controlled by the local government 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.	Rupees thirty thousand	Rupees fifty thousand to one hundred thousand	Imprisonment of one month, or fine of rupees two hundred thousand or both
(59)	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.	Rupees seventy thousand	Rupees hundred thousand to two hundred thousand	Imprisonment of one month, or fine of rupees five hundred thousand or both
(60)	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.	Rupees twenty thousand	Rupees thirty thousand to fifty thousand	Imprisonment of one month, or fine of rupees one hundred thousand or both
I Offences relating to land use and building control				
(61)	Undertaking of a site development scheme without approval, violation of any prohibition provided in the master land use plan or sanctioned site development schemes under this Ordinance or any other law for the time being in force including the plans and schemes sanctioned under the repealed enactments.	Rupees one hundred thousand	Rupees one hundred thousand to one million	Imprisonment of one month, or fine of rupees five million or both
(62)	Erection or re-erection of a building without the sanction required under this Ordinance or using a building for a purpose which may endanger public safety	Rupees one hundred thousand and removal at owner's expense	Rupees one Hundred thousand to one million and removal at owner's expense	Imprisonment of one month, or fine of rupees five million or both and removal at owner's expense
(63)	Establishing a brick kiln and lime kiln within such distance of a residential area as may be specified by the local government.	Rupees seventy thousand and removal at owner's expense	Rupees one Hundred thousand to three hundred thousand and removal at owner's expense	Imprisonment of one month, or fine of rupees five hundred thousand or both and removal at owner's expense
J Offences relating to public safety				
(64)	Manufacturing, storing, trading or carrying fire crackers, fire balloons or detonators or any dangerous chemical, inflammable, hazardous or offensive article or material without license from concerned authority.	Rupees ten thousand	Rupees fifteen thousand to fifty thousand	Imprisonment of fifteen days, or fine of rupees one hundred thousand or both

(65)	Excavation of earth, stone or any other material within such distance of the residential area as specified by the local government.	Rupees thirty thousand	Rupees fifty thousand to one hundred thousand	Imprisonment of one month, or fine of rupees five hundred thousand or both
(66)	Failure to demolish or otherwise secure a building declared by the local government to be dangerous building.	Rupees fifteen thousand and removal at owner's expense	Rupees twenty thousand to fifty thousand and removal at owner's	Imprisonment of one month, or fine of rupees one hundred thousand or both and removal at owner's expense
(67)	Digging of public land without the permission in writing of local government.	Rupees ten thousand	Rupees fifteen thousand to fifty thousand	Imprisonment of fifteen days, or fine of rupees one hundred thousand or both
(68)	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.	Rupees thirty thousand	Rupees fifty thousand to one hundred thousand	Imprisonment of one month, or fine of rupees five hundred thousand or both
(69)	Dyeing or tanning skins within such distance of any commercial or residential areas as may be specified by the local government.	Rupees fifteen thousand	Rupees twenty thousand to fifty thousand	Imprisonment of one month, or fine of rupees one hundred thousand or both
(70)	Crushing and grinding of limestone and quartz without approval	Rupees fifteen thousand	Rupees twenty thousand to fifty thousand	Imprisonment of one month, or fine of rupees one hundred thousand or both
K	Other offences			
(71)	Failure to furnish, on requisition, information in respect of any matter which a local government is authorized to call for under any of the provisions of this Ordinance, rules or bye-laws or furnishing wrong information.	Rupees eight hundred	Rupees one thousand to two thousand	Imprisonment of seven days, or fine of rupees five thousand or both
(72)	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.	Rupees thirty-five thousand	Rupees fifty thousand to one hundred thousand	Imprisonment of one month, or fine of rupees five hundred thousand or both
(73)	Preparing or using counterfeit or proscribed Forms of the local government.	Rupees twenty thousand	Rupees thirty thousand to fifty thousand	Imprisonment of one month, or fine of rupees one hundred thousand or both
(74)	Wilfully obstructing any officer or servant of a local government or any person authorized to exercise power conferred under this Ordinance.	Rupees thirty thousand	Rupees fifty thousand to one hundred thousand	Imprisonment of one month, or fine of rupees five hundred thousand or both
(75)	Doing an act without license or permission when the doing of such act requires a license or permission under any of the provisions of this Ordinance or the rules or bye-laws.	Rupees fifteen thousand	Rupees twenty thousand to fifty thousand	Imprisonment of seven days, or fine of rupees one hundred thousand or both
(76)	Evasion of payment of tax or other impost lawfully levied by a local government.	Rupees two thousand and report to police	Rs.4,000 and report to police	Confinement for three weeks / fine (minimum amount to be more than previously imposed)

(77)	Contravention of any prohibition or direction of the local government issued under this Ordinance or the rules.	Rupees three thousand	Rupees five thousand to fifteen thousand	Imprisonment of seven days, or fine of rupees thirty thousand or both
(78)	Contravention of the prohibition or attempt or abetment of any of the offences in this Schedule	Rupees three thousand	Rupees five thousand to one hundred thousand	Imprisonment of seven days, or fine of rupees two hundred thousand or both

DR. ARIF ALVI,
President.

RAJA NAEEM AKBAR,
Secretary.