

Sindh Local

Government Act, 2013

With
Sindh Local Councils (Election)
Rules, 2013

Including Index

2015



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SINDH LOCAL GOVERNMENT ACT, 2013

(Sindh Act No. XLII of 2013)

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

KARACHI, THE 16TH SEPTEMBER, 2013

NO.PAS/Legis-B-04/2013- The Sindh Local Government Bill, 2013 having been passed by the Provincial Assembly of Sindh on 19th August, 2013 and assented to by the Governor of Sindh on 26th August, 2013 is hereby published as an Act of the Legislature of Sindh.

AN ACT

to rationalize and reorganize the local government system in the Province of Sindh

WHEREAS it is expedient to establish an elected local government system to devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments; to promote good governance, effective delivery of services and transparent decision making through institutionalized participation of the people at local level; and, to deal with ancillary matters.

It is enacted as follows:

CHAPTER-I**INTRODUCTION**

1. Short title, extent and commencement.- (1) This Act may be called the Sindh Local Government Act, 2013.

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force at once.

2. Exception.- The Government may if so deemed necessary in public interest pass an order after recording reasons, exclude any area or areas from the operation of such provision or provisions of this Act and may make alternate provisions for such area by rules as may be deemed appropriate.

3. Definitions.-¹[Omitted] In the Act, unless the context otherwise requires –

²[Omitted]

- (ii) “Annual rental value” means the gross annual rent at which a building or land may be let from year to year;
- (iii) “budget” means an official statement of the income and expenditure of a Council for a financial year;
- (iv) “building” includes any shop, house, hut, out-house, shed, stable, enclosure, wall, well, verandah, platform, plinth, ramp, staircase and steps;
- (v) “Board” means the Sindh Local Government Board constituted under section 128;
- (vi) “building line” means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed;
- (vii) “bye-laws” means bye-laws made under this Act;
- (viii) “Cantonment Board” means a Cantonment Board constituted under the Cantonment Act, 1924 (Act II of 1924);
- (ix) “cattle” means cows, buffalows, bulls, oxen, bullocks, heifers, calves, camels, sheep and goats;
- (x) “Chairman” means the Chairman and includes Chairperson of a Council constituted under this Act;
- (xi) “Chief Executive” means the Municipal Commissioner, Chief Municipal Officer, Chief Officer, Town Officer or Secretary, as the case may be;

¹Omitted by Act No. LIII/2013, dated, 2/11/2013

² Omitted by Act No. LIII/2013, dated, 2/11/2013

- (xii) “Chief Municipal Officer” means the Officer Incharge of the Administration of a Municipal Committee;
- (xiii) “Chief Officer” means the Officer Incharge of the Administration of a District Council;
- (xiv) “city” means an area declared to be a city under this Act;
- (xv) “conservancy” means the collection, treatment, removal and disposal of refuse;
- (xvi) “Corporation” means a Metropolitan Corporation, District Municipal Corporation or Municipal Corporation;
- (xvii) “Council” means a Corporation, Municipal Committee, Town Committee, District Council ³[Union Committee] or Union Council, as the case may be;]
- (xviii) “dairy” includes any farm, cattle shed, cow house, milk shop, milk store or other place from where milk products are supplied for sale;
- (xix) “Deputy Mayor” means the Deputy Mayor of the Corporation;
- (xx) “District” means a revenue district as notified under the Sindh Land Revenue Act, 1967;
- (xxi) “District Council” means a District Council Constituted under this Act;
- (xxii) “District Municipal Corporation” mean a District Municipal Corporation constituted in a City under the Act;
- (xxiii) “Division” means a Revenue Division;
- (xxiv) “drain” includes sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sullage;
- (xxv) “dwelling house” means any building used substantially for human habitation;
- (xxvi) “elected member” means a member, who has been elected under the provisions of this Act;
- (xxvii) “Election Commission” means the Election Commission of Pakistan;
- (xxviii) “electoral unit” means a portion of a local area from which one or more members shall be elected;
- (xxix) “employee of the Council” means a person holding a post as mentioned in the Schedule of Establishment;
- (xxx) “encroachment” means unauthorized occupation of or undue interference with a street, building, land, place or premises vesting in or under the management or control of a Council;
- (xxxi) ⁴[Omitted.]
- (xxxii) “factory” has the same meaning as is assigned to it under the Factories

³ Inserted by Act No. LIII/2013, dated, 2/11/2013

⁴ Omitted by Act No. LIII/2013, dated, 2/11/2013

- Act, 1934 (Act XXV of 1934);
- (xxxiii) “food” has the same meaning as is assigned to it under the Sindh Pure Food Ordinance, 1960 (West Pakistan Ordinance VII of 1960);
- (xxxiv) “Government” means the Government of Sindh;
- (xxxv) “infectious disease” means cholera, plague, small pox and tuberculosis and includes such other disease as Government may, by notification in the official Gazette declare to be an infectious disease for the purposes of the Act;
- ⁵[(xxxv-a) ‘labourer’ includes a worker or workman as defined in the Factories Act, 1934 or in an industrial or commercial establishment as defined in the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968, at clerical labour for hire or reward or under the Sindh Industrial Relations Act, 2013.]
- (xxxvi) “land” has the same meaning as is assigned to it under the Land Acquisition Act, 1894 (Act I of 1894) and includes the land covered with water;
- (xxxvii) “land revenue” has the same meaning as is assigned to it under the Sindh Land Revenue Act, 1967 (Act XVII of 1967) and includes charges levied for grazing under any law for the time being in force;
- (xxxviii) “local area” means an area, which lies within the jurisdiction or limits of a Council;
- (xxxix) “Local Fund” means the Fund of a Council;
- (xl) “Local Government Commission” means the Sindh Local Government Commission constituted this Act;
- (xli) “market” means a place where persons assemble for the sale and purchase of meat, fish, fruit, vegetables or any other articles or goods, or for the sale and purchase of livestock or animals and includes a shopping centre, a commercial office or premises and any place which may be notified as a market in accordance with the rules;
- (xlii) “Mayor” means the Mayor of a Corporation;
- (xliii) “Member” means a member of a Council;
- (xliv) “Metropolitan Corporation” means Metropolitan Corporation constituted under this Act or any other area declared as such by Government;
- (xlv) “Municipal Commissioner” means the Officer Incharge of the Administration of a Corporation;
- (xlvi) “Municipal Committee” means a Municipal Committee constituted under this Act;
- (xlvii) “municipality” means an urban area declared as a municipality under this Act;

⁵ Inserted by Act No. LIII/2013, dated, 2/11/2013

- (xlviii) “nuisance” includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;
- (xlix) “occupier” includes an owner in actual occupation of his own building or land or is liable to pay to the owner the rent or any portion of the rent of the land or building;
- (l) “owner” includes the person for the time being receiving the rent of a building or land, whether on his own account or as an agent or trustee for any person or society or for any religious or charitable purpose;
- (li) ⁶“peasant” includes a person who is engaged personally in the cultivation of land;]
- ⁷[(li-a) “political party” means an association of citizens or a combination or groups of such associations formed with a view to propagate or influence political opinion and participate in elections for any elective public office or for membership of legislative body or a council;]
- (lii) “prescribed” means prescribed by rules;
- (liii) “primary education” means education imparted to all or any of the classes I to VIII in any school other than a high school, by a Council from its own resources;
- (liv) “prohibited zone” means any part of the local area of an urban Council declared as prohibited zone under this Act;
- (lv) “Province” means the Province of the Sindh;
- (lvi) “graveyard” means a place used for the burial of dead which is not a private property and is open to public;
- (lvii) “public place” means any building, premises or place to which the public have access;
- (lviii) “public vehicle” means any vehicle which ordinarily plies for hire;
- (lix) “public way” means a way maintained by Government or by a Council or other local authority;
- (lx) “population” means the population in accordance with the last preceding census officially published;
- (lxi) “public road” means a road maintained by Government or by a Council or a local authority;
- (lxii) “public street” means a street maintained by Government or by a Council or a local authority;
- (lxiii) “rate” means an impost levied for the purpose of recovering expenses incurred on providing a service facility to the residents of any area or on

⁶ Substituted by Act No. LIII/2013, dated, 2/11/2013

⁷ Inserted by Act No. XVIII of 2014, dated 28/10/2014

- any work of public utility;
- (lxiv) “refuse” includes rubbish, broken bricks, mortar, broken glass, offal, night soil, sweepings, carcasses of animals, deposit of sewerage, waste blood, horn, hoofs, bones and meat waste and any other offensive matter;
- (lxv) “relative” means and includes parents, guardians, children, adopted children, brothers and sisters;
- (lxvi) “remuneration” includes salary, allowances and pension;
- (lxvii) “rent” means whatever is lawfully payable in money or kind by a tenant or lessee on account of occupation of any building or land;
- (lxviii) “road” includes a road which is not a thoroughfare;
- (lxix) “rules” means rules made under this Act;
- (lxx) “Rural Council” means a Union Council or a Zila Council;
- (lxxi) “rural area” means any area which is not an Urban Area;
- (lxxii) “Schedule” means a Schedule to this Act;
- (lxxiii) “Schedule of Establishment” means the Schedule of Establishment prepared under this Act;
- (lxxiv) “Secretary” means the Secretary of a Union Council and Town Committee;
- (lxxv) “Sindh Councils Unified Grades” means the service constituted under section 121;
- (lxxvi) “street line” means a line dividing the land comprised in, and forming part of, a street from the adjoining land;
- (lxxvii) “sullage” includes sewerage, polluted water, rain water and any other offensive matter carried by a drain;
- (lxxviii) “specify” means specified by an order of Government;
- (lxxix) “street” includes a street which is not a thoroughfare;
- (lxxx) “tannery” means any building, place or premises where hides and skins are dyed or tanned;
- (lxxxii) “tax” includes any toll, rate, cess, fee, or other impost leviable under this Act;
- (lxxxiii) “tenant” means a person who cultivates agricultural land not exceeding sixteen acres and is liable to give batai of such land to the Zamindar but does not own agricultural land;
- (lxxxiiii) “Town” means an urban area declared as Town under the Act;
- (lxxxiv) “Town Committee” means a Town Committee constituted under the Act;
- (lxxxv) “Town Officer” means the Officer Incharge of the Administration of a Town Committee;
- (lxxxvi) “Tribunal” means a Tribunal constituted under this Act;
- (lxxxvii) “Union” means a rural area declared as Union under this Act;
- (lxxxviii) “Union Committee” corresponding to the wards as determined by the Government.
- (lxxxix) “Union Council” means Union Council constituted under this Act;
- (xc) “urban area” means an urban area recognized or declared as such under

- this Act:
- (xci) “Urban Council” means a town committee, a municipal committee, a municipal corporation or a metropolitan corporation;
- (xcii) “Vehicle” means a wheeled conveyance capable of being used on a street;
- (xciii) ⁸[Omitted;]
- (xciv) “village” means the area comprising of a revenue estate within the meaning of the Sindh Land Revenue Act, 1967(Act XVII of 1967);
- (xcv) “voter” means a person whose name for the time being appears on the electoral rolls prepared or adopted for the purposes of the Act;
- (xcvi) “water works” includes a lake, stream, spring, well, reservoir, cistern, tank, duct, sluice, pipe, engine or other appliance and anything for supplying or used for supplying water;
- (xcvii) “way” means a road, footpath, square, alley or passage leading to a public way or not;
- (xcviii) ⁹[Omitted]
- (xcix) “ward” means a basic electoral unit under this Act;
- (c) ¹⁰[“youth” means a person below the age of twenty five years at the time of filing of nomination papers.]

4. Succession.- The Councils established under this Act shall succeed the rights, assets and liabilities of the councils established under the Local Government Laws in the Province.

5. Council to work within the framework of the Provincial Government.- (1) The Councils established under the Act shall function within the provincial framework and shall faithfully observe the Federal and Provincial Laws.

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

¹¹6. [Omitted]

7. Councils to be a body corporate.- (1) A Council shall be a body corporate, having perpetual succession and a common seal with power, subject to the provisions of this Act and the rules, to acquire, hold and alienate property, both movable and immovable and shall by its name sue and be sued.

(2) The seal shall be in accordance with the description approved by the Council and shall remain in the custody of the Chief Executive who shall be responsible for its proper use.

⁸ Omitted by Act No. LIII/2013, dated, 2/11/2013

⁹ Omitted by Act No. LIII/2013, dated, 2/11/2013

¹⁰ Added by Act No. XXXVIII/2015, dated 27/8/2015

¹¹ Omitted by Act No. LIII/2013, dated, 2/11/2013

CHAPTER-II

COUNCILS

8. Local areas.- (1) Government shall, by notification in the official Gazette, categorize a District into urban area and rural area.

(2) For purposes of the Act, Government shall, by notification, declare a local area consisting of –

(a) urban area in a District, as a Metropolitan Corporation, District Municipal Corporation, Municipal Corporation, Municipal Committee, Town Committee ¹[, Union Committee and ward];

(b) rural area in a District, as a District Council and Union Council.

(3) Government may, by notification in the official Gazette, after inviting public objections and suggestions, alter the limits of a local area and declare that any area shall cease to be a Union Council, District Council, Municipal Committee, Corporation, Town Committee ²[, Union Committee and ward].

(4) Any two or more adjoining Councils within a District may, after inviting public objections through a resolution passed by two-thirds majority of the total membership of each of the councils, make a proposal to Government for a change in their ³[revenue boundaries] subject to the condition that no revenue boundary shall be divided and the size of population in the relevant local area shall, as far as possible, be close to the average population of similar local areas in the District.

⁴18-A.- (1) The ward will be basic electoral unit.

9. Division and reconstitution of a council.- (1) Government may, by notification in the official Gazette, divide a council into two or more councils or reconstitute two or more councils as one council or alter the limits of ⁵[a council except a Union Council or Union Committee during the process of delimitation] a council and may specify in the notification the consequences which shall ensue upon the publication of such notification.

(2) When, as a result of such division or reconstitution, any new council is

¹ Substituted by Act No. XII/2015, dated, 2/3/2015

² Substituted by Act No. XII/2015, dated, 2/3/2015

³ Substituted by Act No, LIII/2013, dated, 2/11/2013

⁴ Inserted by Act. No. XII/2015, dated, 2/3/2015

⁵ Inserted by Act No. XII/2015, dated, 2/3/2015

constituted, in accordance with the provisions of the Act in the manner specified in the notification –

(a) the existing members of any council so divided or reconstituted shall become the members of such council as the Government may, by notification, specify as if each such member had been elected to that Council; and

(b) such council shall, to the extent and in the manner specified in the notification, be the successor of the council so divided or reconstituted ¹[:]

²[Provided that the limits of a local area shall remain unchanged after announcement of election schedule by the Election Commission till the notification of returned candidates of the election.]

10. ³[⁴Delimitation of Union Council, Union Committee and ward.- (1) Government shall, by notification in the Official Gazette, determine the number of Union Councils, Union Committees and Wards in Municipal Committees and Town Committees in accordance with the First Schedule.

(2) After demarcation of the Councils under section 8 and determination of the number of Union Councils, Union Committees and Wards under sub-section (1), the Election Commission shall delimit the Union Councils, Union Committees and Wards.

(3) As far as possible –

(a) the area of a Union Council, Union Committee or a Ward, as the case may be, shall be a territorial unity;

(b) the population of the Union Councils, Union Committees or Wards, as the case may be, in a District shall be uniform;

(c) the boundaries of a Union Council, Union Committee or a Ward shall not cross the limits of a revenue taluka or as the case may be, a Metropolitan Corporation, District Municipal Corporation, Municipal Corporation, Municipal Committee and Town Committee;

(d) the principles laid down in the Delimitation of Constituencies Act, 1974 or any other law, for the time being in force, may be adhered to.

(4) A Union Council or Union Committee shall consist of four Wards for general members and shall be an area consisting of one or more revenue dehs or

¹ Substituted by Act No. XII/2015, dated, 2/3/2015

² Added by Act No. XII/2015, dated, 2/3/2015

³ Substituted by Act No. XVIII of 2014, dated 28/10/2014

⁴ Substituted by Act No. XII/2015, dated, 2/3/2015

wards, or one or more census blocks, 'as determined for the purpose of the last preceding census, or a census block or are venue deh, delimited and notified as such by the Election Commission.

(5) The Ward in an urban or rural area shall, as far as possible, consist of a census block or adjoining census blocks as determined for the purpose of the last preceding census or a census block or blocks and are venue deh or dehs delimited and notified as such by the Election Commission.]

11.- [Omitted]

12. Characteristics of a local area.- ²[Omitted] Any area declared as Union, Town, Municipality or Corporation shall, as far as possible be compact and contiguous with territorial unity.

13. Declaration of urban and rural areas.- (1) Government may, after inviting objections from the residents of an area and hearing those from amongst them who wish to be heard, declare by notification such area, to be an urban area or rural area, as the case may be.

(2) For the purposes of the Act, all areas which are urban areas or rural areas, as the case may be, at the time of commencement of the Act shall be deemed to be urban areas or rural areas, as the case may be.

14. Declaration of Town, Municipality, Municipal Corporation and Metropolitan Corporation.- (1) Government may, by notification, declare any urban area other than the area of a Cantonment Board as –

- (a) a Union Committee;
- (b) a Town Committee;
- (c) a Municipal Committee;
- (d) a Municipal Corporation;
- (e) a Metropolitan Corporation.

³(2) Government may, after inviting objections from the residents of any Town Committee, Municipal Committee, Municipal Corporation or Metropolitan Corporation and hearing those from amongst them who wish to be heard in person, declare by notification the status of such council accordingly.]

¹ Omitted by Act No. XVIII of 2014, dated 28/10/2014

² Omitted by Act No. LIII/2013, dated, 2/11/2013

³ Substituted by Act No. XII/2015, dated, 2/3/2015

(3) When the declaration has been made under sub-section (2), the Members, Chairman and Vice-Chairman or, Mayor and Deputy Mayor, as the case may be, of the Council existing immediately before the declaration, shall be deemed to be the Members, Chairman and Vice-Chairman or, Mayor or Deputy Mayor, or as the case may be, of the Council to be constituted for the local area after the declaration, until elections are held to such Council.

CHAPTER-III

CONSTITUTION AND COMPOSITION OF COUNCILS

15. Constitution of Council.- ¹[Omitted] As soon as may be, the following Councils shall be constituted –

- (a) in urban area –
- (i) a Union Committee for each ward in the Corporation;
 - (ii) ²[a Town Committee for each Town comprising of single member of ward;]
 - (iii) ³[a Municipal Committee for each Municipality comprising of single member of ward;]
 - (iv) ⁴[a Municipal Corporation for each city comprising of Union Committees;]
 - (v) a District Municipal Corporation for each district of the Metropolitan city; and
 - (vi) a Metropolitan Corporation for each Metropolitan city;
- (b) in rural area –
- (i) a Union Council for each Union;
 - (ii) a District Council for each District;

⁵ [⁶Provided that for the districts in Karachi Division there shall be one District Council comprising of such areas of said districts.]]

16. Name of the Council.- A Council shall, unless Government notifies otherwise, be known as the Council of the place where its office is situated.

¹ Omitted by Act No. LIII/2013, dated, 2/11/2013

² Substituted by Act No. LIII/2013, dated, 2/11/2013

³ Substituted by Act No. LIII/2013, dated, 2/11/2013

⁴ Substituted by Act No. LIII/2013, dated, 2/11/2013

⁵ Omitted by Act No. LIII/2013, dated, 2/11/2013.

⁶ Proviso revived by Act No. XXVII/2015, dated, 20/5/2015

17. Extension or alteration of area of a Council.- ¹[Government may, after inviting objections from the residents of any Union Council, Union Committee, Town Committee, Municipal Committee, Municipal Corporation or Metropolitan Corporation, and hearing those from amongst them who wish to be heard, by notification after consulting concerned Council, extend, curtail or alter the limits of such Council, or declare that any such Council, shall from a specified date, cease to be Union Council, Union Committee, Town Committee, Municipal Committee, Municipal Corporation or Metropolitan Corporation.

Provided that nothing contained in this section shall apply to a Union Council and Union Committee, during the period of delimitation process.]

18. Composition of Councils.- (1) A Council shall consist of such number of directly or indirectly elected members ²[as provided in this Act or] as may, from time to time, be determined by Government.

(2) Union Committees.- ³[There shall be such number of Union Committees in urban areas as may be determined by Government and each Union Committee shall comprise of the following members:-

- (a) a Chairman and a Vice Chairman to be elected as joint candidates;
- (b) four general members each elected from his respective ward;
- (c) two woman member;
- (d) one labourer or peasant member;
- (e) one youth member;
- (f) one non-Muslim member:

Provided that the persons in clauses (a) and (b) shall be elected on the basis of adult franchise by the electors falling within the respective Union Committee or ward respectively, while the members in clauses (c) to (f) shall be elected in the manner as may be prescribed;

Provided further that the Chairman of Each Union Committee shall represent the Union Committee in Metropolitan Corporation or Municipal Corporation, as the case may be, and Vice Chairman shall represent the Union Committee in respective District Municipal Corporation.]

(3) District Municipal Corporation.- There shall be a District Municipal Corporation for each district in a Metropolitan Corporation and shall comprise of the following members:-

¹ Substituted by Act No. XII/2015, dated, 2/3/2015

² Substituted by Act No. LIII/2013, dated, 2/11/2013

³ Substituted by Act No. XXXVIII/2015, dated 27/8/2015

(a) all the elected Vice Chairmen of the Union Committees falling within that District;

(b) reserved seats to the extent of ¹[33%] for women members, ²[5% for youth members], 5% for non-Muslim members and 5% for labourer or peasant members elected in the manner provided in section 18-A;

(c) the District Municipal Corporation so constituted shall elect a Chairman and Vice Chairman respectively from amongst its members elected by ³[secret ballot].]

(4) Metropolitan Corporation.- ⁴[A Metropolitan Corporation shall comprise of the following members:-

(a) all the elected Chairmen of the Union Committees of respective Districts;

(b) reserved seats to the extent of ⁵[33%] for women members, ⁶[5% for youth members] 5% for non-Muslim members and 5% for labourer or peasant member elected in the manner provided in section 18-A;

(c) the Metropolitan Corporation so constituted shall elect a Mayor and Deputy Mayor from amongst its members elected by ⁷[secret ballot].]

