

EXTRAORDINARY

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# THE BALOCHISTAN GAZETTE

## *PUBLISHED BY AUTHORITY*

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NO. 48 QUETTA THURSDAY MAY 13, 2010

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### **BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT**

### **NOTIFICATION.**

Dated Quetta, the 13<sup>th</sup> May, 2010

No.PAB/Legis: V (8)/2010. The Balochistan Local Government Bill, 2010 having been passed by the Provincial Assembly of Balochistan on 10<sup>th</sup> May, 2010 and assented to by the Governor, Balochistan on 11<sup>th</sup> May, 2010 is hereby published as an Act of the Provincial Assembly.

### **THE BALOCHISTAN LOCAL GOVERNMENT ACT, 2010**

### **(ACT NO.V OF 2010)**

### **AN**

### **ACT**

(First published after having received the assent of the Governor of Balochistan in the Balochistan Gazette (Extra-ordinary) dated 11<sup>th</sup> May, 2010).

to provide for the constitution and continuance of Local Government Institutions in Balochistan, and to consolidate law relating to the Local Government and to provide for the matters connected therewith and ancillary thereto.

**Preamble — WHEREAS** the Constitution of Islamic Republic of Pakistan under Article 32 requires the State to encourage Local Government Institutions composed of elected representatives of the areas concerned and having special representation of peasants, workers and women;

**WHEREAS** the Constitution requires the provincial government to decentralize the government administration under Article 140-A so as to facilitate expeditious disposal of its business to meet the convenience and requirements of the public;

**AND WHEREAS** it is expedient to consolidate the law relating to Local Government Institutions so as to fulfill the obligation in line with the requirements of the Constitution;

**NOW THEREFORE** it is enacted as under:

## CHAPTER 1

### PRELIMINARY

**1. Short title, extent and commencement** (1) This Act may be called the Balochistan Local Government Act, 2010.

(2) It extends to the whole of the Province of Balochistan except areas notified as Cantonments under the Cantonments Ordinance, 2002 (CXXXVIII of 2002).

(3) It shall come into force at once.

**2. Definition.-** (1) In this Act, unless the context otherwise requires.

(i) **“Annual Rental Value”** means the gross annual rent at which a building or land may be let from year to year;

(ii) **“Annual Letting Value”** means the annual rent which a building or land exclusive of furniture or machinery contained or situated therein or thereon, may reasonably be expected to be let from year to year, and shall include all payments made or agreed to be made by a tenant to the owner of the building or land on account of occupation, taxes, insurance or other charges incidental to the occupancy;

(iii) **“Body Corporate”** means a body having perpetual succession and a common seal, with power to acquire and hold movable and immovable property, and transfer any property held by it, and enter into any contract and may sue and be sued in its name;

(iv) **“Budget”** means an official statement of income and expenditure of a Local Council for a financial year;

(v) **“Building”** includes any shop, house, hut, outhouse, shed, stable or enclosure built of any material and used for any purpose, and also includes a wall, well, verandah, platform, plinth, ramp, stair-case and steps;

(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) **“Chairman”** means the Chairman of a Local Council;
- (ix) **“Chief Officer”** means the officer incharge of the administration of a District Council, Municipal Corporation and Municipal Committee;
- (x) **“Cattle”** means cows, buffaloes, bulls, oxen, bullocks, heifers, calves, camels, sheep and goats;
- (xi) **“City”** means an urban area declared to be a city under this Act;
- (xii) **“Collector”** means the collector appointed under the Balochistan Land Revenue Act, 1967;
- (xiii) **“Constitution”** means the Constitution of Islamic Republic of Pakistan, 1973;
- (xiv) **“Conservancy”** means the collection, treatment, removal and disposal of refuse;
- (xv) **“Consumption”** means utilization of an Article by causing change in its existing position and nature, which may include conversion of a ship or any other floating structure into its pieces, scrap and other article of similar nature, commonly known and styled as ship breaking;
- (xvi) **“Dairy”** includes any farm, cattle-shed, cow-house, milk store, milk shop or other place from where milk or milk products are supplied or stored;
- (xvii) **“Dealer”** means any person who within a market area sets up, establishes, or allows any place to be used for the purchase or sale of farm produce or any other marketable commodity;
- (xviii) **“District”** means a District notified under the Balochistan Land Revenue Act, 1967;
- (xix) **“Drain”** includes a sewer, a house drain, a drain of any other description a tunnel, a culvert, a ditch, a channel or any other device

for carrying sullage or rain water;