(5) Union Council.- ⁸[There shall be such number of Union Councils in the rural areas as may be determined by Government and Union Councils shall comprise of the following members:-

(a) a Chairman and a Vice Chairman to be elected as joint candidates;

(b) four general members, each elected from his respective ward;

(c) two woman member;

(d) one labourer or peasant member;

¹ Substituted by Act No. XXXVIII/2015, dated 27-8-2015

² Inserted by Act No. XXXVIII/2015, dated 27/8/2015

³ Substituted by Act No. XXXVIII/2015, dated 27/8/2015

⁴ Substituted by Act No. XII/2015, dated, 2/3/2015

⁵ Substituted by Act No. XXXVIII/2015, dated 27-8-2015

⁶ Inserted by Act No. XXXVIII/2015, dated 27/8/2015

⁷ Substituted by Act No. XXXVIII/2015, dated 27/8/2015

⁸ Substituted by Act No. XXXVIII/2015, dated 27/8/2015

(f) one youth member;

(e) one non-Muslim member.

Provided that the person in clause (a) and (b) shall be elected on the basis of adult franchise by the selector falling within the respective Union Council, while the members in clause (c) to (g) shall be elected in the manner as may be prescribed.]

(6) District Council.- There shall be a District Council which shall comprise of the following members –

¹(a) ²[one member from each Union Council of the district to be directly elected on the basis of adult franchise by electors falling within the respective Union Council];

(b) reserved seats to the extent of ³[33%] for women members, ⁴[5% for youth members], 5% for non-Muslim members and 5% for labourer or peasant members elected in the manner provided in section 18-A;

(c) the District Council so constituted shall elect a Chairman and a Vice Chairman as joint candidates from amongst its members by ⁵[secret ballot].]

(7) Municipal Corporations.- There shall be as many Municipal Corporations as may be determined by Government and shall comprise of the following members –

⁶(a) ⁷[chairman] elected by Union Committees;

(b) reserved seats to the extent of ⁸[33%] for women members, ⁹[5% for youth members], 5% for non-Muslim members and 5% for labourer or peasant members elected in the manner provided in section 18-A of the Act;

(c) the Municipal Corporations so constituted shall elect a Mayor and Deputy Mayor respectively as joint candidates from amongst its members by

¹ Substituted by Act No. XII/2015, dated, 2/3/2015

² Substituted by XXXVIII/2015, dated 27/8/2015

³ Substituted by Act No. XXXVIII/2015, dated 27-8-2015

⁴ Inserted by Act No. XXXVIII/2015, dated 27/8/2015

⁵ Substituted by Act No. XXXVIII/2015, dated 27/8/2015

⁶ Substituted by Act No. XII/2015, dated, 2/3/2015

⁷ Substituted by Act No. XXXVIII, dated 27/8/2013

⁸ Substituted by Act No. XXXVIII/2015, dated 27-8-2015

⁹ Inserted by Act No. XXXVIII/2015, dated 27/8/2015

¹[secret ballot].]

²**(8) Municipal Committees.**- ³[There shall be as many Municipal Committees consisting of single member wards as may be determined by Government and shall comprise of the following members:

(a) each member elected from its respective ward;

(b) reserve seats to the extent of [33%] for women members, ⁴[5% for youth members], 5% for non-Muslim members and 5% for labourer or peasant members elected in the manner provided in section 18-A;

(c) the Municipal Committees so constituted shall elect a Chairman and a Vice Chairman as joint candidates from amongst its members by ⁵[secret ballot].]

(9) Town Committees.- There shall be as many Town Committees as may be determined by the Government and shall comprise of the single member wards falling within that Town Committee. The Town Committee shall comprise of the following members –

(a) each member elected from its respective ward;

⁶(b) one woman, one labourer or peasant member, and one non-Muslim member elected, in the manner provided in section 18-A;

(c) the Town Committees so constituted shall elect a Chairman and a Vice Chairman as joint candidates from amongst its members elected by ⁷[secret ballot].]

⁸**(10)** ⁹[¹⁰[For the purpose of determining the number o seats for women, youth, labourer, or peasant or Non-Muslims, if the number of seats falls short of one seat, at

¹ Substituted by Act No. XXXVIII/2015, dated 27/8/2015

² Substituted by Act No. LIII/2013, dated, 2/11/2013

³ Substituted by Act No. XII/2015, dated, 2/3/2015

⁴ Inserted by Act No. XXXVIII/2015, dated 27/8/2015

⁵ Substituted by Act No. XXXVIII/2015, dated 27/8/2015

⁶ Substituted by Act No. XII/2015, dated, 2/3/2015

⁷ Substituted by Act No. XXXVIII/2015, dated 27/8/2015

⁸ Added by Act No. LIII/2013, dated, 2/11/2013

⁹ Omitted by Act No. XVIII of 2014, dated 28/10/2014

¹⁰ Added by XXXVIII/2015, dated 28-8-2015

least one shall be allocated to each Council.

Provided that fraction less than 0.5 shall not be counted and fraction 0.5 or more than 0.5 shall be counted as whole seat in each category of reserved seats.]]]

118-A.²[* * * Omitted]

19. Saving.- Nothing contained in this Chapter shall be construed to prevent a woman,³[youth], worker or peasant or a non-Muslim from being a candidate or elected to a general seat in any Council.

20. Term of the Council and first meeting.- (1) Subject to the provision of the Act, the term of office of a Council shall be four years commencing on the date on which it holds its first meeting.

(2) The first meeting of a Council shall be held not later than thirty days from the day on which the names of its members are notified.

¹ Inserted by Act No. XVIII of 2014, dated 28/10/2014

² Omitted by Act No. XXXVIII/2015, dated 28/8/2015

³ Inserted by Act No. XXXVIII/2015, dated 28/8/2015

CHAPTER-IV

MEMBERS AND OFFICE BEARERS OF THE COUNCIL

21. Election of office bearers and nominated members of the Council.- (1) ¹[Subject to the provisions of this Act, a council other than a Union Council and Union Committee shall after notification of Woman, ²[youth], Non-Muslim, Labourer and Peasant members in terms of Section 18(A), elect the Mayor and Deputy Mayor, Chairman and Vice Chairman, as joint candidates, as the case may be and a leader of the Opposition in the respective Council.]

(2) The office bearers and members of the Council shall hold office for the period of four years or the residue of his or her term as a member whichever is less ³[from the day of taking oath].

(3) ⁴[On expiry of the term of office of the Council, Government shall immediately send a request to the Election Commission for holding fresh election within 120 days:

Provided that Government may appoint an Administrator to perform the functions of the Council until the elected Council assumes the office].

22. Oath of office.- (1) A member shall, before taking his seat in a Council make and subscribe to an oath in such form as may be prescribed.

(2) The Mayor, Deputy Mayor, Chairman and Vice Chairman, shall assume office by making and subscribing to an oath in such form as may be prescribed.

(3) Where a Mayor, Deputy Mayor, Chairman, Vice Chairman, and Member has failed to file the declaration referred to in sub-section (1), his or her membership shall be suspended and shall remain so, till he or she files the declaration such form and manner as may be prescribed.

23. Declaration of Assets.- (1) Every Mayor, Deputy Mayor, Chairman, Vice Chairman, and Declaration of assets. Member of the Council shall within thirty days of making oath file a declaration of his or her assets and liabilities before such authority and in.

24. Casual vacancy.- (1) If the office of a Mayor, Deputy Mayor, Chairman or a Vice Chairman or member of the Council, other than the office of Chairman or Vice Chairman or member of a Union Council or Union Committee, for any reason, falls vacant during

¹ Substituted by Act No. XII/2015, dated, 2/3/2015

² Inserted by Act No. XXXVIII/2015, dated 28/8/2015

³ Added by Act No. XII/2015, dated, 2/3/2015

⁴ Substituted by Act No. XII/2015, dated, 2/3/2015

the term of office of a Council, the new Mayor, Deputy Mayor, Chairman or Vice Chairman or the member shall be elected or nominated, as the case may be in the prescribed manner within thirty days from the date when such vacancy is notified and he or she shall, subject to this Act, hold office for the remaining term of the Council.

(2) If the office of a Chairman of a Union Council or Union Committee or its members or member of ward for any reason, falls vacant during the term of office of the Council, the new Chairman or Vice Chairman of the Union Council or its member or a member of a ward shall be elected in the prescribed manner within sixty days from the date such vacancy is notified and he or she shall, subject to this Act, hold office for the remaining term of the Council.

(3) If the vacancy in the office of a member of a Council occurs within six months of the expiry of the term of a Council, the vacancy shall not be filled.

25. Removal from membership.- (1) A Member shall be removed if he or she –

(a) has been found to be not qualified or disqualified from being elected or chosen or from being a member under the Act; or

(b) has acted or is acting in contravention of the provisions of the Act, rules or bye-laws; or

(c) has absented without reasonable cause from three consecutive ordinary meetings of the Council; or

(d) is guilty of misconduct; or

(e) refuses to take oath of office.

Explanation.- “misconduct” includes bribery, corruption, favouritism, nepotism, any illegal act or wilful diversion of funds of a Council or any attempt at or abetment of such misconduct.

(2) No member shall be removed unless he or she is provided an opportunity of hearing and presenting his or her explanation before any action is taken under subsection (1).

¹(3) Government shall pass order for removal of the member and refer the matter to the Election Commission for issuance of notification for removal of the member and henceforth he or she shall cease to be a member of the Council.]

26. Resignation.- (1) A Mayor, Deputy Mayor, Chairman, Vice Chairman or a member of a Council may resign his or her office by tendering resignation in writing under his or her hand to the Council of which he or she is the Mayor, Deputy Mayor, Chairman, Vice Chairman or a member.

¹ Substituted by Act No. LIII/2013, dated, 2/11/2013

¹[(2) The resignation tendered under subsection (1) shall be deemed to have been accepted and effective forthwith and the Council shall forward the copies of resignation to the Government which shall be sent to the Election Commission for notification.]

27. Vote of no confidence against office bearers.- (1) A Mayor, Deputy Mayor, Chairman or Vice-Chairman, shall be removed from office if a vote of no confidence is passed against him or her in the prescribed manner by two-third majority of the total number of the Members of the Council concerned.

Explanation- A motion of no confidence shall be deemed to have failed, if, at the meeting to consider the motion, it did not secure the requisite majority of votes in its favour or was not moved for want of quorum or for any other reason.

(2) No person against whom a vote of no confidence has been passed shall be eligible for re-election as a Mayor, Deputy Mayor, Chairman or Vice-Chairman, as the case may be, during the residue of the term of the Council concerned.

28. Election, resignation etc. to be notified.- ²[Every election, resignation, death or removal of a Member, Mayor, Deputy Mayor, Chairman, Vice-chairman as the case may be, shall be notified by the Election Commission.]

29. Consequences of removal.- No person, who has been removed from membership under any provision of the Act, shall, during the unexpired period of the term of the Council, be eligible for election to any Council.

30. Appeal to Election Commission of Pakistan.- Any person being aggrieved by his or her removal under the Act, may within thirty days of such removal prefer an appeal to the Election Commission of Pakistan.

31. Honoraria and privileges.- The Mayor or Chairman and Deputy Mayor or Vice-Chairman may be paid such honoraria or allowed such other privileges as may be prescribed and the honoraria and other privileges prescribed for the first time after coming into force of the Act shall be admissible, from the date on which such Mayor or Chairman or Deputy Mayor or Vice-Chairman has assumed office.

¹ Substituted by Act No. LIII/2013, dated, 2/11/2013

² Substituted by Act No. LIII/2013, dated, 2/11/2013

CHAPTER-V

LOCAL GOVERNMENT ELECTIONS

131-A.- (1) ²[For the purpose of Local Government Elections, the Election Commission shall delimit Councils, Committees and Wards in the manner as provided in this Act.]

32. Franchise and wards.- Save as otherwise provided under the Act –

(a) election of members of all councils, shall be held through secret ballot on the basis of adult franchise in such manner as may be prescribed;

(b) ³[Election Commission] may for the purpose of election divide a local area into such number of Union Councils ⁴[Union Committees] or Wards having a definite boundary as it may determine;

(c) the Union Councils ⁵[Union Committees] or Wards may be multi members or single members as the case may be;

(d) ⁶[Omitted.]

33. Election on party basis.- The elections to the Council under this Act shall be held on party basis:

Provided that any candidate may contest election as independent candidate and may subsequently join any party.

34. Election Commission to conduct elections.- (1) The Election Commission of Pakistan shall conduct elections for the Councils under this Act.

(2) Government shall, in consultation with the Election Commission, make an announcement of the date or dates on which the election for the Councils shall be conducted in the Province or part thereof.

Provided that the date or dates of such election shall not be less than sixty days

¹ Inserted by Act No. XVIII, dated 28/10/2014

² Substituted by Act No. XII, dated, 2/3/2015

³ Substituted by Act No. XVIII of 2014, dated 28/10/2014

⁴ Inserted by Act No. XVIII of 2014, dated 28/10/2014

⁵ Inserted by Act No. XVIII of 2014, dated 28/10/2014

⁶ Omitted by Act No. LIII/2013, dated, 2/11/2013

and not more than hundred and twenty days from the date of such announcements ¹]:

Provided further that Government may extend or curtail the period mentioned in this section if the circumstances so warrant.]

(3) Upon announcement of the date or dates of elections of the Councils under sub-section(2), the Election Commission of Pakistan shall organize and conduct the elections and to make necessary arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and the corrupt practices are guarded against.

²(4) The Election Commission may authorise its Commissioner or any officer to perform its functions as may be deemed necessary.]

35. Qualification for candidates as members.- (1) A person shall not be qualified to be elected or chosen as a member of the Council unless –

- (a) he is a citizen of Pakistan; and
- (b) he is not less than twenty one years of age on the last day fixed for filing the nomination papers; and
- (c) he is enrolled as a voter in the electoral rolls of ³[the Council or ward];
- (d) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of the Pakistan.

36. Disqualification for candidates as members.- (1) A person shall be disqualified from being elected or chosen as and from being a member of the Council, if –

- (a) he is of unsound mind and has been so declared by a competent court;
- or
- (b) he is an un-discharged insolvent;
 - (c) ⁴[* * * Omitted];
 - (d) he holds an office of profit in the service of Pakistan, or Province of Sindh or a Council;
 - (e) he is in the service of any statutory body or a body which is owned or controlled by the Government or the Federal Government or a Council or, in

¹ Substituted by Act No. LIII/2013, dated, 2/11/2013

² Added by Act No. LIII/2013, dated, 2/11/2013

³ Substituted by Act No. XXXVIII/2015, dated 8/9/2015

⁴ Omitted by Act No. XXXVIII/2015, dated 8/9/2015

which any of such Government or Council has a controlling share or interest, except the holders of elected public office; provided that in case of a person who has resigned or retired from any such service, a period of not less than six months has elapsed since his resignation or retirement; or

(f) he has been convicted by a court of competent jurisdiction for an offence involving moral turpitude or misuse of power or authority under any law unless a period of three years has elapsed since his release; or

(g) he has been convicted for an offence involving activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan, unless a period of three years has elapsed since his release;

(h) he has been dismissed, removed or compulsorily retired from public service on the grounds of misconduct unless a period of three years has elapsed since his dismissal, removal or compulsory retirement;

(i) he is under contract for work to be done or goods to be supplied to a council or has otherwise any direct pecuniary interest in its affairs;

(j) he is for the time being disqualified or chosen as a member of the Provincial Assembly under any law for the time being enforce;

(k) he is certified by his Political Party to have defected from the Party.

¹[(2) Whoever –

(a) is found, by the Election Commission to have contravened the provisions of sub-section (1), shall stand disqualified from being a candidate for election to any office of a Council for a period of four years;

(b) having been elected as a member of a Council or is a holder of an elective office of the Council is found by the Election Commission to have contravened the provisions of sub-section (1) shall cease forthwith to be an elected member or to hold the office of such member and stand disqualified from being a candidate for election to a Council for a period of four years.]

37. Prohibition on dual membership.- (1) Save as otherwise provided under this Act, no person shall, at the same time, be a member of more than one Council:

²[Omitted.]

(2) Nothing contained in sub-section (1) shall prevent a person from being a candidate for two or more seats ³[* * * Omitted] in the same Council ¹[* * * Omitted] but

¹ Added by Act No. XVIII of 2014, dated 28/10/2014

² Omitted by Act No. LIII/2013, dated, 2/11/2013

³ Added by Act No. XVIII of 2014, dated 28/10/2014

if he is elected to more than one seat, he shall, within a period of fifteen days of the declaration of the result of the last such seat, resign all but one of his seats by addressing a letter to the Election Commission of Pakistan and if he does not so resign he shall be deemed to have retained the seat, to which he was elected last or, if he has been elected to more than one seat on the same day, the seat for election to which his nomination was last filed.

(3) Where a person has been elected to more than one seat in the same Council ²[* * * Omitted], he shall not sit in any such Council until he resigns all but one of his seats.

(4) Where an election for membership of a Union Council and a District Council is not held at the same time, nothing contained in sub-section (1) shall prevent a member of a Union Council from being a candidate of a seat in a District Council and vice-versa but the seat held by him shall stand vacated as soon as he is elected to the new seat.

(5) If a member of a council is elected as a member of the Parliament or Provincial Assembly, his seat as member of the Council shall stand vacated on his taking oath as a member of the Parliament or Provincial Assembly, as the case may be.

(6) A member of Parliament or Provincial Assembly on being elected as a member of Council shall have to resign as a Member of Parliament or Provincial Assembly, within a period of five weeks after the notification as a Member of Council.

38. Executive authority to assist the election.- It shall be the duty of all executive authorities in the Province to assist the Election Commission of Pakistan in the discharge of its functions.

39. Electoral rolls.- (1) A person shall be entitled to be enrolled as a voter if he –

- (a) is a citizen of Pakistan;
- (b) is not less than eighteen years of age; and
- (c) fulfils such other conditions as the Election Commission may specify.

(2) The electoral rolls for the Councils elections shall be prepared ³[or adopted] by the Election Commission of Pakistan in such manner as it may deem appropriate and the electoral rolls shall not be invalid by reason of any erroneous description in the electoral rolls of any person listed or of an omission of the name of any person entitled to be enrolled or of inclusion of the name of any person not so entitled.

¹ Omitted by XXXVIII/2015, dated 27/8/2015

² Omitted by XXXVIII/2015, dated 27/8/2015

³ Inserted by Act No. LIII/2013, dated, 2/11/2013

(3) Every person whose name is entered in the electoral roll shall be entitled to cast ¹[Omitted] vote in the elections in ²[respective Council].

40. Appointment of Returning Officer and other officers.- (1) Subject to sub-section (2), the Election Commission of Pakistan shall appoint from amongst the officers of the Election Commission, the Government, a body or entity controlled by the Government or any other Authority, a ³[District Returning Officer], Returning Officer and an Assistant Returning Officer for each constituency for the purposes of elections under this Act.

(2) The Election Commission of Pakistan may appoint a person as Returning Officer or Assistant Returning Officer for two or more constituencies.

(3) An Assistant Returning Officer shall assist the Returning Officer in the performance of his functions under this Act and may, subject to such conditions as may be imposed by the Election Commission, exercise and perform, under the control of the Returning Officer, the powers and functions of the Returning Officer.

(4) It shall be the duty of the Returning Officer to do all such acts as may be necessary for effectively conducting an election in accordance with the provisions of this Act and the rules.

41. Polling Station.- ⁴[(1) The Returning Officer shall, before such time as the Election Commission may fix, submit to the District Returning Officer a list of polling stations for the constituency.]

(2) ⁵[The District Returning Officer may make such alterations in the list of polling stations submitted under sub-section (1) if deems necessary and shall return to the Returning Officer the final list of polling stations at least fifteen days before the polling day, published in the official gazette, specifying the electoral areas assigned to polling stations.]

(3) The Returning Officer shall establish in each constituency polling stations according to the final list sent by the Election Commission specifying the electoral area and the voters of the electoral area who shall be entitled to vote at each polling station,

¹ Omitted by Act No. LIII/2013, dated, 2/11/2013

² Substituted by Act No. XVIII of 2014, dated 28/10/2014

³ Added by Act No. LIII/2013, dated, 2/11/2013

⁴ Substituted by Act No. LIII/2013, dated, 2/11/2013

⁵ Substituted by Act No. LIII/2013, dated, 2/11/2013

and shall, at least three days before the polling day, give wide publicity, in such manner as he may deem fit, to the polling stations.

(4) A polling station shall not be located in any premises which belongs to or is under the control of any candidate.

42. Presiding Officer and Polling Officer.- (1) A Returning Officer shall appoint for each polling station a Presiding Officer and such number of Assistant Presiding Officers and Polling Officers to assist the Presiding Officer as the Returning Officer may consider necessary.

(2) A person who is, or has at any time been, in the employment of any candidate shall not be appointed as a Presiding Officer, Assistant Presiding Officer or Polling Officer.

(3) The Returning Officer shall submit a list of Presiding Officers and Polling Officers ¹[to the District Returning Officer] at least fifteen days before the polling day for approval and no change in the personnel shall be made except with the approval of the Election Commission.

(4) A Presiding Officer shall conduct the poll in accordance with the provisions of this Act and the rules and shall be responsible for maintaining order at the polling station and shall report to the Returning Officer any fact or incident which may, in his opinion, affect the fairness of the poll.

(5) The Returning Officer shall authorize one of the Assistant Presiding Officers to act in place of the Presiding Officer if the Presiding Officer is at any time during the poll, by reason of illness or other cause, not present at the polling station, or is unable to perform his functions.

(6) The Returning Officer may, at any time during the poll, for reasons to be recorded in writing, suspend any Presiding Officer, Assistant Presiding Officer or Polling Officer and make such arrangements as he may consider necessary for the performance of the functions of the Officer so suspended.

43. Supply of Electoral rolls.- (1) The Election Commission shall provide the electoral rolls of the constituency to the Returning Officer.

(2) The Returning Officer shall provide the electoral rolls, containing the names of the voters entitled to vote at a polling station, to the Presiding Officer.

44. Other powers and functions of the Election Commission.- In addition to the powers and functions of the Election Commission under this Act, the Election Commission shall, in relation to the elections of the Councils, exercise such other powers and perform such other functions as may be prescribed.

¹ Substituted by Act No. LIII/2013, dated, 2/11/2013

45. ¹[Omitted]

46. Election petition.- (1) Subject to this Act, an election to an office of a council shall not be called in question except by an election petition.

(2) A candidate may, in the prescribed manner, file an election petition before the Election Tribunal challenging an election under this Act.