- (xx) “**Drug**” means any substance used as medicine or in the composition or preparation of medicine, whether for internal or external use;
- (xxi) “**Dwelling House**” means any building used substantially for human habitation;
- (xxii) “**Local Council**” means Local Council constituted under Section 7 of this Act;
- (xxiii) “**Divisional Coordination Committee**” means Committee constituted under Section 130 of this Act;
- (xxiv) “**Election Commission**” means the Election Commission of Pakistan constituted under Article 218 of the Constitution of Islamic Republic of Pakistan, 1973;
- (xxv) “**Elected Member**” means a Member who has been elected under the provisions of this Act;
- (xxvi) “**Erect or Re-erect a Building**” means the construction of a new building and includes such material alterations of building as enlargement of any wall, verandah, fixed platform, plinth or a part of the building; structural conversion of two or more places of a building for human habitation not originally meant for the purpose, structural conversion of two or more places of a building into a greater number of such places; addition of one or more rooms; building substance or other structure of a building; re-construction of a whole or any part of the external walls of a building or the renewal of the parts of a wooden building; construction of a wall adjoining any street or land not belonging to the owner of the wall, or opening of a door to such street or land; such alteration of the internal arrangements of a building as affects its drainage, ventilation or other sanitary arrangements or its security or stability;
- (xxvii) “**Factory**” has the meaning assigned to it under the Factories Act, 1934 (XXV of 1934);

- (xxviii) **“Farm Produce”** means all agricultural crops/produces including Livestock produces and hides, skins, woolen and ghee or any other product derived from any one of these or any other commodity that may be declared by Notification to be farm produce;
- (xxix) **“Food”** includes all edibles used for food or drink by human beings but does not include drugs or water;
- (xxx) **“Government”** means the Government of Balochistan;
- (xxxi) **“Grower”** means a person who grows farm produce personally or through tenant or otherwise;
- (xxxii) **“Infectious disease”** means cholera, plague, smallpox, tuberculosis, AIDS, dengue fever, hepatitis, yellow fever, bacterial meningitis, gonorrhoea, syphilis, typhoid fever, Malaria, Scabies, and includes such other disease as Government may, by notification, declare to be an infectious disease for the purpose of this Act;
- (xxxiii) **“Land”** includes land which is being built up or is built up or is covered with water or is under cultivation or is fallow, and in relation to Town Improvement Committee includes land as defined in clause (a) of Section 3 of the Land Acquisition Act, 1894;
- (xxxiv) **“Local Area”** means an area under the jurisdiction of a Local Council;
- (xxxv) **“Local Council Grant”** means monies declared as such for distribution among local governments in accordance with the provisions of this Act;
- (xxxvi) **“Local Fund”** means the fund of a Local Council;
- (xxxvii) **“Mal-administration”** means-
- (a) an act of omission or commission, a decision, process or recommendation, which –
    - (i) is contrary to the law, rules, or regulations or is a departure from established practice or procedure; or

- (ii) is arbitrary, biased, discriminatory, oppressive, perverse, unjust or unreasonable; or
  - (iii) is based on irrelevant grounds; or
  - (iv) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as administrative excess, bribery, favoritism, jobbery and nepotism;
- (b) delay, inaction, incompetence, inefficiency, ineptitude or neglect in the administration or discharge of duties and responsibilities;
  - (c) repeated notices, prolonged hearings or unnecessary attendance while deciding cases; or
  - (d) avoidance of disciplinary action against an officer or official whose action is held by a competent authority to be biased, capricious, patently illegal or vindictive;
- (xxxviii) “**Market**” means a place where persons assemble for the sale and purchase of meat, fish, fruit, poultry, vegetables or any other eatable food or other commodities or for the sale and purchase of livestock or animals and includes any place which may, from time to time, be notified as Market;
- (xxxix) “**Mauza**” means a revenue estate declared under the Balochistan, Land Revenue Act, , 1967(XVII of 1967);
- (xl) “**Member**” means a Member of Local Council;
- (xli) “**Member of Minority Community** ” means a person other than a Muslim as defined in the Constitution of Islamic Republic of Pakistan;
- (xlii) “**Metropolitan Corporation**” means a Metropolitan Corporation constituted under this Act;
- (xliii) “**Misconduct**” means transgression of prescribed Code of Conduct or dereliction from duty or deliberate unlawful behaviour or violation of

law or rules or lawful behaviour or violation of law or rules or lawful directions or orders of Government and includes:-