47. Election Tribunal.- (1) The Election Commission shall, by notification, appoint an Election Tribunal for such local area as may be specified in the notification.

(2) The Election Commission may transfer an election petition from one Election Tribunal to another Election Tribunal.

(3) The Election Commission may, by notification, issue instructions for presentation, hearing and trial of an election petition.

(4) The Election Tribunal shall decide an election petition within one hundred and twenty days from the date of filing of the election petition.

48. Powers of Elections Tribunal.- The Election Tribunal may exercise 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.

49. Decision of the Election Tribunal.- (1) The Election Tribunal may, on the conclusion of trial of an election petition, make an order –

- (a) dismissing the petition;
- (b) declaring the election of the returned candidate to be void;
- (c) declaring the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected; or
- (d) declaring the election as a whole to be void.

(2) The decision of the Tribunal shall take effect from the date on which it is made and shall be communicated to the Election Commission.

50. Ground for declaring election of return candidate void.- (1) The Tribunal shall declare the election of the returned candidate to be void if it is satisfied that –

- (a) the nomination of the returned candidate was invalid; or
- (b) the returned candidate was not, on the nomination day, qualified for or was disqualified from, being elected as a member; or
- (c) the election of the returned candidate has been procured or induced by

¹ Omitted by LIII/2013, dated, 2/11/2013

any corrupt or illegal practice; or

(d) corrupt or illegal practice has been committed by the returned candidate or his election agent or by any other person with the connivance of the candidate or his election agent.

(2) The election of a returned candidate shall not be declared void if the Tribunal is satisfied that any corrupt or illegal practice was committed without the consent or connivance or knowledge of that candidate or his election agent and that the candidate and the election agent took all reasonable precautions to prevent its commission.

51. Ground for declaring a person other than a returned candidate elected.- The Tribunal shall declare the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected, if it is so claimed by the petitioner or any of the candidate and the Tribunal is satisfied that the petitioner or such contesting candidate was entitled to be declared elected.

52. Ground for declaring elections as a whole void.- The Tribunal shall declare the election as a whole to be void if it is satisfied that the result of the election has been materially affected and amounts to tempering with the will of the voters by reasons of –

(a) the failure of any person to comply with the provisions of this Act or the rules;
or

(b) the prevalence of extensive corrupt or illegal practice at the election.

53. Decision in case of equality of votes.- Where after the conclusion of any proceedings as may be necessary for the purpose, it appears that there is an equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the Tribunal shall draw a lot in respect of such candidates and the candidate on whom the lot falls shall be deemed to have received the highest number of votes entitling him to be declared elected.

54. Appeal against the orders of Tribunal.- (1) Any person aggrieved by a final order of a Tribunal may, within thirty days of the communication of such order, prefer an appeal to the High Court.

(2) The High Court shall decide an appeal preferred under sub-section (1) within three months.

55. Corrupt practice.- A person guilty of bribery, personating or undue influence shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one hundred thousand rupees or with both.

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

(a) receives, agrees or contracts for any gratification for voting or refrains from voting or refrains from being a candidate at or withdrawing or retiring from, an election;

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

Explanation.- In this section, ‘gratification’ includes a gratification in money or estimable in money and all forms of entertainment or employment for reward.

57. Personating.- A person is guilty of personating, if he votes or applies for a ballot paper for voting as some other person whether that other person is living, dead or fictitious.

58. Undue influence.- A person is guilty of undue influence, if he –

- (a) in order to compel any person to vote, refrain from voting, or to induce or compel any person to withdraw his candidature at an election, directly or indirectly, by himself or by any other person on his behalf –
 - (i) makes or threatens to make use of any force, violence or restraint;
 - (ii) inflicts or threatens to inflict any injury, damage, harm or loss; or
 - (iii) uses any official influence or Governmental patronage; or
- (b) on account of any person having voted or refrained from voting, or having withdrawn his candidature, does any of the acts specified in clause (a); or
- (c) by abduction, duress or any fraudulent device or contrivance;
- (d) impedes or prevents the free exercise of the franchise by a voter; or
- (e) compels, induces or prevails upon any voter to refrain from voting or compels any voter to vote.

Explanation.- In this section, ‘harm’ includes social ostracism or excommunication or expulsion from any caste or community.

59. Illegal practice.- A person is guilty of illegal practice punishable with fine which may extend to one hundred thousand rupees, if he –

(a) obtains or procures, or attempts to obtain or procure, the assistance of any officer or official of the Federal Government, a Provincial Government or a Council or Authority to further or hinder the election of a candidate;

(b) votes or applies for a ballot paper for voting at an election knowing that he is not qualified for voting or is disqualified from voting;

(c) votes or applies for a ballot paper for voting more than once at any polling station;

(d) removes a ballot paper or a ballot box from a polling station or destroys, damages or tampers with the ballot box used at a polling station;

(e) knowingly induces or procures any person to do any of the aforesaid acts;

(f) fails to provide statement of election expenses as required under this Act;

(g) makes or publishes a false statement –

(i) concerning the personal character of a candidate or his relation calculated to adversely affect the election of such candidate or, for the purposes of promoting or procuring the election of another candidate, unless he proves that he had reasonable ground for believing, and did believe, the statement to be true;

(ii) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate; or

(iii) regarding the withdrawal of a candidate.

(h) knowingly, in order to support or oppose a candidate, lets, lends, employs, hires, borrows or uses any vehicle or vessel for the purposes of conveying voters to or from the polling station, except when a person conveys himself or any member of the household to which he belongs, to or from the polling station; or

(i) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting.

60. Prohibition of canvassing.- A person is guilty of an offence punishable with fine which may extend to five hundred thousand rupees, if he, on the polling day in connection with the election –

(a) convenes, calls or organizes within an electoral unit any meeting; or

(b) within a radius of two hundred meters of the polling station –

(i) canvasses for votes;

(ii) solicits vote of any voter;

(iii) persuades any voter not to vote at the election or for a

(iv) particular candidate; or

(v) exhibits at a place reserved for the candidate or his polling agent beyond the radius of one hundred meters of the polling station, any notice, sign, banner or flag designed to encourage the voters to vote, or discourage the voters from voting, for any contesting candidate.

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

(a) uses, in such manner as to be audible within the polling station any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds; or

(b) persistently shouts in such manner as to be audible within the polling station;
or

(c) does any act which –

(i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting; or

(ii) interferes with the performance of the duty of a presiding officer, polling officer or any other person performing any duty at a polling station; or

(iii) abets the doing of any of the aforesaid acts.

62. Tempering with papers.- A person is guilty of an offence punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred thousand rupees or with both, if he –

(a) fraudulently defaces or destroys any nomination paper or ballot paper;

(b) fraudulently takes out of the polling station any ballot paper or puts into any ballot box any ballot paper other than the ballot paper he is authorized under the rules to put in;

(c) without due authority –

(i) supplies any ballot paper to any person;

(ii) destroys, takes, opens or otherwise interferes with any ballot box or packet or ballot papers in use for the purpose of election; or

(iii) breaks any seal affixed in accordance with the provisions of the rules;
or

(iv) causes any delay or interruption in the beginning, conduct or completion of the procedure required to be immediately carried out on the close of the poll; or

(v) fraudulently or without due authority attempts to do any of the

aforesaid acts.

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

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

64. Failure to maintain secrecy.- Any candidate or polling agent attending a polling station, or any person attending the counting of votes, is guilty of an offence punishable with imprisonment which may extend to six months or with fine which may extend to two hundred thousand rupees or with both, if he –

- (a) fails to maintain or aid in maintaining the secrecy of voting; or
- (b) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

65. Conduct of officials.- A Presiding Officer, Polling Officer or any other officer or official performing duty in connection with an election, or any member of a police force, is guilty of an offence punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred thousand rupees or with both, if he, during the conduct or management of an election or maintenance of order at the polling station –

- (a) persuades any person to give his vote;
- (b) dissuades any person from giving his vote;
- (c) influences in any manner the voting of any person;
- (d) does any other act calculated to further or hinder the election of a candidate;
- (e) fails to maintain or aid in maintaining the secrecy of voting;
- (f) communicates, except for any purpose authorized by any law, to any person before the poll is closed any information as to the name or number on the electoral roll of any voter who has or has not applied for a ballot paper, or has or has not voted at a polling station; or
- (g) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

66. Breaches of officials duty in connection with election.- A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, or any other

person employed by any such officer in connection with his official duties imposed by or under this Act is guilty of an offence punishable with imprisonment for a term which may extend to two years or with fine which may extend to five hundred thousand rupees or with both, if he, wilfully and without reasonable cause, commits breach of any such official duty, by act or omission.

67. Assistance by Government servants.- A person in the service of the Government, a Council or a body owned or controlled by Government is guilty of an offence punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred thousand rupees, or with both if he, in any manner, gives any assistance calculated to further or hinder the election of a candidate.

68. Cognizance.- A Court shall not take cognizance of an offence under this Chapter except on a complaint in writing by the Election Commission or the Returning Officer.

69. Offence to be cognizable.- An offence punishable under this Chapter shall be a cognizable offence.

70. Prosecution of offences.- An offence punishable under this chapter shall be triable by the competent court of law in accordance with provisions of Code of Criminal Procedure.

71. Savings under this ¹[Act].- Save as provided under this ²[Act], the provisions of the representation of Peoples Act 1976 shall be applicable to the elections and the electoral process under this Act.

¹ Substituted by Act No. LIII/2013, dated, 2/11/2013

² Substituted by Act No. LIII/2013, dated, 2/11/2013

CHAPTER-VI

FUNCTIONS OF THE COUNCIL

72. Functions of Council.- A Council shall, subject to rules and directions given by Government and within the limits of the funds at its disposal, undertake all or any of the functions, given in Schedule II in the case of a Corporation, a District Municipal Corporation, Municipal Committee and Town Committee, in Schedule III in the case of a District Council, and in Schedule IV in the case of a Union Council and such other functions as are entrusted to them by Government:

Provided that no Corporation shall undertake such functions as are assigned to and performed by anybody, agency or authority established by or under any law for the time being in force:

Provided further that Government may at any time require the Metropolitan Corporation to perform any function of a District Municipal Corporation subject to such conditions as Government may specify.

73. Records, reports and returns.- A Council shall –

- (a) maintain such record of its working as may be prescribed;
 - (b) prepare and publish such periodical reports and returns as may be prescribed;
- and
- (c) adopt such other measures as may be necessary, or may be specified by Government, from time to time, for the publication of information about the working of the Council.

74. Transfer of functions from Councils to Government and Vice Versa.- Notwithstanding anything contained in any other law for the time being in force, Government may –

- (a) take over the management and control of any institution or service maintained by a Council; and
- (b) transfer the management and control of any institution or service maintained by Government to a Council.

75. Commercial Schemes.- ¹(1) Government may set up a Board, Authority or any corporate body to perform any one or more functions of any Council, singly or jointly with any public or private body, and may acquire, continue, manage or operate any commercial venture or activity as deemed necessary in the public interest.

¹ Substituted by Act No. LIII/2013, dated, 2/11/2013

(2) Any commercial operations or venture jointly with any private body or person in existence at the time of commencement of this Act shall continue to do so.

(3) The Council may, with prior permission of Government promote, administer, execute or implement schemes for undertaking any commercial, business enterprises or enter into public private partnership.]

76. Development Plans.- (1) Subject to rules, a Council shall prepare and implement development plans which shall amongst other matters include the following –

- (a) nature and location of scheme or schemes;
- (b) total estimated cost;
- (c) sources of finances;
- (d) date of commencement;
- (e) date of completion;
- (f) manner of execution;
- (g) agencies responsible for maintenance;
- (h) benefits, tangible or intangible to accrue;
- (i) such other matters as may be necessary.

(2) As far as may be, the schemes included in the development plan shall be included in the budget.

(3) The development plans of the Councils shall be consolidated in such manner as may be prescribed.

77. Contracts.- (1) Every Council shall, within the budget grant, be competent to enter and perform all such contracts as it may consider necessary or expedient in order to carry into effect the provisions and purposes of this Act.

(2) All contracts made by or on behalf of a Council shall be –

- (a) in writing expressed to be made in the name of the Council; and
- (b) reported to the Council by the Mayor or, as the case may be, Chairman, at the meeting next following the execution of the contract.

(3) All contracts shall, subject to the rules, be entered into after inviting competitive tenders or quotations:

Provided that tenders or quotations involving expenditure exceeding such amount as may be prescribed shall be invited by a notice in a newspaper:

Provided further that in case of the lowest tender or quotations is not accepted, the Authority competent to grant the contract, if other than the Council, shall lay down

in writing, and if the Council itself, shall express in the resolution approving the tender of quotation, the reasons for not accepting the lowest tender or quotation:

Provided further that all procurements shall be made in accordance with the provisions of the Sindh Public Procurement Regulatory Authority Act, 2009 and rules made thereunder.

(4) All contracts for transfer by grant, sale, mortgage, lease or otherwise of immovable property or any interest and right thereto or disposal or sale of movable property or for leasing out rights to collect taxes shall, subject to the rules be entered into after inviting offers in an open auction:

Provided that if the highest bid is not accepted by the Council, approval in writing of Government shall be obtained, and Government shall, in its order give reasons for not accepting the highest bid.

(5) Notwithstanding anything contained in sub-section (4) a Council may grant, sell or lease out land at rates to be fixed in consultation with Government, to –

(i) associations, organizations, individuals or any department or institution of the Federal or a Provincial Government for establishing, maintaining or extending educational, religious and charitable institutions or for such other purposes for the benefit of the public, subject to the condition that if the land is not used for the purpose it was granted, the Council may after affording such association organization, individual or department or institution, as the case may be, an opportunity to show-cause against the proposed action, resume such land alongwith structures, if any, without any compensation:

Provided that the land allotted under this sub-section to any association, organization and individual may only be allotted if the organization and institution able to establish to the satisfaction of Government that it has already established the organization and subsequently managed the association:

Provided further that the ownership or purpose for which the land is allotted or leased out shall not be changed under any circumstances.

(6) Government may subject to the other provisions of this Act, make rules laying down the procedure to regulate the making of contracts and the execution thereof.

(7) No contract executed otherwise than in conformity with the provisions of this Act and any other law for the time being in force shall be binding on the Council.

78. Works.- A Council may by bye-laws lay down the procedure for –

- (a) the preparation of plan and estimates for works to be executed by the Council;
- (b) the authority by whom and the conditions subject to which such plans and estimates shall be technically approved and administratively sanctioned;
- (c) the agency by which such plans and estimates shall be prepared; and

(d) the agency or the authority by which such plans shall be executed.

CHAPTER-VII**EXECUTIVE POWERS AND CONDUCT OF BUSINESS**

79. Executive Powers.- (1) The executive powers of a Council shall extend to the doing of all acts necessary for the due discharge of its functions under this Act.

(2) Save as otherwise provided in this Act and the rules, the executive powers of a Council shall vest in and be exercised by its Mayor or Chairman, as the case may be, either directly or through any person authorized by him in accordance with the rules.

(3) All acts of a Council shall be expressed to be taken in the name of the Council and be authenticated in the prescribed manner.

80. Powers of Mayor or Chairman.- (1) The Mayor or Chairman, as the case may be, shall –

(a) unless prevented by reasonable cause, preside at all meetings of the Council, and regulate the conduct of business at such meetings in accordance with rules;

(b) watch over the financial and executive administration of the Council and perform such executive functions as are assigned to him by or under this Act;

(c) exercise supervision and control over the acts and proceedings of all employees of the Council and dispose of all questions relating to their service, pay, privileges and allowances in accordance with the rules; provided that service matters of the members of the Sindh Councils Unified Grades shall be referred to Government;

(d) have power in cases of emergency to direct the execution or stoppage of any work or the doing of any act which requires the sanction of Government or the Council, and the immediate execution or stoppage or doing of which is, in his opinion, necessary for the service or safety of the public and the action so taken shall forthwith be reported to Government or, as the case may be, to the Council at its next meeting; provided that he shall not act under this clause in contravention of any provision of this Act or order of the Council or Government.

(2) When the Mayor or Chairman by reason of absence from Pakistan or any other cause, is unable to exercise his powers and perform his functions, the Deputy Mayor or, as the case may be, Vice Chairman, shall exercise powers and perform functions of the Mayor or, as the case may be, Chairman:

Provided that in the absence of Mayor, Deputy Mayor, Chairman or Vice Chairman, the Government may by Notification entrust the duties of the Mayor, Deputy Mayor, Chairman or Vice Chairman as the case may be to some other member.

81. Functions of the Chief Executive.- (1) Subject to the general control of the Mayor or Chairman, the Chief Executive shall –

(a) supervise the financial and executive administration of the Council and perform all duties assigned to and exercise all powers conferred on or delegated to him by or under this Act;

(b) supervise and control the acts and proceedings of the employees of the Council under this Act and dispose of such questions relating to their service matters as may be assigned to him for disposal;

(c) furnish to Government from time to time, a copy of every resolution passed at a meeting of the Council; and

(d) take prompt steps to remove any irregularity pointed out by the Auditor;

(2) All licences and permissions under this Act, rules or bye-laws shall be issued, granted or given under the signature of the Chief Executive and all fees payable for such licences and permissions shall be received, recovered and credited to the local fund.

(3) The Chief Executive may, subject to the general instructions of the Council, and after giving the party concerned an opportunity to be heard in person, suspend, withhold or withdraw any licence or permission granted or given under sub-section (1), if he is satisfied that the licensee or permit-holder has failed to comply with the terms and conditions thereof or has acted in contravention of the provisions of this Act or any rule or bye-law.

(4) Subject to such limitations as may be laid down by the Council, the Chief Executive may delegate any power conferred on him by this Act or the rules or bye-laws to any employee of the Council.

(5) The Chief Executive shall supply any return, statement, account or report or a copy of any document in his charge, called for by the Council or a Committee or Sub-Committee set up by the Council and shall comply with any orders passed by the Council or Committee or Sub-Committee in accordance with the provisions of this Act.

82. Chief Executive of the Councils.- (1) The following functionaries shall be the Chief Executives of their respective Councils and shall perform such functions as are delegated to them by the concerned council –

(a) Municipal Commissioner in case of a Corporation;

(b) Chief Officer in case of District Council;

(c) Chief Municipal Officer in case of Municipal Committee;

(d) Town Officer in case of Town Committee; and

(e) Secretary in case of Union Council and Union Committee.

83. Meetings and disposal of business.- (1) All business of a Council, shall, to the extent and in the manner prescribed, be disposed of at its meetings, or at the meetings of its Committees, by its Mayor, Chairman or Officers.

(2) All meetings of a Council shall ordinarily be presided over by its Mayor or Chairman, and in his absence by Deputy Mayor or Vice-Chairman, or a Member chosen for that purpose by the Members present:

Provided that meetings in which no confidence motion is moved against the Mayor or Chairman, or Deputy Mayor, or Vice-Chairman, or any election is held to any of such offices, shall be presided by such person or officer, as may be prescribed.

(3) Every meeting of a Council shall be open to the public unless the Presiding Authority orders that the proceedings or any enquiry or deliberation before the Council should be in camera:

Provided that the Presiding Authority may, at any time, cause any person to be removed who interrupts the proceedings or does not obey its rulings.

(4) All decisions in a meeting of a Council shall be taken by majority of votes of the Members present and voting.

(5) The Presiding Authority shall have a casting vote in case of equality of votes.

(6) Minutes of the meetings of a Council shall be drawn up and recorded in a book to be kept for the purpose, and shall be signed, as soon as practicable, by the Presiding Authority and confirmed by the Council in its next meeting.

(7) The minutes shall be open to inspection by any inhabitant of the local area.

(8) All decisions taken by a Council shall be reported to Government within ten days of such decisions.

(9) No proceedings of a Council shall be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of the Council, or by reason only that any person who was not entitled to sit or vote or otherwise take part in such proceedings, had sat or voted or otherwise taken part in such proceedings.

(10) No Member shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the meeting of the Council or a Committee in good faith.

84. Committees and Sub-committees.- (1) A Council may, for the performance of such functions as may be prescribed appoint Committees or Sub-Committees consisting of its Members and co-opted Members, if any.

(2) The Members of the Committee or Sub-Committee shall be elected by the Council.

CHAPTER-VIII**NAMING OR RENAMING OF CITY, MUNICIPALITY, TOWN, VILLAGE, PUBLIC PLACE OR PUBLIC WAY, ETC.**

85. Naming or renaming to be made under this Chapter.- No City, Municipality, Town, Village, or any part or locality thereof, or public place or public way, in this Chapter referred to as place, may be named or renamed except in accordance with the provisions of this Chapter.

86. Guidelines for naming or renaming.- Naming or renaming under section 85 may be made after –

- (a) the founder of the nation or any person who took a prominent part in the creation of Pakistan;
- (b) a national or local personality with an unblemished record of service to the nation;
- (c) a person famous for his work in the field of art, culture, science and education or notable public service;
- (d) the principal donor of any building or institution built or set up for charitable purposes;
- (e) non-Pakistani with the permission of Government.

CHAPTER-IX**SUPERVISION OVER THE COUNCILS**

87. Supervision over Councils.- (1) Government shall exercise general supervision and control over the Councils to ensure that their activities conform to the purposes and provisions of this Act.

(2) Government may, at any time, call for any paper, document, register or record from any Council to see that the activities of the Council are in conformity with the provisions of this Act, and may make any order it deems necessary to bring it in such conformity.

(3) If, in the opinion of Government, anything done or intended to be done by or on behalf of a Council is not in conformity with the law, Government may refer the matter back to the council to bring it in conformity with the law provided that the matter referred shall remain suspended:

Provided that the council after bringing the resolution, order or action in conformity of law shall refer the matter to Government for final decision.

88. Power of Government to give directions to Councils. (1) Government may direct any Council, or any person or Authority responsible thereto to take within such period as may be specified, such action as may be necessary for carrying out the purposes of this Act.

(2) Where after due enquiry, Government is satisfied that any direction made under sub-section (1) has not been complied with, it may appoint a person or persons to give effect to such direction, and may further direct that the expenses incurred in connection therewith shall be a charge on the local fund and borne by the Council.

89. Recommendations by the Council.- (1) The Council may by a resolution passed by the majority of its members make recommendations to Government for –

(i) effective implementation of the provision of this Act;

(ii) effective discharge of duties, functions and obligations by any agency, authority, body or person or its officers acting under the authority, control or jurisdiction of Government;

(iii) failure of any civil servant, public servant or official of the Council and Sindh Unified Council Service for discharge of his obligations vis a vis the Council; and

(iv) any other matter relating to the functioning of the Council.

(2) Government shall consider the recommendations of the Council and pass such order as may be deemed appropriate in the circumstances of the case:

Provided that where Government does not accept the recommendations of the Council, it shall give reason for such refusal:

Provided further that where Government proposes to take any action against any officer or person pursuant to the recommendations of the Council, no such action shall be taken by Government without providing opportunity of hearing to such officer or person.

90. Inspection of Councils.- (1) The working of the Councils shall be inspected at least once in a financial year by an Inspecting Officer or Inspection Team appointed by Government as may be prescribed.

(2) The Inspecting Officer or as the case may be Inspection Team shall have the power –

(a) to enter on, inspect and survey or cause to be entered on or inspected and surveyed any immovable property occupied by the Council or any institution maintained by or any work in progress under it;

(b) to call for and inspect or cause to be inspected files, registers, books or documents or record relating to the Council;

(c) to require the production of such statements, accounts, reports, documents and copies or documents relating to the proceedings of the Council as he or it may think fit;

(d) to attend meetings of the Council and take part in discussions and other proceedings except voting; and

(e) to inquire generally into the affairs of the Council.

(3) The Inspecting Officer or, as the case may be Inspection Team shall, within thirty days of the completion of the inspection, submit a report to Government and furnish a copy thereof to the Council.

(4) The inspection report under sub-section (3) shall be placed before the Council in the next meeting.

(5) The Council shall within thirty days of the receipt of the inspection report, annotate the report and forward it to Government and the Inspecting Officer or, as the case may be, the Inspection Team.

(6) On receipt of the annotated report, the Inspecting Officer or, as the case may be, the Inspection Team may issue such further directions to the Council as may be necessary and endorse a copy thereof to Government.

(7) The Mayor or Chairman as the case may be shall take such action on the inspection report as may be required.

(8) If there is any dispute or difference of opinion between the Inspecting Officer and the Council, such dispute or matter shall be decided by Government.

91. Inquiry into affairs of the Councils.- (1) Government may, on its own or on application made to it by any person, cause an enquiry to be made by such officer or authority as may be appointed by it in this behalf, into the affairs of a Council generally, or into any particular matter concerning that Council, and take such remedial measures as may be warranted by the findings of such enquiry.

(2) Such officer shall, for the purposes of the enquiry, have the powers of a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), to take evidence and to compel the attendance of witnesses and the production of documents.

92. Suspension of particular department or institution.- (1) If after such enquiry as may be necessary, Government is satisfied that Council is not able to run a particular department or institution properly and efficiently, it may, after recording reasons, by notification in the official Gazette, suspend the Authority of the Council over such department or institution for such period as may be specified in the order.

(2) Where the Authority of a Council is suspended under sub-section (1), Government may itself take over the management of such department or institution or make such other arrangements as it thinks fit.

(3) The expenses for management under sub-section (2) as may be determined by Government shall be borne by the Council and the budget of the Council shall be deemed to have been revised to that extent.

93. Supersession of Councils.- (1) If, after such enquiry as may be necessary, Government is of the opinion that a Council –

(a) persistently fails in discharging its duties; or

(b) is unable to administer its affairs or meet its financial obligations despite directions by Government; or

(c) otherwise abuses its power, it may, after considering the objections from the Council, by notification in the official Gazette, declare the Council to be superseded for a period not exceeding six months.

(2) On the publication of a notification under sub section (1) –

(a) the person holding the office of the Mayor, Deputy Mayor, Chairman or Vice-Chairman or Member shall cease to hold such office;

(b) the functions of the Council shall during the period of supersession be performed by such person or Authority as is appointed by Government until the Council reconstituted under sub-section (3) assumes office;

(c) all funds and property of the Council shall, during the period of supersession, vest in Government for the purposes of this Act and be expended accordingly.

(3) On or before the expiry of the period of supersession, the Council shall be

reconstituted in accordance with the provisions of this Act:

Provided that where the period of supersession of the Council is expiring within four months of the expiry of its normal term of office, the Council shall not be reconstituted for the residual period of the term and the consequences of supersession under subsection (2) shall continue to operate.

(4) Government may, by notification in the official gazette, extend the period under sub-section (1) but such extension shall not exceed six months.

94. Advisory Committee.- (1) Where it is deemed necessary and proper to do so, Government may, after recording reasons, appoint an Advisory Committee consisting of such number of persons as it thinks fit to advise such person or Authority appointed by Government under clause (b) of sub-section (2) of section 93:

Provided that the Advisory Committee shall meet as often as necessary and in such manner as may be required by such person or Authority.

(2) A Member of the Advisory Committee shall hold office at the pleasure of Government but may at any time resign from membership by addressing a letter to Government.

CHAPTER-X

LOCAL TAXATION

95. Local Areas. (1) All land assessable to rent, land revenue or ushr shall be subject to the payment of a cess to be known as the local cess.

(2) Government may, from time to time, by notification in the official Gazette, fix the rate of local cess for various classes of cultivated land in a District.

(3) The local cess shall be collected together with the rent, land revenue or ushr in the manner prescribed for collection of rent, land revenue or ushr, as the case may be, and the proceeds thereof shall be credited to the local fund of the District Council.

96. Taxes to be levied.- (1) Subject to sub-section (2) a Council may levy, in the prescribed manner all or any of the taxes, rates, tolls and fees mentioned in Schedule V:

Provided that where a tax, rate or toll which is levied as a cess, tax or surcharge by Government, such tax, rate or toll shall not be more than that levied by Government:

Provided further that where a tax, toll or fees is leviable both by the Metropolitan Corporation and a District Municipal Corporation, the District Municipal Corporation shall not levy such tax, toll or, fees except with the sanction of the Metropolitan Corporation:

Provided also that Government may direct the Metropolitan Corporation to levy any tax, rates, toll or fees leviable by a District Municipal Corporation subject to such conditions as Government may specify.

(2) The Metropolitan Corporation shall give share of the taxes, rates, toll or fees collected by it to the District Municipal Corporation in such proportion as may be determined by Government.

(3) All taxes, rates, tolls and fees levied by a Council shall be notified in the prescribed manner and shall, unless otherwise directed by Government, be subject to previous publication.

(4) Where a Council levies a tax, rate, toll or fees, it shall specify the date on which such tax, rate, toll or fees shall come into force.

97. Model Tax Schedule.- Government may frame Model Tax Schedules, and where such Schedules have been framed, a Council shall be guided by them in levying a tax, rate, toll or fee.

98. Directions with regard to levy of Tax.- (1) Government may direct any Council –

(a) to levy any tax, rate, toll or fee which the Council is competent to levy under this Act;

(b) to increase or reduce any rate, tax, toll or fee to such extent as may be specified;

(c) to suspend or abolish the levy of any tax, rate, toll or fee;

(d) to exempt any person or class of persons or property or class of property or goods or class of goods from the levy of any such tax, rate, toll or fee.

(2) If the direction is issued under sub-section (1), the Chief Executive of the Council shall, notwithstanding anything contained in this Act, give effect to it by issuing a notification in terms of the direction not later than the date, if any, specified by Government in this behalf.

99. Liability on account of taxes.- (1) A Council may, by notice call upon any person to furnish such information, produce such record or accounts or present such goods or animals liable to any tax, rate, toll or fee, as may be necessary for the purpose of determining the liability of such person therefor.

(2) Any employee of a Council authorized in this behalf may –

(i) after due notice, enter upon any building or premises for the purpose of assessing the liability of such building or premises to any tax or inspecting any goods or animals therein liable to any tax;

(ii) in the prescribed manner seize and dispose of any goods on which any tax, rate, toll or fee is not paid.

100. Collection and recovery of taxes, etc..- (1) Unless otherwise provided, all taxes, rates, tolls and fees levied under this Act shall be collected in the prescribed manner by the persons authorized for such collection:

Provided that where any tax, rate, toll or fee levied by a Council is also levied by Government, such tax, rate, toll or fee shall be collected with Government tax, and the proceeds thereof be credited to the local fund of the Council.

(2) All arrears of taxes, rates, tolls and fees and other moneys claimable by a Council under this Act shall be recoverable as arrears of land revenue through Government agency or by the Council authorized by Government for such recovery through such employees or class of employees of the Council as may be prescribed.

101. Deduction of taxes from salaries.- If a Council levies a tax on professions, trades or callings, it may require the employer of the person liable to such tax to deduct the tax from the salary or wages payable to such person, and to credit the same to the local fund of the Council concerned in the prescribed manner.

102. Petitions against valuation, assessment, etc..- No assessment of a tax, rate toll or fee under this Act or valuation thereof or the liability of a person to be so taxed, shall be called in question except by a petition presented to such authority in such manner and within such period as may be prescribed.

103. Taxation Rules.- (1) All taxes, rates, tolls, fees, and other charges levied by a Council shall be imposed, assessed, leased, compounded, administered and regulated in such manner and within such period as may be prescribed.

(2) Rules framed under this section may, among other matters provide for the obligations of the tax-payer and the duties and powers of the officials and other agencies responsible for the assessment and collection of taxes.

CHAPTER-XI**LOCAL FUND AND PROPERTY**

104. Constitution of Local Fund.- (1) There shall be formed a Local Fund which shall be called as –

- (a) the Corporation Fund in the case of a Corporation;
- (b) the Municipal Committee Fund in the case of Municipal Committee;
- (c) the Town Committee fund in the case of Town Committee;
- (d) the Union Committee fund in the case of Union Committee;
- (e) the District Council Fund, in the case of a District Council; and
- (f) the Union Council Fund, in the case of a Union Council.

(2) The Local Fund shall consist of –

(a) the balance of such funds as on the coming into force of this Act is at the disposal of the Council, if any, of which the Council concerned is the successor;

(b) the proceeds of all taxes, tolls, rates, fees, cess and other charges levied and moneys recovered for utilization or services rendered by the Council under this Act or any other law for the time being in force;

(c) all rents and profits payable or accruing to the Council from and sale proceeds of the property vested in or managed by the Council;

(d) all sums contributed by individuals or institutions or other Councils, or other Local Authorities;

(e) all sums of moneys received from Government;

(f) all receipts accruing from the trusts placed under the management of the Council;

(g) all loans raised and all interests and profits accruing or arising from investments or transactions;

(h) all fines imposed under this Act;

(i) proceeds from such sources of income as Government may direct to be placed at the disposal of the Council;

(j) all other sums receivable by the Council;

(3) Refundable deposits credited by any person shall not form part of the Local

Fund, but will be kept in a separate “Deposit Fund.”

(4) Deposits not claimed within a period of two years after the same become repayable, shall be deposited in the Local Fund and when claimed after the expiry of the said period, refund of such deposits shall, unless specific provision in that behalf exists in the budget, be made in the financial year next following.

(5) A Council may and if required by Government shall establish and maintain a separate fund for any special purpose to which one or more sources of revenue mentioned in sub-section (2) or any part of those sources or any specified portion of the Local Fund may be assigned which shall be administered and regulated in the same manner as the Local Fund.

105. Custody and investment.- (1) A Council shall not incur any debt nor borrow any money or give any guaranty without prior approval of Government.

(2) A Council may invest surplus funds, if any, in such securities and financial institutions, as may be approved by the Government.

106. Withdrawal from the Fund.- (1) The moneys credited to the Local Fund may be withdrawn up to the amounts and for the purposes specified in the budget.

(2) The moneys credited to the Local Fund shall be applied in the order of the following preference –

Firstly, in the payment of salaries and allowances to the employees of the Councils;

Secondly, in the repayment of loans and utility bills;

Thirdly, such sums as the Council may be required to contribute towards the conduct of elections, the maintenance of the Sindh Council Unified Grades and the Auditing of Accounts;

Fourthly, in fulfilment of any obligation and in the discharge of any duty imposed on the Council under this Act, or under any other law for the time being in force;

Fifthly, in meeting the expenditure charged on the local fund under this Act;

Sixthly, any sum required to satisfy a decree or award against the Council by Court or Tribunal.

107. Application of Local Fund.- (1) Subject to sub section (2) below, the monies credited to a Local Fund shall be expended in accordance with the annual budget and revised budget estimates approved by the Council.

(2) A Council shall not transfer monies to any other Council except by way of payment of debts, for carrying out deposit works or for such other purposes as may be

prescribed.

(3) The application of Local Fund shall be subject to the budgetary constraints according to the minimum prescribed ratio of development and non-development expenditures.

(4) Where a new Council is to take over during a financial year as a result of fresh elections, the outgoing Council shall not spend funds or make commitments for any expenditure under any demand for grant or appropriation in excess of eight percent per month of the budgeted funds for the remainder of its term in office in that financial year.

108. Charged expenditure.- (1) The following expenditure shall be charged on the Local Fund, that is to say –

- (a) the money required for repayment of loans;
- (b) the money required to satisfy any judgment, decree or award against the council;
- (c) all sums to be paid to, or in connection with the employment of any Government employee who is or has been in the service of the Council;
- (d) any expenditure declared by Government to be so charged.

(2) If any expenditure charged on the Local Fund is not paid, Government may, by order, direct the person having the custody of the Local Fund to pay such amount, or so much thereof as may, from time to time, be possible from the balance of the Local Fund.

109. Budget.- (1) The annual budget for a council shall contain estimates of –

- (a) grants from the Government;
- (b) amounts available in the Local Fund;
- (c) receipts for the next year; and
- (d) expenditures to be incurred for the next year.

(2) Government shall, sufficiently before the beginning of each financial year, notify the provisional share, which may be credited to the Local Fund of a council from the provincial allocable amount.

(3) The functionaries of a Council may re-appropriate budget in accordance with the powers of re-appropriation delegated to them by Government and at the end of the financial year, a revised budget shall be submitted to the council for approval.

(4) A demand for a grant shall not be made except on the recommendation of the Mayor or the Chairman.

(5) Conditional grants from Government or other Council shall be shown separately in the budget and shall be governed by the conditions on which such grants

were made.

(6) A Council shall prepare the budget in the prescribed manner and in accordance with the chart of accounts notified by the Auditor-General of Pakistan.

110. Approval of Budgets.- (1) The Council shall, in the prescribed manner, prepare and sanction before the commencement of each financial year, a statement of its estimated receipts and expenditure for that year, hereinafter referred to as the budget, and forward a copy thereof to Government.

(2) If the budget is not prepared or sanctioned by a Council before the commencement of any financial year, Government may have the necessary statement prepared and certify it and such certified statement shall be deemed to be the sanctioned budget of the Council.

(3) If in the opinion of Government, the budget prepared and sanctioned by Council is in violation of provisions of this Act, Government may by order, modify it, and the budget so modified shall be deemed to be the sanctioned budget of the Council.

(4) At any time before the expiry of the financial year to which a budget relates, a revised budget for the year may, if necessary, be prepared and sanctioned and such revised budget shall, so far as may be, be subject to the provisions of this section.

(5) Where any Council assumes office under this Act for the first time, its budget relating to the remaining period of that financial year shall be prepared by the Council after resumption of office, as far as may be, in accordance with the provisions of this section.

(6) If any officer at whose disposal funds have been placed by a Council, considers it necessary to incur expenditure on sanctioned activities in excess of the amount duly sanctioned or provided in the budget by way of re-appropriation, he shall submit such proposal to the Council for order:

Provided that no expenditure on any item shall be incurred by re-appropriation if it was specially reduced by the Council or the Government at the time of sanctioning the budget or it has not been included in the budget:

Provided further that no saving from the pay of the employees of the Council shall be spent by re-appropriation nor saving from other units of appropriation shall be re-appropriated for payment of salary to the employees of the Council.

111. Accounts.- (1) The accounts of a Council shall be kept in such form and manner as may be prescribed.

(2) An annual statement of the accounts shall be prepared after the close of every financial year and shall be transmitted to Government and the Audit Authority separately within thirty days of the close of the financial year.

(3) A copy of the Annual Statement of Accounts and such other statements as

may be prescribed shall be displayed at a conspicuous place in the office of the Council for general information, and objections or suggestions received with respect thereto from the public shall be considered by the Council and brought to the notice of the Audit Authority.

Note: Every Corporation, Municipal Committee, District Council and Town Committee shall create, maintain and update their web-sites by placing all accounts related activities thereon.

(4) The Provincial Director, Local Fund Audit of Government shall pre-audit all the payments from the Local Fund of the Councils.

(5) A Council shall not withdraw or disburse money from the Local Fund unless it is pre-audited in the prescribed manner.

112. Composition of Provincial Finance Commission.- (1) The Provincial Finance Commission shall consist of the following thirteen members –

- (a) Minister for Finance who shall be the Chairperson;
- (b) Minister for Local Government who shall be the Co-Chairperson;
- (c) two members of the Provincial Assembly of the Sindh, each nominated by the Leader of the House and the Leader of the Opposition;
- (d) Secretary to the Government of Sindh, Finance Department;
- (e) Secretary to the Government of Sindh, Planning and Development Department;
- (f) Secretary to Government of Sindh, Local Government;
- (g) A Mayor of a Metropolitan Corporation;
- (h) A Mayor of a Corporation to be nominated by Government;
- (i) A Chairman of a District Council to be nominated by Government;
- (j) A Chairman of a Municipal Committee to be nominated by Government; and
- (k) two professional members from the private sector to be nominated by Government on such terms and conditions as may be prescribed.

(2) The Finance Department shall act as the Secretariat of the Provincial Finance Commission.

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

(4) A professional member may be removed or reappointed in the prescribed manner.

CHAPTER-XII

PROVINCIAL FINANCE COMMISSION

113. Functions of the Provincial Finance Commission.- (1) The Provincial Finance Commission shall make recommendations to the Government on –

(a) a formula for resource distribution including –

(i) distribution between the Government and the councils out of the proceeds of the Provincial Consolidated Fund into a provincial retained amount and a Provincial allocable amount to be called Provincial Finance Commission Award;

(ii) distribution of provincial allocable amount amongst the Councils as share of each council; and

(b) matters relating to finances of the Councils referred to the Provincial Finance Commission by Government or by a Council.

(2) Government may make grant-in-aid to a Council and such grant shall not form part of the provincial allocable amount.

(3) The Provincial Finance Commission may, before making recommendations, consult anybody or person, and shall take into account the principles of population, backwardness, need and performance of a council.

(4) Government may approve or, for reasons to be recorded in writing, alter the recommendations of the Provincial Finance Commission and promptly release the grants directly to the council.

(5) The Provincial Finance Commission shall take all decisions by majority of the members present and voting.

(6) The Provincial Finance Commission shall present to the Government annually a report on the analysis of the fiscal transfers, the situation of own-source revenue of the Councils and the reach and quality of their services and Government shall cause the report to be laid before Provincial Assembly of the Sindh.

(7) The provincial allocable amount and shares of the councils shall be determined by the award which shall remain in force for a period of four years.

(8) In case, the recommendations are not finalized before the expiry of the period of the award, the award in force shall continue to serve as the determinant of the provincial allocable amount and the shares of the councils till such time that a new award is approved.

114. Certificate requirements for fiscal transfers.- (1) The Provincial Finance

Commission shall, in consultation with the Government, determine the requirements for certification of fiscal transfers.

(2) The certification under sub-section (1) shall include the following –

- (a) provincial allocable amount and its calculation;
- (b) transfer of funds in accordance with determined shares of the Councils;
- (c) transfer of funds in accordance with the award and references made to the Provincial Finance Commission; and
- (d) revenues and expenditures of the Government and Councils.

(3) The Provincial Finance Commission may, for the purposes of certification, obtain data from Government, Council, any relevant agency connected with Government or the Federal Government.

(4) Government and a Council shall provide reports to the Provincial Finance Commission on the timeframe and methodology for the flow of funds determined by the Provincial Finance Commission.

(5) A Council may seek redressal of grievance relating to any matter connected with fiscal transfers by the Government by making a reference to the Provincial Finance Commission along with the grounds of such grievance and the Provincial Finance Commission may take appropriate decision for purposes of redressal of grievance.

115. Powers of the Provincial Finance Commission.- (1) Nothing contained in this chapter shall be construed to impose limits on the powers of the Provincial Finance Commission under any law as regards calling for any information relating to fiscal transfer formula and transfer of funds and, for the purpose, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908).

(2) The provincial allocable amount and shares of the councils shall be transferred on the basis of actual monthly receipts of Government.

(3) The Provincial Finance Commission shall conduct its business in the prescribed manner.

116. Audit.- (1) The accounts of every Council shall be audited in such manner, after such intervals and by such Authority, as provided under any law or as prescribed.

(2) The Audit Authority shall have access to all books, records and other documents pertaining to accounts and may also examine the Mayor, Deputy Mayor, Chairman, or Vice-Chairman, or any Member or Employees of the Council.

(3) On the completion of audit, the Audit Authority shall, in the prescribed manner, submit to Government and the Council, an audit report which shall, among other things, mention the cases of –

- (a) embezzlement, fraud and mis-appropriation of Local Fund;
- (b) loss, waste or misapplication of Local Fund;
- (c) irregularities in the maintenance of accounts;
- (d) unauthorized and excess expenditure.

(4) The Annual Audit Report shall be displayed by the Council at a conspicuous place for general information and on its web-site.

(5) The Council shall within sixty days from the receipt of audit report comply with the instructions, and rectify the irregularities given in the audit report and furnish to Government a detailed report in that behalf.

(6) Government shall, within thirty days of the receipt of the report under sub-section (5), forward it to the Public Accounts Committee of the Provincial Assembly of Sindh.

(7) Every Member or Employee of a Council and every person, charged with the administration of the affairs of a Council, or acting on behalf of a Council shall be personally liable for the loss, waste, misapplication or unauthorized application of any moneys or property belonging to the Council which is a direct consequence of his negligence or misconduct, and the liability of such member, employee or person shall be determined by Government in the prescribed manner.

(8) If in the opinion of the Government, it is necessary in public interest to have a special audit of a Council, it may direct that such audit may be conducted either by the Provincial Director Local Fund Audit or any other audit agency.

(9) After the receipt of special audit report of a Council, Government may take appropriate action under the law.

(10) Government may, where deemed appropriate, cause special audit of any Council to be conducted by any independent Auditor.

(11) Government may appoint District Account Committees which shall perform such functions as may be prescribed.

(12) Nothing provided in this Act shall prejudice or prevent the Auditor General of Pakistan from conducting audit of the Councils.

117. Property of the Councils.- (1) A Council may acquire and hold property both movable and immovable, whether within or without the limits of the Council.

(2) All properties of the nature described herein not being specially reserved by Government, shall stand vested in a Council –

- (a) all property which vested in any Council of which the Council is the successor;

(b) all public markets, slaughter houses, manure and night soil depots, and public buildings of any description constructed or maintained by the Council;

(c) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engine works, materials and things connected with or appertaining to such water works and any adjacent land, appertaining thereto not being private property;

(d) all public sewers and drains; all sewers, drain tunnels, culverts, gutters and water courses within the street line of a public street, and all works, materials and things appertaining thereto, all dust, dirt, dung, ashes, refuse, animal matter, filth, or rubbish of any kind collected by the Council from the streets, houses, privies, sewers, cesspools or else-where;

(e) all public lamps, lamp posts, and apparatus connected therewith, or appertaining thereto;

(f) all public streets, and pavements, stones and other materials thereof, and all trees within the street line and all erections, materials implements and things provided for such streets.

(3) Subject to the other provisions of this Act, a Council shall –

(a) control, manage, maintain, inspect, develop or improve any property which is owned by or vests in it or which is placed under its charge;

(b) apply such property for the purposes of this Act; and

(c) acquire or transfer by grant, gift, sale, mortgage, lease, exchange or otherwise any property in the prescribed manner.

(4) Government may, by rules provide for the management, maintenance, improvement, development and regulation or alienation of the property belonging to or vesting in a Council.

118. Earmarking of Income for development plans.- Government may direct that any specified items of income of a Council shall wholly or in part be earmarked for and applied in the implementation of a scheme or development plan proposed under this Act.

CHAPTER-XIII**PROVINCIAL LOCAL GOVERNMENT COMMISSION**

119. Provincial Local Government Commission.- (1) Government shall appoint a Provincial Local Government Commission which shall comprise of the following members –

- (a) the Minister for Local Government, who shall be the Chairman;
- (b) two members of the Provincial Assembly of Sindh each to be nominated by the leader of the House and Leader of the Opposition;
- (c) ¹[two eminent, qualified and experienced technocrat members nominated by the Government;]
- (d) Secretary, Law Department;
- (e) Secretary, Local Government Department, shall be ex-officio member and Secretary of the Commission.

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

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

(4) The Local Government Department, shall provide secretariat support to the Local Government Commission and the Department shall render assistance in the functioning of the Commission by establishing a separate Secretariat of the Commission with sections for each level of council.

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

(6) The Government shall provide a separate budget for Local Government Commission in the Annual Budget.

(7) The Government shall notify the organogram and schedule of establishment of the Provincial Local Government Commission.

(8) The Secretary of Local Government Department, shall be the Principal Accounting Officer and the Commission shall have its own Drawing and Disbursing Officer.

¹ Substituted by Act No. LIII/2013, dated, 2/11/2013

120. Functions of the Provincial Local Government Commission.- (1) The functions of the Provincial Local Government Commission shall be as, otherwise, provided in this Act and, in particular, it shall –

(a) conduct special inspections of the Councils and submit reports to the Chief Minister Sindh;

(b) conduct, on its own initiative or, whenever, so directed by the Chief Minister Sindh, an inquiry by itself or through Council into any matter concerning a Council;

(c) cause, on its own initiative or, whenever, so directed by the Chief Minister Sindh, a special audit by itself or direct a Council to arrange a special audit, of any Council;

(d) resolve disputes between any Department of Government of Sindh and Council or between two Councils;

Provided that if the Local Government Commission fails to settle the disputes, the aggrieved party may move the Chief Minister Sindh for resolution thereof;

(a) enquire into the matters referred to it by the Chief Officer under the provisions of this Act and give its decision thereon or, as the case may be, make report to the competent authority;

(b) submit to the Chief Minister Sindh an Annual Report on the overall performance of the Council;

(c) take cognizance of violations of laws and rules by a Council in performance of its functions;

(d) organize consultative planning meetings of National and Provincial legislators, Mayors, Deputy Mayors, Chairmen and Vice Chairmen of Councils on a periodic basis to provide their participation in development activities of the district with regard to –

(i) the consultative process of the Annual Development Plan of the Council;

(ii) formulating procedure for utilization of the Legislators development grant;

(iii) assessing implementation of decision of these meetings; and

(iv) carrying out review of development schemes;

(2) The directions and orders of the Provincial Local Government Commission arising out of its inspections and inquiries under this Act shall be binding upon the concerned Council failing which the Commission shall report the matter with specific recommendations to the Chief Minister Sindh for decision and appropriate action.

(3) Where the Provincial Local Government Commission is of opinion that suspension of a Mayor, Deputy Mayor, Chairman or Vice Chairman of Council is necessary for the fair conduct of the enquiry under this Act or preventing the Mayor, Deputy Mayor, Chairman or Vice Chairman of Council from continuing with any unlawful activity during the pendency of enquiry, it may recommend to the Chief Minister Sindh for making appropriate order for suspension of such Mayor, Deputy Mayor, Chairman or Vice Chairman of Council for a maximum period of ninety days.

(4) Where, on any enquiry under this Act, a Mayor, Deputy Mayor, Chairman, Vice Chairman or a member of a Council is found guilty or misconduct by the Provincial Local Government Commission, it shall recommend appropriate action, to the Chief Minister Sindh.

(5) The Provincial Local Government Commission shall have the same powers as are vested in a civil court under the Code of Civil Procedures, 1908 (Act V of 1908), in respect of the following matters, namely –

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commission for the examination of witnesses.

CHAPTER-XIV**ADMINISTRATION OF SERVICE**

121. Sindh Council Unified Grades.- (1) There shall be constituted a service known as the Sindh Councils Unified Grades comprising such posts in Council in such scales of pay as may, from time to time, be specified.

(2) Appointments to the Sindh Councils Unified Grades shall be made by such authority and in such manner and on such terms and conditions as may be prescribed.

(3) Save in so far as inconsistent with the provisions of this Act, the Sindh Councils Unified Grade Service, Rules, 1982, shall continue to remain enforce, until and unless repealed or amended by Government:

Provided that all appointments to posts in BS-17 and above shall be made through Sindh Public Service Commission.

(4) The members of the Sindh Councils Service constituted under the repealed enactment shall, on the coming into force of this Act, be deemed to be the Members of the Sindh Councils Unified Grade:

Provided that the terms and conditions of their service shall not be less favourable than the terms and conditions applicable to them immediately before the coming into force of this Act.

(5) Government may transfer a person belonging to the Sindh Councils Unified Grades from one Council to another Council.

(6) A person belonging to the Sindh Councils Unified Grades shall be liable to such disciplinary action and penalties in accordance with such procedure as may be prescribed.

122. Pension, Benevolent and Provident Fund.- (1) Government may, for the persons belonging to the Sindh Councils Unified Grades, and in the prescribed manner, establish and maintain –

(a) the Sindh Councils Unified Grades Fund from which such payments in respect of such persons shall, in the prescribed manner, be made;

(b) pension fund from which person shall, in the prescribed manner, be paid to such persons;

(c) benevolent fund from which any special pension or gratuity, shall, in the prescribed manner be paid to the family of any such person when he dies of disease or injury contracted or suffered by him in the discharge of his official duties;

(d) provident fund for such persons, to which contribution shall be made by such persons and in such manner and proportion, as may be prescribed.

(2) Government may operate a scheme of social insurance for the persons belonging to the Sindh Councils Unified Grades and require such persons to subscribe to such Unified Grades and require such persons to subscribe to such scheme in such manner and proportion as may be prescribed.

123. Schedule of Establishment.- (1) A Council shall prepare a Schedule of Establishment showing the numbers of posts in each grade which are deemed necessary for the efficient performance of its functions under this Act and submit the same within three months of the coming into force of this Act to Government for approval.

(2) if, in the opinion of Government, the number of posts in the Schedule of Establishment or the remuneration fixed for any post included in it is excessive, the Council shall, on being required by Government for doing so, reduce the number or the remuneration, as the case may be.

(3) A change in the Schedule of Establishment approved by the Government under sub-section (1) shall be made in the same manner as the Schedule of Establishment.

124. Appointment of employees for Councils.- (1) Appointment to a schedule posts shall be made by such Authority, in such manner and on such terms and conditions as, may be prescribed and the person so appointed shall be the employee of the Council.

(2) An employee of a Council shall be liable to such disciplinary action and penalties in accordance with such procedure as may be prescribed; provided that the Council shall have power to impose the penalty on such employees.

125. Provident Fund and Social Insurance.- (1) A Council may, establish and maintain –

(a) provident fund for the benefit of its employees, who shall contribute to such fund in such manner and proportion as may be prescribed;

(b) pension fund from which pension, shall, in the prescribed manner, be paid to the employees of the Council;

(c) benevolent fund, in the prescribed manner from which any special pension or gratuity, shall, in the prescribed manner be paid to the family of an employee of the Council, who dies of disease or injury contracted or suffered by him in the discharge of his official duties.

(2) A Council may operate a scheme of social insurance for its employees and require such employees to subscribe to such scheme in such manner and proportion, as may be prescribed.

126. Legal Adviser.- A Council or group of Councils may, in such manner and on such terms and conditions as may be prescribed appoint a whole time or part time Legal

Advisor, not being a member of the Sindh Councils Unified Grades or employee of the Council or Councils to appear in all legal proceedings and to render such advice as may be required.

127. Training and Training Institutions.- (1) Government may set up institutions or make other arrangement as may be necessary for –

- (i) the pre-service and in-service training of the employees of the Councils;
- (ii) the training of Members, Mayor, Deputy Mayor, Chairmen and Vice Chairmen of Councils;
- (iii) organizing conference and seminars on Local Government and related subjects;
- (iv) undertaking research in Local Government and allied subjects independently or in collaboration with the Universities or Research Institutions;
- (v) the courses to be studied in the institutions established under this sub section and examinations and award of diplomas and certificates to successful candidates;
- (vi) affiliating the institutions established with the Universities and associating the Universities, Colleges or Training Institutes for the training of the staff of the Engineering, Education, Public Health and other Departments of the Council.

(2) The Civil Servants and employees of other agencies or private bodies may get training in the institutions established under sub-section (1) on such terms and conditions as may be determined by Government.

(3) A Council may be required to pay towards the cost of institutions set up or other arrangements made under sub-section (1) in such proportion as Government may, from time to time, determine.

128. Sindh Local Government Board.- (1) There shall be constituted a Board to be called the Sindh Local Government Board.

(2) The Board shall consist of a Chairman, Vice Chairman and such number of Members as may be appointed by Government.

(3) The Chairman and Vice Chairman of the Board shall perform such functions and exercise such powers as may be prescribed.

129. Functions of the Board.- (1) The Board shall perform such functions and maintain funds in respect of employees as may be prescribed.

(2) The Board shall with the approval of Government employ such number of employees as may be necessary, on such terms and conditions and they shall be liable to such disciplinary action and penalties as may be prescribed.

(3) Government may, from time to time, specify that a post in the Board shall be filled by person belonging to the Sindh Council Unified Grades or any other service.

130. Expenditure on maintenance of the Board.- The expenditure on the maintenance of the Board shall be borne by the Councils by making contributions at such rate as may, from time to time, be fixed by Government.

131. Divisional and District Local Boards.- (1) Government may appoint Divisional and District Local Government Boards to exercise such functions and powers under this Act as may be delegated to them by Government.

(2) The Divisional and District Local Government Boards shall, with the approval of Board, employ such number of employees as may be necessary on such terms and conditions and they shall be liable to such disciplinary action and penalties as may be prescribed.

CHAPTER-XV

OFFENCES, PENALTIES AND ENFORCEMENT

132. Offences, Punishments and their Cognizance.- (1) The offences specified in ¹[Schedule-VI] shall be liable to punishment by way of imprisonment, fine, seizure, forfeiture, confiscation and impounding and such other penalties as are provided in this Act.

(2) If a person commits an offence specified in –

(a) Part-I of ²[Schedule-VI], such person shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five lac rupees or with both;

(b) Part-II of ³[Schedule-VI], such person shall be punishable with imprisonment which may extend to seven years or fine which may extend to ten lac rupees or with both; and

⁴[Omitted]

(3) The fines imposed by a Court for an offence specified in Sixth Schedule shall on collection be deposited in the local fund of the council concerned.

133. Appointment and Control of Inspectors.- (1) The Mayor or the Chairman shall, with the approval of the Council, authorize the officials of the Council as Inspectors for enforcement of the provisions relating to the offences specified in the Schedules:

Provided that the council shall not appoint Inspectors in excess of numbers specified below without approval from the Government.

S. No.	Category of Council	Number of Inspectors
1	Union Council One	One
2	Town Committed	One
3	Municipal Committee	Three
4	District Council	Five

¹ Substituted by Act No. LIII/2013, dated, 2/11/2013

² Substituted by Act No. LIII/2013, dated, 2/11/2013

³ Substituted by Act No. LIII/2103, dated, 2/11/2013

⁴ Omitted by Act No. LIII/2013, dated, 2/11/2013

5	District Municipal	Five (each)
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(2) The prescribed officer shall be the controlling authority and administrative head of an Inspector and the Inspector shall report to the officer for the enforcement of provisions of this Chapter.

134. ¹[Omitted.]

135. Compounding of Officers.- The Council or any person generally or specially authorized by the Council in this behalf may compound any offence under this Act.

136. Cognizance of Offence.- No court shall take cognizance of any offence under this Act except on a complaint in writing received from the Mayor or Chairman or a person generally or specially authorized by the Council in this behalf.

137. Trial of the Offences.- The offences under this Act shall be cognizable and triable by a competent Court in accordance with the provisions of the Criminal Procedure Code 1898.

¹ Omitted by Act No. LIII/2013, dated, 2/11/2013

CHAPTER-XVI**MISCELLANEOUS**

138. Rules.- (1) Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the matters enumerated in Schedule VII and all matters incidental, consequential and supplemental thereto.

139. Bye-laws.- (1) A Council may, and if required by Government shall, make bye-laws not inconsistent with the rules, for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such bye-laws may provide for all or any of the matters enumerated in Schedule VIII and all matters incidental, consequential and supplemental thereto.

(3) All bye-laws shall be made subject to the condition of previous publication.

(4) All bye-laws shall be subject to the sanction of Government and Government may sanction the same with or without modification.

(5) If the Council fails to make any bye-laws when required by Government to do so, Government may frame the bye-laws and publish them in the official Gazette and the bye-laws so published shall be deemed to be bye-laws made by the Council.

(6) Government may frame model bye-laws and the Councils may adopt them or be guided by them.

(7) All bye-laws shall be published in such manner as in the opinion of the Authority making them is best suited for information of the residents of the local area concerned.

140. General provision relating to rules and bye-laws.- (1) All rules and bye-laws made under this Act shall be deemed to form part of this Act.

(2) Copies of rules and bye laws pertaining to a Council shall be kept available at the office of the Council for inspection and sale.

141. Delegation of Powers.- (1) Government may, by notification, delegate any of its powers under this Act or the rules to Council or to any officer under Government or the Council, as the case may be.

(2) A Council may by notification delegate any of its powers to the Mayor or as the case may be, Chairman or a Committee or Sub-Committee or any Officer serving under the Council.

142. Joint Committees.- (1) A Council may join any other Council or a Local Authority in appointing a Joint Committee for any purpose in which such Councils, or Local

Authorities are jointly interested and may delegate to such Joint Committees any power which may be exercised by it including the power to make bye-laws for conduct of its business.

143. Appeals.- Any person aggrieved by an order passed under this Act or the rules or bye-laws may appeal to such Authority in such manner and within such period as may be prescribed, and the order passed in appeal shall be final.

144. Regulation of selection of Councils and conduct of their activities.- Government may by standing order issued from time to time –

- (a) co-ordinate the activities of Councils and Government Departments;
- (b) provide general guidance to the Councils in carrying out the purposes of this Act.

145. Encroachments.- Encroachments shall be dealt with in accordance with the provisions of the laws relating to the removal of encroachments.

146. Acquisition of Land or Building.- Any land or building required by a Council temporarily or permanently, may be acquired through the Commissioner in accordance with the law relating to such acquisition for the time being in force.

147. Disqualification for service in a Council.- (1) A person who directly or indirectly acquires any share or interest in any contract with a Council or obtains any employment other than an employment as an employee of the Council, under the Council shall be disqualified from being an employee of that Council.

(2) Where any employee of a Council acquires directly or indirectly any share or interest in any such contracts as aforesaid, shall, after enquiry in the prescribed manner be removed from the service of the Council.

148. Institution of suits against Council.- (1) A suit may be instituted against a Council in respect of any act done or purported to be done under this Act after the expiration of one month next after notice in writing has been, delivered or left at its office stating the cause of action, the name, description of place or residence of the intending plaintiff and the relief which he claims and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Where any such suit is instituted without delivering or leaving such notice as aforesaid or before the expiration of the said period of one month or where the plaint does not contain a statement that such notice has been so delivered or left, the plaintiff shall not be entitled to any costs, if settlement regarding the subject matter of the suit is reached or the Council concedes the plaintiff's claim within the period of one month from the date of institution of the suit:

Provided that in a suit instituted without such notice, the Council may submit its written statement within sixty days in the Court.

149. Notice and Service thereof.- (1) Where anything is required to be done or not to be done by any person under this Act or the Rules or Bye-laws, a notice shall be served on the person concerned specifying the time within which the requirement shall be complied with.

(2) No notice shall be invalid for defect of form.

(3) Every notice, shall, unless otherwise provided, be served or presented by giving or tendering the notice or sending it by post to the person for whom it is intended or where the notice cannot be so served or presented by affixing it on some conspicuous part of his place of residence or business.

(4) A notice intended for the public in general shall be deemed to have been duly served if a copy thereof is affixed at such public place as may be determined by the Council concerned and in case of a Corporation, Municipal Committee, Town Committee, and District Council, is published in a newspaper.

150. Records to be Public documents.- All records prepared or registers maintained under this Act shall be deemed to be public documents within the meaning of the Qanoon-e-Shahadat Order 1984 and shall be presumed to be genuine until the contrary is proved.

151. Members and servants of councils to be public servants.-Every member and employee of a Council and every other person duly empowered to act on behalf of a Council shall be deemed to be a Public Servant within the meaning of Section 21 of the Pakistan Penal Code (Act XLV of 1860).

152. Protection of action taken in good faith.- (1) No suit, prosecution, or other legal proceedings shall lie against Government, Election Commission of Pakistan or any Council or any Officer or other person for anything done in good faith or intended to be done under this Act, or any rule or direction given thereunder.

(2) No Court shall question the legality of any action taken in good faith or under the Authority of the Election Commission of Pakistan or an Officer appointed by it or any decisions given by any of them.

153. Certain matters to be prescribed.- Where this Act makes any provisions for anything to be done but no provision or sufficient provision has been made in respect of the Authority by whom, 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.

153-A Where ever power is conferred on any person, authority body, officer or council under the provisions of this Act, such power shall be exercised fairly, justly reasonably and in public interest. Provided that the action taken in exercise of power conferred under the provisions of this Act shall be proportionate keeping in view all the facts and

¹ Inserted by Act No. LIII/2013, dated, 2/11/2013

circumstances.

153-B Save in sub-section (xvii) of section 3, wherever the words “Election Commission of Pakistan” are appearing, the same shall be substituted by the words “ Election Commission”.]

154. Right to information.- (1) Subject to any reasonable restriction imposed through rules, a person may seek any information in possession of a council.

(2) Every designated functionary of a council shall, within seven days of an application, provide requisite information to the applicant on payment of such fee as may be prescribed.

(3) A council shall, on quarterly basis, publish on its website or at prominent place information about the staffing and the performance of the officers of the Council during the preceding three months.

(4) A Council shall maintain records in the prescribed manner with the special emphasis on electronic record keeping.

CHAPTER-XVII

TRANSITIONAL PROVISIONS

155. Transition.- (1) Notwithstanding anything contained in this Act, the Government may for a period not exceeding six months from the date of commencement of this Act shall have the power to pass any order for the effective implementation of the provisions of this Act or to deal with the situation not specifically provided for under this Act.

156. Interim Authorities.- (1) On coming into force of this Act, any office, authority, body or a Council established under any other law relating to Council shall continue providing services without any interruption until a Council is established under this Act for the local area.

(2) All functionaries of the bodies established under any other law shall continue to perform their respective functions, duties and responsibilities with the successor Council under this Act, until transferred to any other Council.

157. Interim maintenance of Institutions.- Where on the enforcement of this Act in any area, any service undertaken or institution maintained by Government is required under any of the provisions of this Act to be compulsorily undertaken or maintained by a local government or Council, such service or institution shall, notwithstanding anything contained in this Act, continue to be undertaken or maintained by the Government until the management thereof is transferred to the local government or Council.

158. Continuation of Functions of certain Authorities and Officers.- Notwithstanding anything contained in this Act, all authorities and all officers who immediately before the enforcement of this Act were exercising functions of local government or Council under any law relating to local government shall continue to exercise their respective functions till the Councils are constituted under this Act; provided that Government may withdrawal all or any of the functions from such authorities or officers as it may deem necessary.

159. Financial Transition.- All taxes, cesses, fees, rates, rents, tolls or charges which were being charged, levied and collected by any office or authority, body or Council under any law relating to Council shall continue to be charged, levied and collected under this Act by the successor Council and every person liable to pay such tax, cess, fee, rate, rent, toll, charge or any arrears of the tax, cess, fee, rate, rent, toll or charge shall continue to make the payment until such tax, cess, fee, rate, rent, toll or charge is revised, withdrawn or varied under this Act.

160. Repeal and Saving.- (1) The Sindh Local Government Ordinance- 1979 revived through the Sindh (Repeal of the Sindh Peoples Local Government Act- 2012 and Revival of the Sindh Local Government Ordinance- 1979) Act-2013, is hereby repealed.

(2) Notwithstanding the repeal of the enactment under sub-section (1) –

(a) everything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, person appointed or authorized, jurisdiction or power conferred, licence, certificate or permit granted, rules or bye-laws made and order issued under any of the provisions of the repealed enactment shall, if not inconsistent with the provisions of this Act, continue in force and, so far as may be, deemed to have been respectively done, taken, incurred, commenced, appointed, authorized conferred, granted made or issued under this Act;

(b) all Union Councils, District Councils, Town Committees, Municipal Committees and Corporations, bodies or authorities existing immediately before the coming into force of this Act, shall be deemed to be the Councils and the Officials or Administrators performing the duties and functions of such bodies or Councils shall continue to perform such duties and functions until newly elected Councils assume the offices in accordance with the provisions of this Act; provided that Government may, in the meantime remove or transfer any such official or Administrator and appoint any other person to be Administrator or Official of such Council or make any other arrangement for running the affairs of the Council.

161. Removal of difficulty.- The Government may, within two years of the commencement of this Act, by order consistent with the Act, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

SCHEDULE-I

(See Section-19)

PART – A

The councils shall have such number of members as given in section-19 or as may from time to time be determined by the government.

PART – B**1. METROPOLITAN CORPORATION**

Population above 3.5 million.

2. CORPORATIONS, OTHER THAN METROPOLITAN CORPORATION

Population between 0.3 million to 3.5 million

3. MUNICIPAL COMMITTEES

Population between ¹[50,000 to 0.3 million]

4. TOWN COMMITTEES

Population between ²[10,000 to 50,000]

³[Provided that the Town Committees, Municipal Committees and Municipal Corporations which were in existence prior to the enactment of the Sindh Local Government Ordinance, 2001 or notified thereafter shall remain in existence, irrespective of their population.]

¹ Substituted by LIII/2013, dated, 2/11/2013

² Substituted by LIII/2013, dated, 2/11/2013

³ Substituted by Act No. XXVII/2015, dated, 20/5/2015

PART – C

¹Union Council

Population between 10000 to 15000

Union Committee in Municipal Corporation

Population between 10000 to 15000

Union Committee in Metropolitan Corporation

Population between 40000 to 50000

Ward in a Town Committee

Population between 2000 to 3000

Ward in a Municipal Committee

Population between 4000 to 5000]

¹ Substituted by LIII/2013, dated, 2/11/2013

SCHEDULE-II

(See Section 72)

FUNCTIONS TO BE PERFORMED BY CORPORATIONS, MUNICIPAL COMMITTEES AND TOWN COMMITTEES**PART – I****COMPULSORY FUNCTIONS****FUNCTIONS TO BE PERFORMED BY THE METROPOLITAN CORPORATION EXCLUSIVELY**

- 1) Planning development and maintenance of Inter-district roads, bridges, street lights and storm water drains.
- 2) Special Development Programme.
- 3) Co-ordination. Monitoring and supervision of all inter-district development / maintenance work.
- 4) Maintenance of Abattoirs and Cattle Colonies to be specified by Government.
- 5) Medical College and Teaching/Specialized Hospitals e.g. Karachi Medical and Dental College, Abbasi Shaheed Hospital, Sobhraj Maternity Home, Sarfaraz Shaheed Hospital, Spencer's Eye Hospital, Leprosy Hospital and such other institutions as were being managed by City District Government Karachi or Karachi Metropolitan Corporation or as may be specified by Government before commencement of this Act.
- 6) Zoological Gardens, Safari Park, Aquarium, Sports Complex and Beeches.
- 7) Art Gallery, Museum and Metropolitan Library.
- 8) Municipal Watch and Ward.
- 9) Fire Fighting Service.
- 10) Civil Defence.
- 11) Traffic Engineering.
- 12) Milk Supply Schemes.
- 13) Control of Land owned by Metropolitan Corporation and Removal of Encroachments from the properties owned by Metropolitan Corporation.
- 14) Celebration of National Days.
- 15) Reception of Foreign dignitaries / distinguished guests.
- 16) Providing protection against stray animals and animal trespass, and establishing cattle pounds; and
- 17) regulation or prohibition of the establishment of brick kilns, potteries and other kilns within the residential areas;
- 18) Any other function which Government may assign.

PART – I-A**FUNCTIONS TO BE PERFORMED BY THE DISTRICT MUNICIPAL CORPORATION**

All functions of the Municipal Committees except those in Part-I.

PART – II**COMPULSORY FUNCTIONS****FUNCTIONS TO BE PERFORMED BY CORPORATIONS, OTHER THAN METROPOLITAN CORPORATION MUNICIPAL COMMITTEES AND TOWN COMMITTEES****Public Health**

- 1) **Promotion of Public Health.**- Subject to the provisions of the Act and the rules, an urban council may take such measures for promoting public health, including education in health, as it considers necessary, or, as the case may be, Government directs.
- 2) **Responsibility for Sanitations.**- A Corporation, Municipal Committee or Town Committee shall be responsible for the sanitation, and may for that purpose cause such measures to be taken as are required by or under this Act.
- 3) **Removal, Collection and Disposal of Refuse.**- A Corporation, Municipal Committee or Town Committee shall make adequate arrangements for the removal of refuse from all public streets, public latrines, urinals, drains and all buildings and lands vested in the Council concerned and for the collection and proper disposal of such refuse.
- 4) **Birth, Deaths and Marriages.**- A Corporation, Municipal Committee or Town Committee shall, subject to any other law for the time being in force, register all births, deaths and marriages within the Local Area and information of such births, deaths and marriages shall be given by such persons or Authorities, and shall be registered in such manner as the bye-laws may provide.
- 5) **Infectious diseases.**- A Corporation, Municipal Committee or Town Committee shall adopt such measures to prevent infectious diseases and for restraining infection within the Local Area as the rules and bye-laws may provide.

Water Supply and Drainage

- 1) A Corporation, Municipal Committee or town Committee shall, within the limits of the funds at its disposal provide or cause to be provided, a supply of wholesome water sufficient for public and private purpose.
- 2) **Private Source of water supply.**- All private sources of water supply within the Local Area concerned shall be subject to control, regulation and inspection by the

Corporation, Municipal Committee or Town Committee.

- 3) **Drainage.**- A Corporation, Municipal Committee or Town Committee shall, within the limits of the funds at its disposal provide adequate system of public drains in the Local Area and all such drains shall be constructed, maintained kept cleared and emptied with due regard to the health and convenience of the public.

Slaughter House

- 1) A Corporation, Municipal Committee or Town Committee shall, provide and maintain at such site or sites within or without Local Area as may be approved by Government one or more Slaughter Houses for the Slaughter of animals generally or of any specified description of animals for sale.

Streets

- 1) **Public Streets.**- A Corporation, Municipal Committee or Town Committee shall provide and maintain such public streets and other means of public communication as may be necessary for the comfort and Convenience of the inhabitants of the local area concerned and of the visitors thereto.
- 2) **Streets.**- No new streets shall be laid out except with the precious sanction of the Corporation, Municipal Committee or Town Committee, and in conformity with the terms and conditions of such sanction.
- 3) **Streets Lights.**- A Corporation, municipal Committee or Town Committee shall take such measures as may be necessary for the proper lighting of the public streets and other public streets and other public places vesting in the Council concerned by oil, gas, electricity or such other illuminate as the Council may determine.
- 4) **Public Vehicle.**- No person shall keep or let for hire, or drive or propel within the Local Area any public vehicle, other than a motor vehicle, except under a licence granted by the Corporation, Municipal Committee or Union Committee and in conformity with the conditions of such licence.

Education

- 1) **Adult Education.**- A Corporation, Municipal Committee, or Town Committee shall take such measures as may be necessary for promotion of adult education.
- 2) **Primary Education.**- Monitoring of Primary Education and related facilities and reporting any violations, failures, omissions in provision thereof by the authority concerned to the Government.

Miscellaneous

- 1) Providing protection against stray animals and animal trespass, and establishing cattle pounds; and
- 2) Regulation or prohibition of the establishment of brick kilns, potteries and other kilns within the residential areas.

Optional Functions**1. Removal, collection and disposal of refuse.-**

- 1) The occupiers of all buildings and lands within the local area shall be responsible for the removal of refuse from such buildings and lands subject to the general control and supervision of the Corporation, Municipal Committee or Town Committee, as the case may be.
- 2) The Council concerned may cause public dustbins or other suitable receptacles to be provided at suitable places including streets, or other places conveniently accessible to the public, and where such dustbins or receptacles are provided, the Council concerned, may by public notice, require that all refuse accumulating in any premises or land shall be deposited by the owner or occupier of such premises or land in such dust-bins or receptacles and be removed by the Council.
- 3) All refuse removed by or under the supervision of the staff of the Council concerned shall be the property of the Council.

2. Public Toilets.-

- 1) A Corporation, Municipal Committee or Town Committee may and if required by Government, shall provide and maintain sufficient number of public toilets for separate use of each sex at appropriate places, and shall cause the same to be kept and maintained in proper order of cleanliness.
- 2) The occupier of any public premises or land to which any latrine or urinal pertains shall keep such latrine or urinal in a proper state to the satisfaction of the Council concerned and shall employ such staff for the purpose as may be necessary, or as may be specified by the Council.
- 3) Where any premises are with privy or urinal accommodation, or without adequate privy or urinal accommodation, or the privy or urinal is on any ground objectionable, the Council concerned may by notice require the owner of such premises –
 - (a) to provide such or such additional privy or urinal accommodation as may be specified in the notice; or
 - (b) to make such structural or other alterations in the existing privy or urinal accommodation as may be so specified; or
 - (c) to remove the privy or urinal; and
 - (d) where there is an underground sewerage system, to substitute connected privy or connected urinal accommodation for any service privy or service-urinal accommodation.

3. Infectious Diseases.-

- 1) A Corporation, Municipal Committee or Town Committee may and if required by Government shall, establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.
- 2) The Council concerned may in the prescribed manner frame and implement

schemes for the prevention and control of infectious diseases.

4. Health and maternity centres etc.- A Corporation, Municipal Committee or town committee may, and if required by Government shall –

- (a) establish, manage, maintain, or contribute towards the maintenance of health centres, maternity centres, and centres for the welfare of women, infants and children;
- (b) provide for the training of dais; and
- (c) adopt such other matters as may be necessary to promote the health and welfare of women, infants and children.

5. (a) Promotion of Public Health.- Subject to the provisions of this Act and the rules, the Council may, and if Government so directs, shall take such measures for promoting public health including education in health as it considers necessary or, as the case may be, Government directs.

(b) Primary Health.- Monitoring of Primary Health and related facilities and reporting any violations, failures, omissions in provision thereof by the authority concerned to the Government.

6. Hospitals & Dispensaries.-

- 1) A Corporation, Municipal Committee or Town Committee may, and if so required by Government shall, establish and maintain such number of hospitals and dispensaries as may be necessary for the medical relief of the inhabitants of the Local Area and the people visiting it.
- 2) Every hospital and dispensary maintained by a Council shall be managed and administered in such manner as may be prescribed.
- 3) Subject to any directions that may be given in this behalf by Government, every hospital and dispensary maintained by a Corporation, Municipal Committee or Town Committee shall be provided with such drugs, medicines, instruments, apparatus, appliances, equipments and furniture in accordance with such scale and standard as may be prescribed.

7. Medical aid and relief and Medical Education, etc.- A Corporation, Municipal Committee or Town Committee may, and if necessary or so required by Government, shall, take such measures as may be necessary or be specified by Government for –

- (a) the provision and maintenance of first aid centres;
- (b) the provision and maintenance of mobile medical aid units;
- (c) the promotion and encouragement of societies for providing medical aid;
- (d) the promotion of medical education;
- (e) the payment of grants to institutions for medical relief; and
- (f) the medical inspection of school children.

8. Water Supply.-

- 1) A Corporation, Municipal Committee or Town Committee may, and if required by Government, shall, in the prescribed manner, frame and execute a water supply scheme for the construction and maintenance of such works for the provision, storage and distribution of water as may be necessary.
- 2) Where a piped water supply is provided, the Council concerned may supply water to private and public premises in such manner and on payment of such charges as the bye-laws may provide.

9. Private sources of Water Supply.- No new well, water-pump or any other sources of water for drinking purposes shall be dug, constructed, or provided except with the sanction of the Council, concerned.

The Council concerned may by notice require the owner or any person having the control of any private source of water supply used for drinking –

- (a) to keep the same in good order and to clear there from silt, refuse and decaying matter from time to time;
- (b) to protect the same from contamination in such manner as the Council concerned may direct; and
- (c) if the water therein is proved to the satisfaction of the Council concerned to be unfit for drinking purposes to take such measures as may be specified in the notice to prevent the use of such water for drinking purposes.

10. Drainage.-

- 1) Every owner or occupier of any land or building within the Local Area may, with the previous permission of the Council concerned and subject to such terms and conditions, including the payment of fees, as the Council may impose, cause his drains to be emptied into public drains.
- 2) All private drains shall be subject to control, regulation and inspection by the Council concerned and the Council may, in such manner as the bye-laws may provide, require the provision, alteration, covering, clearing and closing of private drains.

11. Drainage Schemes.-

- 1) A Corporation, Municipal Committee or Town Committee may, and if so required by Government, shall prepare a drainage scheme in the prescribed manner for the construction of drains at public and private expenses, and other works for the effective drainage and disposal of sullage.
- 2) A drainage scheme prepared under clause (1) shall be submitted for approval to Government which may approve it, reject it, or approve it subject to such modifications as it may deem fit.
- 3) The drainage scheme as approved by Government shall be executed and implemented in such manner within such period and by such authority as may be specified by Government.
- 4) The Council concerned may, by notice, require the owner of any building or land

within the local area –

- (a) to construct such drains within the building or land or the street adjoining such building or land, as may be specified in the notice;
- (b) to remove, alter, or improve any such drains; and
- (c) to take such other steps for the effective drainage of the building or land as may be specified.

12. Bathing, and Washing places.-

- 1) A Corporation, Municipal Committee or Town Committee may, from time to time.
 - (a) set apart suitable places for use by the public for bathing, washing clothes, or for drying clothes;
 - (b) specify the times at which and the sex of the person by whom such places may be used; and
 - (c) prohibit by public notice, the use by the public for any of the said purposes of any place not so set apart.
- 2) No person shall establish, maintain or run a hammam or a bath for public use except under a licence granted by the Council concerned and in conformity with the conditions and terms of such licence.

13. Dhobi ghats and Washermen.-

- 1) A Corporation, Municipal Committee or Town Committee may provide dhobi ghats for the exercise of their calling by washermen, and may by bye-laws regulate the use of dhobi ghats and levy fees for their use.
- 2) The Council concerned may by bye-laws provide for the licensing of washermen and the regulation of their calling.

14. Public Water Courses.-

- 1) A Corporation, Municipal Committee or Town Committee may with the previous sanction of Government, declare any source of water, spring, river, tank, pond or public stream, or any part thereof within the Local Area, which is not private property, to be a public water-course.
- 2) The Council concerned may, in respect of any public watercourse provide such amenities, make such arrangements for life-saving, execute such works, and, subject to the provision of any law for the time being in force relating to irrigation, drainage and navigation, regulate the use thereof, as the bye-laws may provide.

15.- (1) A Corporation, Municipal Committee or Town Committee may by bye-laws provide for the licensing of boats and other vessels and may prescribe the terms and conditions for the grant of licences and the fees to be charged therefore.

(2) **Public Ferries.-** Government may declare any part of a public water-course to be a public ferry and may entrust the management thereof to the Council concerned, and

thereupon the Council shall manage and operate the public ferry in such manner and levy such tolls as may be prescribed.

16. Public Fisheries.- A Corporation, Municipal Committee or Town Committee may, with the previous sanction of Government declare any public water-course as a public fishery, and thereupon the right of fishing in such water-course shall vest in the Council concerned, which may exercise such right in such manner as may be prescribed by bye-laws.

Articles of Food and Drink

17. Bye Laws for Articles of Food and Drink.- A Corporation, Municipal Committee or Town Committee may, by Bye-laws –

- (a) prohibit the manufacture, sale or preparation, or the exposure for sale of any specified article of food or drink in any place or premises not licensed by the Council concerned;
- (b) prohibit the import into the Local Area for sale of any specified article of food or drink except by persons licensed under clause (a);
- (c) prohibit the hawking of specified articles of food and drink in such parts of the Local Area as may be specified;
- (d) regulate the time and manner of transport within the Local Area of any specified article of food or drink;
- (e) regulate the grant and withdrawal of licences under this paragraph and the levying of fees therefor; and
- (f) provide for the seizure and disposal of any animal, poultry or fish intended for food which is deceased, or any article of food or drink which is noxious.

18. Milk Supply.-

- 1) Except, under a licence granted by the Corporation Municipal Committee or Town Committee no person shall, within the Local Area, keep milk cattle for the sale of milk, or sell milk or expose or import milk for sale or manufacture butter, ghee, or any other milk or dairy product, or keep or maintain any premises therefor.
- 2) The Council concerned may, in the prescribed manner, and with the previous sanction of Government, frame and enforce a milk supply scheme, which may, among other matters, provide for the establishment of milkmen's colonies, the prohibition of the keeping of milk cattle in the Local Area or any part thereof and the adoption of such other measures as may be necessary for ensuring an adequate supply of pure milk to the public.

19. Public Markets.-

- 1) A Corporation, Municipal Committee or Town Committee may establish and maintain public markets of any article of food and drink and provide places for use as public markets for the sale of articles of food and drink and of animals and

- secure the proper management and sanitation of such markets.
- 2) The Council concerned may, in respect of a public market, provide by bye-laws –
- (a) The fees to be charged for the use or for the right to expose food for sale in the market;
 - (b) the fees to be levied on vehicles and animals bringing goods therein for sale;
 - (c) the fees to be charged for the use of shops, stalls, pens or stamps;
 - (d) the fees to be charged in respect of animals brought for sale or sold; and
 - (e) the fees to be charged from brokers, commission agents, weighmen, and other persons practicing their calling therein.

20. Private Markets.- No private markets for the sale of articles of food or drink or for the sale of animals shall be established or maintained within the Local Area, except under a licence granted by the Corporation, Municipal Committee or, as the case may be, Town Committee and in conformity with the conditions of such licence.

21. Notwithstanding the provisions of paragraph 20, the owner of every private market within the Local Area for the sale of articles of food or drink or for the sale of animals, maintained immediately before the coming into force of this Act, shall within three months apply for a licence to the Council concerned and until the licence is granted shall continue to maintain the same.

22. If Government is satisfied that in public interest any private market should be discontinued or taken over by the Corporation, Municipal Committee or Town Committee it may direct that the market should be discontinued, or rights or interest thereto should be acquired the market shall be discontinued, taken over by the Council concerned subject to the payment of such compensation as would have been payable if the market had been acquired under the Land Acquisition Act, 1894 (Act I of 1894).

23. The Council concerned may by notice require the owner of any private market to construct such works provide such convenience and make such arrangements for the maintenance of the market, and within such period as may be specified in the notice.

Animals

24. Animal Husbandry.-

- 1) A Corporation, Municipal Committee or Town Committee may, and if so required by Government, shall, provide for the establishment and maintenance of Veterinary Hospitals and Dispensaries and by bye-laws regulate their working and fix the fees to be charged for treatment in such Hospitals and Dispensaries.
- 2) The Council concerned may, subject to the provisions of any other law for the time being in force, by bye-laws define contagious diseases among animals and provide for measures that shall be adopted for prevention of the spread of such diseases, including the compulsory inoculation or subjection to such treatment as may be

necessary of animals as may be suspected to have been infected with carriers of any such disease.

25. Stray Animals.-

- 1) A Corporation Municipal Committee or Town Committee may, by bye-laws provide for the seizure, detention and impounding of animals found straying in any street, public place or cultivated land.
- 2) The Council concerned may, and if so required by Government, shall in accordance with the bye-laws establish and maintain cattle pounds for the impounding of cattle and charge fines and fees therefore.
- 3) No animal shall be picketed or tethered in such streets or places as may be specified by the Council concerned and any animal found picketed or tethered in any such street or place shall be liable to seizure and impounding.

26. Animal Homes and Farms.-

- 1) A Corporation Municipal Committee or Town Committee may, with the previous approval of Government, establish and maintain Animal Homes, where, subject to such terms and conditions and on payment of such fees and other charges, as the bye-laws may provide, the animals of private persons may be kept.
- 2) **Registration of the sale of Cattle.-** The Council concerned may, with the previous approval of Government, establish and maintain Cattle Farms and Poultry Farms, and such farms shall be managed and administered in such manner as the bye-laws may provide.

27. Livestock improvement.- A Corporation, Municipal Committee or Town Committee may by bye-laws require that every sale of such animals as may be specified shall be registered with the Council concerned in such manner and subject to the payment of such fees, as the bye-laws may provide.

28. Dangerous Animals.- A Corporation, Municipal Committee or Town Committee may, with the previous approval of Government, frame and execute a livestock scheme, which may, among other matters, provide that no person shall keep such animals above such age as may be specified, unless they are castrated or are certified by competent Authority to be fit for breeding.

29.- A Corporation, Municipal Committee or Town Committee may by bye-laws define the animals which shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous and such bye-law may, among other matters provide for the detention, destruction or disposal otherwise of such animals.

30. Cattle Shows, Zoo etc.-

- 1) A Corporation, Municipal Committee or Town Committee may hold cattle shows and fairs within the limits of the Local Area and charge such fees from the people attending such shows or fairs as the bye-laws may provide.

- 2) The Council concerned may, with the previous approval of Government, maintain or contribute towards the maintenance of Zoological Gardens.

31. Disposal of Carcasses.- Whenever an animal in the charge of a person dies, otherwise, than by being slaughtered for sale or consumption, or for some religious or other purpose, such person shall either –

- (a) convey the carcass within twenty-four hours to a place, if any, fixed by the Corporation, Municipal Committee or Town Committee for the disposal of the dead bodies of animals, or to a place at least one mile beyond the limits of the Local Area;
- (b) give notice of the death to the Council concerned whereupon the Council shall cause the carcass to be disposed of and charge such fees from the person concerned as the bye-laws may provide.

¹[Omitted]

Streets

38. Public Streets.- The Council concerned shall, in the prescribed manner, prepare and execute road maintenance and development programme which shall form part of the budget, and Government may alter or amend the programme in such manner as it considers necessary.

39. Streets.-

- 1) All streets other than public streets shall be maintained in such manner as the bye-laws may provide.
- 2) The Council concerned may by notice require that any street may be paved, metalled, drained, channelled, improved or lighted in such manner as may be specified in the notice, and in the event of default, the Council concerned may have the necessary work done through its agency and the cost incurred thereon shall be deemed to be a tax, levied on the persons concerned under this Act and be recovered accordingly.
- 3) Government may prescribe the manner in which a street other than a public street may be converted into a public street.

40. General Provision about Streets.-

- 1) The Council concerned may, in the manner provided in the bye-laws, lay down street lines and building lines, and may, among other things, require the setting back of any building to conform to such street lines and building lines.
- 2) The Council concerned may by bye-laws define nuisances and offences with regard to streets, and provide for their prevention and abatement.

¹ Omitted by LIII/2013, dated, 2/11/2013

41. Street Light.- The Council concerned may, with the previous sanction of Government frame and enforce street lighting scheme in the prescribed manner.

42. Street Watering.- A Corporation Municipal Committee or Town Committee may take such measures as may be necessary for the watering of public streets for the comfort and convenience of the public, and may, for the purpose, maintain such vehicles, staff, and other apparatus as may be necessary.

43. Traffic Planning.- A Corporation, Municipal Committee or Town Committee may by bye-laws make arrangements for smooth flow of traffic and regulation of traffic as may be necessary to prevent danger to and ensure the safety, convenience and comfort of the public:

Provided that control and regulation of traffic shall remain vested with traffic police.

44. Public Vehicle.-

- 1) No horse or other animal shall be used for drawing a public vehicle within the Local Area except under a licence granted by the Council concerned and in conformity with the conditions of such licence.
- 2) The Council concerned shall in such manner as bye-laws may provide, and with the previous approval of Government, fix the fares for the use of public vehicles, and no person plying a public vehicle shall charge a fare in excess thereof.

Explanation.- In this paragraph, a "public vehicle" means any vehicle which ordinarily plies for hire.

Public Safety

45. Fire Fighting. –

- 1) For the prevention and extinction of fire a Corporation, Municipal Committee or Town Committee may , and if so required by Government, shall maintain a fire brigade, consisting of such staff and such number of fire stations, and such implements, machinery, equipment and means of communicating intelligence as may be prescribed.
- 2) On the occurrence of a fire within the Local Area, any Magistrate or any official of a fire brigade directing the operations or any Police Officer not below the rank of Sub Inspector, may –
 - (a) remove or order the removal of any person who by his presence interferes or impedes the operations for extinguishing the fire or for saving life and property;
 - (b) close any street or passage in or near which any fire is burning;
 - (c) for the purpose of extinguishing the fire, break into or through, or pull down, or use or cause to be broken into or

through, or pulled down, or used any premises for the passage of houses or other appliances, and any damage or loss suffered thereby by the owner or occupier of the premises shall, subject to the provisions of clause (4), be compensated by the Council concerned by reasonable repairs of the premises;

- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
 - (e) call on the persons in charge of any fire engine to render such assistance as may be possible; and
 - (f) generally take such measures as may appear necessary for the preservation of life and property.
- 3) No person shall be liable to pay damages in respect of anything done or in good faith intended to be done under this paragraph.
- 4) Notwithstanding the provisions of clause (3) or of any other law, or the terms of any insurance policy, any damage done in the exercise of a power conferred, or in the discharge of a duty imposed by this paragraph shall be deemed to be damage by fire for the purposes of any policy of insurance against fire.

46. Civil Defense.- A Corporation, Municipal Committee or Town Committee shall be responsible for the civil defense of the Local Area, and it shall in this behalf, perform such functions as may be prescribed.

47. Floods.- For the fighting of floods, rescuing of people from flood-affected areas, and affording relief to flood-stricken people, a Corporation or Municipal Committee or Town Committee may and if so, required by Government, shall provide such boats, appliances and equipment as it deems necessary or as may be specified by Government.

48. Famine.- In the event of a famine, a Corporation, Municipal Committee or Town Committee may, with the sanction of Government, execute such famine works and undertake such famine relief measures as may be necessary or may be specified by Government.

49. Dangerous and Offensive Articles and Trades.-

- 1) Government may by rule define the articles and trades which shall be deemed to be dangerous or offensive for the purpose of this paragraph.
- 2) Except under and in conformity with the conditions of a licence granted by the Corporation, Municipal Committee or Town Committee –
 - (a) no person shall carry on any dangerous or offensive trade;
 - (b) no premises shall be used or suffered to be used for any dangerous or offensive trade; and
 - (c) no person shall store or keep in any premises;
 - (i) any dangerous or offensive article except for domestic use; or
 - (ii) any dangerous or offensive article excess of such limit as may be fixed by rules.

- 3) The Council concerned may, with the previous sanction of Government, prepare and enforce a scheme providing for the prohibition of dangerous and offensive trade in any specified part of the Local Area, and for the restriction of such trades another part of such area.
- 4) In case of contravention of clause (2) any officer not below the rank of Assistant Health Officer authorized by the Council concerned may seize the dangerous and offensive article, and seal the premises where such article is found:

Provided that the seized article which is of perishable nature may be disposed in such manner as deemed fit:

Provided further that as soon as possible after the seizure of the article but not later than forty-eight hours therefrom, a case shall be registered in a Court of competent jurisdiction which may confirm, modify or set aside the action taken by the officer.

- 5) No electricity, gas or water connection shall be provided to any premises for a dangerous and offensive trade, unless a licence for carrying on such trade at such premises is granted by the Corporation, Municipal Committee or Town Committee, as the case may be, and in case any such licence is revoked, the electricity, gas or water connection shall, on receipt of the intimation of revocation of licence be discontinued by the concerted authorities.

50. Burial and Cremation Places etc.-

- 1) A Corporation, Municipal Committee or Town Committee may, and if so required by Government, shall provide suitable places for the burial and burning of the dead, and shall take necessary measures for the proper maintenance and administration of such burial and cremation places etc.
- 2) Government may, by notification in the official Gazette, declare that any burial or burning place which is open to public for burial or burning shall vest in the Council concerned, and thereupon such burial or burning place shall vest in the Council and the Council shall take all measures necessary for the proper maintenance and administration thereof.
- 3) Every burial or burning place which is not administered by the Council shall be registered with the Council and shall be subject to regulation, supervision and inspection by the Council in such manner as the bye-laws may provide.
- 4) No new burial or burning place shall be established within a Local Area, except under a licence granted by the Council concerned and in conformity with the conditions of such licence.

Trees, Parks, Gardens and Forests

51. Arboriculture.-

- 1) A Corporation, Municipal Committee or Town Committee may plant trees on public streets and other public places within the Local Area and take all such steps as may be necessary for the plantation and protection of trees on such

streets and places.

- 2) The Council concerned may in the prescribed manner and with the previous sanction of Government, frame and enforce and arboriculture plan.

52. Gardens.-

- 1) A Corporation, Municipal Committee or Town Committee may, and if so required by Government, shall lay out and maintain within the Local Area such public gardens as may be necessary for the recreation and convenience of the public, and such public gardens shall be maintained and administered in such manner as the by-laws may provide.
- 2) For every public Garden, there shall be framed and enforced, in the prescribed manner, a Garden Development Plan, which shall provide for the development and improvement of the garden.

53. Open spaces.- A Corporation, Municipal Committee or Town Committee may provide and maintain within the Local Area such open spaces as may be necessary for the convenience of the public, and such spaces shall be grassed, hedged, planted and equipped with such amenities and in such manner as the by-laws may provide.

54. Forests and Nurseries.- A Corporation, Municipal Committee or Town Committee may, in the prescribed manner, frame and enforce afforestation plans providing for the improvement, development and exploitation of forests, nurseries and plants, and shall maintain and work forests in accordance with such plans.

55. Nuisances Pertaining to Trees and Plants.-

- 1) A Corporation, Municipal Committee or Town Committee may, by bye-laws specify the pests which destroy or cause damage to trees and plants and provide for their destruction.
- 2) If any land or premises within the Local Area is grown or being grown with rank or noxious vegetation, the Council concerned may by notice require the owner or occupier of such land or premises to clear such vegetation within the specified time, and if he fails to do so within such time the Council may have such vegetation cleared and the cost incurred therefor shall be deemed to be a tax levied on the owner or occupier under this Act and be recovered accordingly.
- 3) The Council concerned may, in the manner provided in the bye-laws, require the felling of any tree which is dangerous, or the trimming of the branches of any tree which overhang and are likely to interfere with traffic or are otherwise inconvenient.
- 4) The Council concerned may, in the manner provided in the bye-laws, prohibit the cultivation of any crop which is considered dangerous to public health within such part of the local area as may, be specified.

56. Tanks and Low Lying Areas.- A Corporation, Municipal Committee or Town Committee may, and if so required by Government, shall take such steps with regard to the excavation, and re-excavation of tanks and the rehabilitation of low lying areas as it

thinks fit, or as are required by Government.

Education**57. Education.-**

- 1) The Corporation, Municipal Committee or Town Committee may maintain such Educational Institutions as may be required by Government, and may, with the previous approval of Government, maintain such other Educational Institutions as the Council concerned may establish or consider necessary for the promotion of education in the Local Area.
- 2) All educational institutions owned by the Council concerned or as may be by the Government shall be maintained in a state of efficiency and shall conform to such standards as may be prescribed.
- 3) The Council concerned may, with the previous approval of Government, give financial aid to private Educational Institutions within the Local Area.

58. Compulsory Education.- Subject to any law for the time being in force, the Corporation, Municipal Committee or Town Committee shall be responsible for the enforcement of compulsory education in the Local Area, and it may in this behalf adopt all such measures as may be necessary to ensure that every child of school-going age attends a school recognized by the Council concerned.

59. General Provisions About Education.- A Corporation, Municipal Committee or Town Committee may –

- (a) construct and maintain buildings to be used as hostels for students;
- (b) give scholarships to deserving or specially bright students;
- (c) provide for the training of teachers;
- (d) provide and promote religious education;
- (e) promote tolerance inter faith harmony;
- (f) provide school books to orphans and indigent students free of cost or at concessional rates;
- (g) maintain depots for the sale of school books and articles of stationery; and
- (h) with the previous approval of Government –
 - (i) promote and assist educational societies;
 - (ii) undertake educational survey and enforce educational plan;
 - (iii) provision of milk supply and meals for school children;
 - (iv) adopt any other measures likely to promote the cause of education.

Culture

60. Culture.- A Corporation, Municipal Committee or Town Committee may, and if so required by Government shall –

- (a) establish and maintain information centres for the furtherance of civil education

- and dissemination of information on such matters as community development or matters of public interest;
- (b) maintain social media centres at public institutions and public places;
 - (c) organize museums, exhibitions, and art galleries;
 - (d) provide and maintain public halls and community centres;
 - (e) celebrate the Holy Prophet's Birthday, Pakistan Day, Quaid-e-Azam's Birthday, and other national holidays;
 - (f) provide for the reception of distinguished visitors visiting the Council concerned;
 - (g) encourage national and regional languages;
 - (h) promote tours to the Council concerned and adopt measures for the preservation of the historical and indigenous characteristics of the Local Area;
 - (i) provide or promote subsidized facilities for the recreation of the public; and
 - (j) adopt any other measures likely to promote cultural values, mutual tolerance and interfaith harmony.

61. Libraries.- A Corporation, Municipal Committee or Town Committee may, and if so required by Government, shall establish and maintain such public libraries, reading rooms and digital libraries as may be necessary for the use of the public.

62. Fairs and Shows, etc.- A Corporation, Municipal Committee or Town Committee shall, with the previous approval of Government, make such arrangements on the occasion of any fairs, shows or public festivals within the Local Area as may be necessary for the public health, public safety, public convenience, entertainment and may levy fees on the persons attending such fairs and shows.

Social Welfare

63. A Corporation, Municipal Committee or Town Committee may, and if so required by Government, shall –

- (a) establish, manage and maintain welfare homes, asylums, orphanages, widow and shelter homes and other institutions for the relief of the distressed;
- (b) provide for the burial or cremation paupers found dead within the Local Area at its own expense;
- (c) adopt such measures as may be prescribed for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils;
- (d) organize social service volunteers;
- (e) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, and destitute women and children; and
- (f) adopt any other measures likely to promote social welfare.

Development

64. Development Plans.-

- 1) A Corporation, Municipal Committee or Town Committee may, and if so required

- by Government shall, prepare and implement development plans for such periods and in such manner as may be specified.
- 2) Such plans shall be subject to the sanction of the prescribed authority, and shall provide for –
- (a) the promotion, improvement and development of such function or functions of the Council concerned as may be specified;
 - (b) the manner in which the plan shall be financed, executed, implemented and supervised;
 - (c) the agency through which the plan shall be executed, and implemented; and
 - (d) such other matters as may be necessary.
- 3) Government may direct any specified items of income to be earmarked and applied in the implementation of a Development Plan.

65. Community Development Projects.- A Corporation, Municipal Committee or Town Committee may, in the prescribed manner sponsor or promote Community Development Projects for the Local Area or any part thereof and may in this behalf perform such functions as may be prescribed.

66. Commercial Schemes.- A Corporation, Municipal Committee or Town Committee may, in the prescribed manner, and with previous sanction of Government promote, administer execute and implement schemes for undertaking any commercial or business enterprise.

67. Miscellaneous Functions.- A Corporation, Municipal Committee or Town Committee may –

- (a) prepare and implement land development and improvement schemes of land owned by respective councils;
- (b) development of public housing schemes;
- (c) plan preservation of landscape and flood control;
- (d) undertake construction and maintenance of religious places;
- (e) provision of training to professional divers and lifeguards; and
- (f) provide assistance in disasters and emergencies.

SCHEDULE-III

(See Section 72)

FUNCTIONS OF DISTRICT COUNCILS**PART - I****COMPULSORY FUNCTIONS**

- 1) Aggregation of the financial allocations and physical programmes and targets received from the Provincial Governments in different sectors and to draw up a District Development Programme. In this work the Council will take into Account Federal Projects, their allocations and the physical targets falling in or Benefiting Districts. (Generally, the organization may develop and take on complete planning functions).
- 2) To make proposals, if necessary to the Provincial Planning and Development Departments for modifications in the aggregate District Programme after identifying the (a) gaps (b) internal inconsistencies, (c) compatibility of the programme with the capacity available in the District for implementation, maintenance and supervision and (d) evaluating it in the light of local priorities.
- 3) To discharge the overall responsibility for the identification of projects and appraisal and approval of projects prepared and to be constructed by Union Councils in the following sub-section –
 - Primary, Middle and Secondary Schools
 - Rural Health Centres
 - Basic Health Units
 - Family Welfare Clinics
 - Piped Water Supply
 - Potable Water Storage Tanks
 - Hand Pumps
 - Sanitation
 - Rural Roads
- 4) To supplement the programme of the District derived from the Provincial Development Programme with –
 - (a) Voluntary Resources; Labour, Land and cash contributions;
 - (b) Taxes; on property, consumption and other sources identified by the community (except on trade);
 - (c) Fees and charges for the use of utility services provided by the Council such as water supply, sanitation, etc.
- 5) Disbursement of ADP funds for the approved projects (placed at the disposal of District Council by the Provincial Government) to various Union Councils.

- 6) To arrange the procurement and distribution of locally made equipment and material for Health Centres and Schools.
- 7) To take appropriate measures for the development of skills, Crafts and Cottage Industries. (Development of skills would include promotion of Industrial Homes, domestic and cottage level crafts and trades, modest repairs of agricultural and other machinery and training of rural labour.
- 8) To review the implementation of the District Development Programme (as an extension of the function of P&D Department and as their agent) by holding review meetings within the District as well as through periodic inspections and progress reports from the Council.
- 9) To submit to the Planning and Development Department regular progress reports on the implementation or development projects at different levels within the District.
- 10) To monitor the supply of agricultural inputs and to make appropriate recommendations to the concerned authorities.
- 11) To formulate Union Development Programmes derived from the District Development Programme in consultation with the respective Union Councils and to review periodically its implementation.
- 12) Disseminate information about the projects and allocations of funds for the District Development Programmes throughout the District to keep the people fully informed about the projects to be executed in the District. This will not only mobilize the interest of the people in the development work for the District but also make them more watchful about the use of development funds by the Government functionaries thus leading ultimately to better community supervisions.
- 13) Provision and maintenance of public Libraries and Reading Rooms.
- 14) To promote adult education.
- 15) Provision and maintenance of their respective Hospitals and Dispensaries including Veterinary Hospitals and Dispensaries.
- 16) Provision, maintenance and improvement of public roads, culverts and bridges.
- 17) Plantation and preservation of trees on road sides and public places.
- 18) Provision and maintenance of Public Gardens, Public Playgrounds and Public Places.
- 19) Maintenance and regulation of Public Ferries other than those maintained by Government Departments.
- 20) Maintenance and regulation of Cattle Pounds.
- 21) Provision and maintenance of Serais, Dak Bungalows, Zailghars, Rest Houses and other buildings for the convenience of Travellers.
- 22) Prevention, regulation and removal of encroachments.
- 23) Prevention and abatement of nuisances.
- 24) Holding of fairs and shows.
- 25) Promotion of public games and sports.
- 26) Celebration of public festivals.

- 27) Promotion of sanitation and Public Health.
- 28) Prevention, regulation and control of Infectious Diseases.
- 29) Enforcement of Vaccination.
- 30) Protection of foodstuffs and prevention of adulteration.
- 31) Permission to organize Cattle Piri (Mall Piri).
- 32) Provision of water supply, construction, repair and maintenance of water work and other sources of water supply.
- 33) Adoption of appropriate measures, on its own, or behalf of the Zila Council for the development of rural skills, crafts and cottage industries.
- 34) Adoption of measures for increased agricultural production.
- 35) Regulation of traffic; licensing of vehicles other than motor vehicles and the establishment and maintenance of public stands for vehicles.
- 36) Improvement of the breeding of cattle, horses and other animals and the prevention of cruelty to animals.
- 37) Relief measures in the event of any fire, hailstorm, earthquake, famine, or other natural calamity and disasters.
- 38) Co-operation with other organizations engaged in activities similar to those of the District Councils.
- 39) Promote tolerance and interfaith harmony.
- 40) Any other functions that may be directed by Government to be undertaken by District Council either generally or by a particular District Council.
- 41) Promotion of social, civic and patriotic virtues among the people and discouraging of parochial, racial, tribal, sectarian and provincial prejudices.
- 42) Providing protection against stray animals and animal trespass, and establishing cattle pounds; and
- 43) Regulation or prohibition of the establishment of brick kilns, potteries and other kilns within the residential areas;

PART – II

OPTIONAL FUNCTIONS

(a) Education.-

- 1) Provision and maintenance of Schools.
- 2) Construction and maintenance of buildings to be used as Hostels for students.
- 3) Provision of scholarships.
- 4) Training of teachers.
- 5) Payment of grants and subsidies to Educational Institutions.
- 6) Promotion and assistance of Educational Societies.
- 7) Undertaking of educational survey, framing of Educational Plans and implementation thereof.
- 8) Provision and promotion of religious education.

- 9) Provision of milk supply and meals for school children.
- 10) Publication of books and their respective printing presses.
- 11) Provision of school books to orphans and indigent students free of cost or at concessional rates.
- 12) Maintenance of depots for the sale of school books and articles of stationery.
- 13) Any other measure likely to promote the cause of education.
- 14) Establishment and maintenance of information centres.
- 15) Organization of general cultural activity.
- 16) Maintenance of social media Centres at public institutions and public places.
- 17) Organization of museums, exhibitions and Art Galleries.
- 18) Provision and maintenance of Public Halls, Public Meeting Places and Community Centres.
- 19) Furtherance of civic education and the dissemination of information on such matters as Local Government, Rural Reconstruction, Hygiene, Community Development, Agriculture, Industries, Cattle breeding and other matters of public interest.
- 20) Celebration of the Holy Prophet's birthday, Pakistan Day, Quaid-e-Azam's Death Anniversary and other National occasions.
- 21) Reception of distinguished visitors.
- 22) Encouragement of National and regional languages.
- 23) Promotion of physical culture, the encouragement of public games and sports and the organization of rallies, matches and tournaments.
- 24) Preservation of the historical and indigenous characteristics of the Local Area.
- 25) Any other measures likely to promote cultural progress and advancement.

(b) Social Welfare.-

- 1) Establishment, management and maintenance of Welfare Homes, Asylums, Orphanages, Widow and Shelter Homes and other Institutions for the relief of the distressed.
- 2) Burial and cremation of paupers found dead within the Local Area.
- 3) Prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils.
- 4) Organization of social service volunteers.
- 5) Organization of Legal Aid for the poor.
- 6) Adoption of measures for the promotion of the welfare of women, backward classes and destitute children.
- 7) Adoption of measures for the settlement of disputes by conciliation and arbitration.
- 8) Any other measures likely to promote social welfare.

(c) Economic Welfare.-

- 1) Establishment and maintenance of Model Agricultural Farms.
- 2) Popularization of improved methods of agriculture maintenance of improved

- agricultural implements and the lending of such implements to cultivators and adoption of measures for bringing waste lands under cultivation.
- 3) Maintenance of crop statistics, protection of crops, the lending of seeds for sowing purposes, distribution of fertilizers and the popularization of their use and the maintenance of fodder reserves.
 - 4) Promotion of Agricultural Credit; Agricultural Education; and adoption of other measures likely to promote Agricultural Development.
 - 5) Construction and repair of embankments, supply, storage and control of water for agricultural purposes.
 - 6) Preservation and reclamation of soil and the drainage and reclamation of swamps.
 - 7) Management, protection and maintenance of village forests.
 - 8) Provision, regulation and maintenance of markets.
 - 9) Provision of facilities for the procurement of raw materials and the marketing of products of village industries.
 - 10) Establishment, maintenance and management of Industrial School and the training of labourers in Village Industries.
 - 11) Adoption of other measures likely to promote the development of Village Industries.
 - 12) Organization, maintenance and management of village stores and Godawns.
 - 13) Popularization of the co-operative movement and the promotion of education in co-operation.
 - 14) Any other measures likely to promote economic welfare.

(d) Public Health.-

- 1) Education and awareness in public health.
- 2) Framing and implementation of schemes for anti-malaria, water born diseases including dengue, and prevention and control of infectious diseases.
- 3) Organization and maintenance of first-aid centres.
- 4) Provision and maintenance of mobile medical aid units.
- 5) Promotion and encouragement of societies for the provision of medical aid.
- 6) Promotion of medical education and the payment of grants to institutions for medical relief.
- 7) Medical inspection of compounders, dispensers, nurses and other medical workers.
- 8) Establishment, management, maintenance and inspection of Unani, Ayurvedic and Homoeopathic dispensaries.
- 9) Establishment, management, maintenance and inspection of Health Centres, Maternity Centres and centres for the welfare of infants and children, the training of dais, mid-wives and the adoption of other measures likely to promote the health and welfare of women, infants and children.
- 10) Measures to alleviate diseases of animals and birds, and the prevention and control of contagious diseases among birds and animals.

- 11) Preservation of cattle health.
- 12) Provision, maintenance and improvement of pastures and grazing grounds.
- 13) Regulation of milk supply, establishment of milk colonies, and provision, and regulation of sanitary stables.
- 14) Establishment and maintenance of Cattle Farms and Dairies.
- 15) Establishment and maintenance of Poultry Farms.
- 16) Preservation and protection of endangered species.
- 17) Any other measures, likely to promote Public Health, Animal Husbandry and Welfare of Birds.

(e) Public Work.-

- 1) Improvement of the means of communications.
- 2) Drainage water supply, pavement of streets and other works of public utility.
- 3) Framing and execution of Village Plans, Village Improvement Schemes, Town Planning Schemes and Regional Planning Schemes.
- 4) Maintenance of maps for Local Areas.
- 5) Construction, management and maintenance of such other works of public utility not specified elsewhere as may be required for fulfilling any obligation imposed by or under this Act or any other law for the time being in force.

(f) General.-

- 1) Construction and maintenance of mosques, Imam Barghs and places of worships.

SCHEDULE-IV

(See Section 72)

[FUNCTIONS OF UNION COUNCILS AND UNION COMMITTEES]

- 1) To act as construction agency for the following sub- sectors –
 - Primary, Middle and Secondary Schools
 - Rural Health Centres
 - Family Welfare Clinics
 - Basic Health Units
 - Piped Water Supply
 - Potable Water/Storage Tanks/Tube-wells, and Wells
 - Hand Pumps
 - Sanitation
 - Rural Roads

In pursuance of the above, the Union Councils shall be responsible for site selection, project preparation, land acquisition where necessary, construction and maintenance of new buildings as well as the maintenance of already completed projects.

- 2) To raise local resources through –
 - (a) Voluntary resources; labour, land and cash contribution;
 - (b) Taxes; property, consumption and other sources identified by the community (except on trade);
 - (c) Fees and charges for the use of utility services provided by the Councils such as water supply, sanitation, etc.
- 3) Procurement and distribution of equipment and materials for Health Centres, and Schools.
- 4) Take appropriate measures, on its own or on behalf of the District Council, for the development of rural skills, crafts and cottage industry.
- 5) Monitor the implementation of development projects of line departments by regular review meetings, inspections and review of periodic progress reports and to take appropriate action within the sphere of their jurisdiction.
- 6) Make recommendations about the location of various facilities to the District Council.
- 7) Identify gaps in various sectors (e.g. non-availability of teachers and medicines in the schools and dispensaries) for the provision of facilities in the Union Area and to take steps within the available sources and in accordance with priorities laid down by District Council.
- 8) Keep a watch over the actual supplies and delivery of various agricultural and

¹ Substituted by Act No. LIII/2013, dated 2/11/2013

- service inputs within the Union Area and to report any inadequacies to the supplies Organization/District Council.
- 9) Widely circulate information on the projects, allocations and physical programmes to be executed by various line departments and the Union Councils within the Union Area to enlist the voluntary financial and material support to the Local Development Programmes and to stimulate better community supervision.
 - 10) To encourage and to facilitate the formation of associations for collective use and collection of charges for services such as electric supply and water course management, co-operative tubewell development, co-operative for input supplies and output marketing, water-course management, etc.
 - 11) Provision and maintenance of public ways and public streets.
 - 12) Provision and maintenance of Eid Gahs, public open spaces, public gardens and public playgrounds, common meeting places and other common property.
 - 13) Lighting of public ways, public streets and public places.
 - 14) Plantation and preservation of trees in general, and plantation and preservation of trees on public ways, public streets and public places in particular.
 - 15) Management and maintenance of graveyards, shamilats and cremations and burial grounds.
 - 16) Provision and maintenance of accommodation for travellers.
 - 17) Prevention and regulation of encroachments on public ways, public streets and public places.
 - 18) Prevention and abatement of nuisances in public ways, public streets and public places.
 - 19) Sanitation, conservancy, and the adoption of other measures for the cleanliness of the Union.
 - 20) Regulation of collection, removal and disposal of manure and street sweepings.
 - 21) Regulation of offensive and dangerous trades.
 - 22) Regulation of the disposal of carcasses of dead animals.
 - 23) Regulation of the slaughter of animals.
 - 24) Regulation of the erection and re-erection of buildings in the Union.
 - 25) Regulation of dangerous buildings and structures.
 - 26) Provision and maintenance of wells, water pumps, tanks, ponds, and other works for the supply of water.
 - 27) Adoption of measures for preventing the contamination of the sources of water supply for drinking.
 - 28) Prohibition of the use of the water of wells, ponds, and other sources of water supply suspected to be dangerous to Public Health.
 - 29) Regulation or prohibition of the watering of cattle, bathing or washing at or near wells, ponds or other sources of water reserved for drinking purposes.
 - 30) Regulation or prohibition of the steeping of hemp jute or other plants in or near ponds or other sources of water supply.

- 31) Regulation or prohibition of dying or tanning of skins within residential areas.
- 32) Regulation or prohibition of the excavation of earth, stones or other material within residential areas.
- 33) Regulation or prohibition of the establishment of brick kilns, potteries and other kilns within residential areas.
- 34) Registration and computerization of data regarding births and deaths, marriages and divorces and the maintenance of such vital statistics as may be prescribed.
- 35) Holding of fairs and shows.
- 36) Celebration of public festivals.
- 37) Provision of relief measures in the event of any fire, flood, hailstorm earthquake or other natural calamity and disasters.
- 38) Relief for the widows and orphans and the poor, and persons in distress.
- 39) Promotion of public games and sports.
- 40) Agricultural, industrial and community development of co-operative movement, village industries, forests, livestock and fisheries.
- 41) Adoption of measures for increased food production.
- 42) Provision of First-Aid Centres.
- 43) Provision of libraries and reading rooms.
- 44) Co-operation with other organization engaged in activities similar to those of the Union Council.
- 45) Providing protection against stray animals and animal trespass, and establishing cattle pounds; and
- 46) Regulation or prohibition of the establishment of brick kilns, potteries and other kilns within the residential areas.
- 47) Any other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the Union or of visitors.

SCHEDULE-V

(See Section 1[96])

TAXES, RATES, TOLLS AND FEES WHICH MAY BE LEVIED BY THE KARACHI METROPOLITAN CORPORATION, CORPORATIONS, MUNICIPALITIES AND DISTRICT COUNCILS**PART - I****TAXES, RATES, TOLLS AND FEES TO BE LEVIED BY KARACHI METROPOLITAN CORPORATION**

- 1) Fire Tax.
- 2) Conservancy Tax.
- 3) Drainage Tax.
- 4) Fees for slaughtering of Animals.
- 5) Fee on conversion of land use all over the City.
- 6) Fee on licences / sanctions / permits granted by KMC.
- 7) Market fee on land owned by KMC.
- 8) Tolls on roads and bridges owned and maintained by KMC.
- 9) Charged Parking on the roads maintained by KMC.
- 10) BTS Towers.
- 11) Entertainment Tax.
- 12) Tax on transfer of immovable property.
- 13) Cess on any taxes levied by the Government.

PART – II**TAXES, RATES, TOLLS AND FEES WHICH MAY BE LEVIED BY MUNICIPAL COMMITTEES, TOWN COMMITTEES AND CORPORATIONS EXCLUDING THE METROPOLITAN CORPORATIONS**

- 1) Property Tax as may be determined by the Government
- 2) Tax on the transfer of immovable property
- 3) Tolls on road and bridges and ferries owned and maintained by Council
- 4) Tax on professions, trades and callings
- 5) Fee on births, marriages, adoptions and feasts
- 6) Advertisements including hoarding and billboard

¹ Substituted by Act No. LIII/2013, dated, 2/11/2013

- 7) Animals
- 8) Tax on cinemas, dramatic and theatrical shows and other entertainments and amusements as may be determined by Government
- 9) Tax on vehicles, other than motor vehicles and boats
- 10) Street lighting Rate and Fire Rate
- 11) Conservancy Rate
- 12) Rate for the execution of any work of Public Utility
- 13) Rate for the provision of water works or the supply of water
- 14) Cess on any of the taxes levied by Government
- 15) School Fees
- 16) Fees for benefits derived from any works of public utility maintained by the Council
- 17) Fees at fairs, agricultural shows, industrial exhibitions, tournaments and other public gatherings
- 18) Fees for Markets
- 19) Fees for licences sanctions and permits granted by the Council
- 20) Fees for specific services rendered by the Council
- 21) Fees for the slaughtering of Animals
- 22) Parking Fee on roads
- 23) Any other fee leviable under any of the provisions of this Act
- 24) Any other tax which is levied by Government

PART – III

TAXES, RATES, TOLLS AND FEES TO BE LEVIED BY DISTRICT COUNCILS AND UNION COUNCILS

- 1) Tax on the annual value of buildings and lands
- 2) Tax on lands not subject to local rate
- 3) Tax on the transfer of immovable property
- 4) *Not printed in official Gazette*
- 5) *Not printed in official Gazette*
- 6) *Not printed in official Gazette*
- 7) Tax on professions trades and callings
- 8) Fee for registration and certificates of birth and death, marriages and divorces.
- 9) Advertisements including bill board and hoarding as determined by Government.
- 10) Cinemas, dramatic and theatrical shows, and other entertainments and amusements
- 11) Animals
- 12) Vehicles (other than motor vehicles but including carts bi-cycles and all kinds of boats)
- 13) Tolls on roads, bridges and ferries

- 14) Street Lighting Rate
- 15) Drainage Rate
- 16) Rate for the execution of any works of Public Utility.
- 17) Conservancy Rate
- 18) Rate for the provision of water works or the supply of water
- 19) Fees on application for the erection and re-erection of building
- 20) Schools fees in respect of schools established or maintained by the Council
- 21) Fee for the use of benefits derived from any works of public utility maintained by the Council
- 22) Fees at fairs, agricultural shows, industrial exhibitions, tournaments and other public gatherings
- 23) Fees for Markets
- 24) Fees for licences, sanctions and permits granted by the Council
- 25) Fees for specific services rendered by the Council
- 26) Fees for the slaughtering of Animals
- 27) Parking Fee
- 28) Fee on BTS Tower
- 29) Surface minerals
- 30) Fisheries
- 31) Any other Tax which is levied by Government

SCHEDULE-VI

(See Section ¹[132])

(A) OFFENCES UNDER THE ACT**PART - I**

- 1) Keeping or maintaining any cattle in any part of the Local Area or failure to remove them in contravention of the Act and rules and bye-laws thereunder from the prohibited zone within the specified time when an order to this effect has been made.
- 2) Tampering with any road, drain, pavement, main pipe, meter or any apparatus or appliance for the supply of water.
- 3) Exhibiting any obscene advertisement.
- 4) Dyeing or tanning skins within such distance of the residential area as may be specified by the Council.
- 5) Establishing a brick kiln, lime kiln, charcoal kiln, or pottery within such distance of the residential area as may be specified by the Council.
- 6) Failure by the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth declared by a Council to be injurious to health or offensive to the neighbourhood.
- 7) Without the permission of the Council, causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow or drain to be put upon any street, or public place or into any irrigation channel or any sewer or drain not set apart for the purpose.
- 8) Laying out a drain or altering any drain in a street without the sanction required under this Act.
- 9) Connecting any house drain with a drain in a public street without the permission required under this Act.
- 10) Disposing of carcasses of animals within prohibited distance and removal of the fat from a dead animals other than a slaughtered animal.
- 11) Slaughtering of animals except in accordance with this Act or rules or bye-laws.
- 12) Burying or burning a dead body at a place which is not public or registered burial or burning place, except with the sanction of the Council.
- 13) Failure to furnish on requisition, information in respect of any matter which a Council is authorized to call for under this Act or the rules or bye-laws or furnishing wrong information.

¹ Substituted by Act No. LIII/2013, dated, 2/11/2013

- 14) Picketing parking animals or collecting carts or vehicles on any street or using any street as a halting place for vehicles or animals or as a place of encampment without the permission of the Council.
- 15) Causing or permitting animals to stray or keeping tethering, stalling, feeding or grazing 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 or in any Public Place or damaging or causing or permitting to be damaged any road, street, street or thoroughfare by allowing cattle to move thereon.
- 16) Throwing or placing any refuse on any street, or in any place, not provided or appointed for the purpose by a Council.
- 17) Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.
- 18) Steeping hemp, jute or any other plant in or near a pond or any other excavation within such distance or the residential area as may be specified by a Council.
- 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 when so required by a Council.
- 20) Failure by the owner or occupier of any land to cut or trim the hedges growing thereon which overhang any well, tank or other source from which water is derived for public use.
- 21) Failure or 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.
- 22) Feeding or allowing to be fed any animal meant for dairy or food purposes on deleterious filth or refuse of any kind.
- 23) Defacing or disturbing any direction post, lamp post or lamp, or extinguishing any light arranged by a Council without due Authority.
- 24) Fixing any bill, notice, placard or other paper or means of advertisement against or upon building or place other than the places fixed for the purpose by a Council.
- 25) Writings or paintings any objectionable, abusive, provocative slogans or words on a building.
- 26) Failure to remove or erase bills, notices, play cards, papers, writings, paintings by the owners or occupiers of the building.
- 27) Playing of music or radio, beating a drum or tom-tom, blowing a horn or trumpet or beating or sounding any brass or other instrument or utensil in contravention of any general or special prohibition issued by a Council.
- 28) Failure to lime-wash or repair a building if so required by a Council.
- 29) Failure by the owner or occupier of a building to make adequate arrangement for house scavenging when so required by a Council.
- 30) Failure of the head of the family to report the birth or death to a Council or a person appointed in this behalf within a reasonable time.
- 31) Any owner or keeper of an animal who through neglect or otherwise damages or causes or permits to be damaged any land or crop or produce of land, or any public road by allowing such animals to trespass thereon.

- 32) Releasing, purchasing or delivering animals contrary to the provision of this Act of omitting to provide any impounded animal with sufficient food and water by the pond keeper.
- 33) Doing of any other act which is prescribed as an offence under this Act.
- 34) Contravening any provisions of this Act, rules or bye-laws, or any order, direction, notice or declaration made or issued thereunder.
- 35) 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.
- 36) Preparing or using counterfeit or proscribed Forms of the local government.
- 37) Wilfully obstructing any officer or servant of a local government or any person authorized to exercise power conferred under this Act.
- 38) Failure to deliver back possession of property to the local government on cancellation and expiration of lease.
- 39) Doing an act without license or permission when the doing of such act requires a license or permission under any of the provisions of the Act or the rules or bye-laws.
- 40) Evasion of payment of tax or other impost lawfully levied by a local government.
- 41) Contravention of the prohibition or attempt or abetment of any of the offences in this Part.
- 42) Violation of the prohibitions provided in the Master Plan, the sanctioned Site Development Schemes under this Act, Cities Acts, or any other law for the time being in force including the plans and schemes sanctioned under the repealed enactments.
- 43) Dyeing or tanning skins within such distance of any commercial or residential areas as may be specified by the local government.
- 44) Manufacturing, keeping, storing or selling wire thread or any other material meant for kite flying or in the manner causing danger to the human life or the electric installations or disruption in electric supply.
- 45) Establishing any cattle market or bakar mandi without permission of the local government.
- 46) Establishing any bus, wagon, taxi or other commercial motorized or non-motorized vehicle stand for the purpose of plying them on different routes on any road, street, footpath, public place or any other property vested or managed or controlled or maintained by a local government without its permission.
- 47) Establishing or running any restaurant or vending stalls for eatables on any road, street, footpath, public place, over a drain, or any other property vesting in or managed or controlled or maintained by a local government without its permission.
- 48) Cutting down of any tree, or erection or demolition of any building or part of a building where such action is declared under this Act to be a cause of danger or annoyance to the public.
- 49) Attempts and abetments of any of the offences as aforesaid.

PART – II

- 1) Excavation of earth, stone or any other material within such distance of the residential area as specified by the Council.
- 2) Doing any act by which water for drinking is rendered unfit for such use.
- 3) Wilfully or negligently injuring or suffering to be injured, wells, reservoirs, mains pipes or other appliances for the supply of water under the management or control of the Council.
- 4) Drawing off, diverting or taking any water except with the permission required under this Act.
- 5) 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 Act to be injurious to health or offensive to the neighbourhood.
- 6) Sale of articles of food or drink by a person suffering from any infectious disease.
- 7) Letting loose or setting in of ferocious doge or other dangerous animals.
- 8) Using or allowing the use for human habitation of building declared by a Council to be unfit for human habitation.
- 9) Begging importunately for alms or exposing or exhibiting with the object or exciting charity any deformity or disease or any offensive sore or wound.
- 10) 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.
- 11) 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.
- 12) Supplying or marketing drinking water for human consumption in any form, from any source which is contaminated or suspected to be dangerous to public health, or its use has been prohibited by a local government on the ground of being unsafe for human consumption, or whose quality and suitability for human consumption has not been ascertained and certified by a laboratory authorized by the Government.
- 13) 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.
- 14) Adulteration of any eatable or drinkable or consumable item sold or supplied to the public.
- 15) Manufacturing, trading, storing or supplying any eatable or drinkable item and other items unsafe for human consumption or public health.
- 16) Without license from relevant authority manufacturing, storing, trading or carrying fire crackers, fire balloons or detonators or any dangerous chemical,

- inflammable, hazardous or offensive article or material.
- 17) 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.
 - 18) ¹[Omitted]
 - 19) ²[Omitted]
 - 20) ³[Omitted]
 - 21) Establishing any parking stand on any property or on any open space and public park or land vested in or managed, maintained or controlled by a local government on or under a street, road, graveyard or a drain without the sanction of the relevant local government.
 - 22) *Not printed in official gazette.*
 - 23) 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.
 - 24) ⁴[Omitted]
 - 25) Preparation and sale of article or articles of food or drink by a person apparently suffering from any infectious or contagious disease that may endanger the health of people.
 - 26) Attempts and abetments of any of the offences as aforesaid.

¹ Omitted by Act No. LIII/2013, dated, 2/11/2013

² Omitted by Act No. LIII/2013, dated, 2/11/2013

³ Omitted by Act No. LIII/2013, dated, 2/11/2013

⁴ Omitted by Act No. LIII/2013, dated, 2/11/2013

SCHEDULE-VI

(B)

¹[Omitted]

¹ Omitted by Act No. LIII/2013, dated, 2/11/2013

SCHEDULE-VI

(C)

¹[Omitted]

¹ Omitted by Act No. LIII/2013, dated, 2/11/2013

SCHEDULE-VII**MATTERS RESPECTING WHICH RULES MAY BE MADE**

- 1) Organization and conduct of elections under this Act and matters connected therewith or incidental thereto including bye-election and disposal election petitions.
- 2) Elections of the Mayor and Chairman.
- 3) Conduct of business by Councils. Prescription of quorum, asking or questions and other matters.
- 4) Constitution and functions of Committees and Sub-Committees of Councils, co-option of Members thereon and of business by them.
- 5) The procedure regulating execution of contracts.
- 6) Functions of the Board and its Chairman and Vice-Chairman and the Divisional and District Boards.
- 7) Prescription of the Form of Oath of Office by Members.
- 8) Recognition of alienation of the property vested in or acquired by Councils.
- 9) Regulation of the preparation of plans and estimates of works to be executed by Councils.
- 10) Prescription of records, reports and returns to be maintained, prepared or published by Councils.
- 11) Constitution and regulation of the Councils Unified Grads.
- 12) Regulation of matters pertaining to the Servants of Councils.
- 13) Administration, regulation, custody, investment and operation of Local Fund and Special Funds.
- 14) Preparation and sanction of budgets and matters relating thereto.
- 15) Maintenance of Accounts and their Audit.
- 16) Regulations of the raising and repayment of loans by Councils.
- 17) Determination of the property that shall vest in Council.
- 18) Preparation, regulation, consolidation, sanction and implementation of development plans.
- 19) Regulation of the Assessment and Collection of the Local Cess.
- 20) Regulation of the assessment, collection and administration of taxes, rates, tolls and fees, and all matters relating thereto.
- 21) The manner in which and the Authorities to whom appeal shall lie against the orders of Council.
- 22) The manner in which the Councils shall be inspected and the powers of Inspecting Officers and Inspection Team.
- 23) Any other matter required under any of the provisions of this Act to be prescribed.

SCHEDULE-VIII**MATTERS RESPECTING WHICH BYE-LAWS MAY BE MADE**

- 1) Registration of births and deaths and Marriages.
- 2) Regulation of sale of Cattle and Animals.
- 3) Regulation, management and regulation of orphanages, widow homes and other institution of the relief of the poor.
- 4) Organization of village defence, and adoption of measures for village safety and security.
- 5) Regulation and management of common property.
- 6) Regulation of burning and burial grounds.
- 7) Regulation of the slaughter of animals and construction and maintenance of Slaughter Houses.
- 8) Detention and destruction of stray dogs.
- 9) Enforcement of Vaccination.
- 10) Prevention and Control of Infectious Diseases.
- 11) Prevention of adulteration of food stuffs.
- 12) Regulation of milk supply.
- 13) Regulation of stables.
- 14) Prevention of encroachments.
- 15) Prevention and abatement of nuisances.
- 16) Regulation of the erection and re-erection of building.
- 17) Regulation of dangerous buildings and structures.
- 18) Management and regulation of public ferries.
- 19) Regulation of dangerous and offensive trades.
- 20) Management and regulation of Cattle Ponds.
- 21) Regulation of Traffic.
- 22) Organization and regulation of fairs, show, tournaments and other public gatherings.
- 23) Enforcement of compulsory education.
- 24) Specification of purposes for which licences shall be required, and the terms and conditions subject to which licences may be issued.
- 25) Promotion and furtherance of any of the functions of the Councils, and the carrying of any of the purposes of this Act, not provided for in the rules.

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AMENDMENTS:

1. Act No. LIII of 2013, dated 2-11-2013
2. Act No. XVIII of 2014, dated 28-10-2014
3. Act No. XII of 2015, dated 2-3-2015
4. Act No. XXVII/2015, dated, 20-5-2015
5. Act No. XXXVIII/2015, dated 27-8-2015

**Sindh Local
Government
Act, 2013**

**JUDGES' LIBRARY
HIGH COURT OF
SINDH
KARACHI**