- (a) gross negligence in performance of duties with manifest wrongful intent or evil design;
  - (b) an act that results in wrongful gain to any person by wrongful application of law; or
  - (c) making or managing appointment, promotion or transfer of an officer or official in violation of law or rules or for extraneous consideration;
- (xlv) “**Municipality**” means an area declared to be a Municipality under this Act;
- (xlv) “**Municipal Committee**” means a Municipal Committee constituted under this Act;
- (xlvi) “**Municipal Corporation**” means a Municipal Corporation constituted under this Act;
- (xlvii) “**Municipal Services**” means the services performed by a Local Council under this Act and include laying and maintaining intra-city network of water supply and sanitation; conservancy; garbage, sewer or storm water, solid or liquid waste, drainage, public toilets, express ways bridges, flyovers, public roads, streets, foot paths, traffic signals, pavements and lighting thereof, public parks, gardens, arboriculture, landscaping, bill boards, hoardings, fire fighting, land use control, zoning, master planning, classification /declassification or reclassification of commercial or residential areas, markets, housing, urban or rural infrastructure, environment and construction, maintenance or development thereof and enforcement of any law or rule relating thereto;
- (xlviii) “**Musalihat Anjuman**” means a Musalihat Anjuman constituted under Section 81 of this Act;
- (xlix) “**Nuisance**” includes an 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;

- (l) **“Occupier”** means a person in actual possession of land or building whether as an owner or otherwise;
- (li) **“Owner”** includes the person for the time being receiving the rent of land and buildings or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if land or building were let to a tenant;
- (lii) **“Peasant”** means a person who is a landless tenant or who for a continuous period of five years preceding the year in which election is held is or has been the owner of not more than five acres of land and engages himself personally in cultivation for his maintenance;
- (liii) **“Prescribed”** means prescribed by rules or bye-laws;
- (liv) **“Presiding Officer”** means a person presiding over the session of a Local Council, and for the purpose of election, a person appointed as such under Section 20;
- (lv) **“Prohibited Zone”** means any area or areas within a municipality or a City declared as prohibited zone by a public notice by Local Council concerned;
- (lvi) **“Province”** means the Province of Balochistan;
- (lvii) **“Provincial Consolidated Fund”** means the Fund referred in article 118 of the Constitution of Islamic Republic of Pakistan;
- (lviii) **“Public Road”** means a road maintained by Government or by a Local Council or other Local Authority;
- (lix) **“Public Street”** means a street maintained by Government or by a Local Council or other Local Authority;
- (lx) **“Public Place”** means any building, premises or place to which the

public have access;

- (lxi) “**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 any work of public utility;
- (lxii) “**Relative**” means parents, guardians, wife, husband, Children, adopted children, brother and sister;
- (lxiii) “**Refuse**” includes rubbish, offal, night-soil, carcasses of animals, deposits of sewerage, waste and any other offensive matter;
- (lxiv) “**Regulations**” means regulations made under this Act;
- (lxv) “**Rent**” means what ever is by law payable in money or kind by a tenant or lessee on account of the use or occupation of any building or land;
- (lxvi) “**Road**” includes also a road which is not a thoroughfare;
- (lxvii) “**Rules**” means rules made under this Act;
- (lxviii) “**Rural Area**” means any area which is not an urban area;
- (lxix) “**Secretary**” means an officer incharge of the administration of Local Council established under this Act, provided that the Secretary of the District Council, Municipal Committee and Municipal Corporation shall be designated as Chief Officer and the Secretary of the Metropolitan Corporation shall be designated as Chief Metropolitan Officer;
- (lxx) “**Schedule**” means a Schedule to this Act;
- (lxxi) “**Specified**” means specified by Standing Orders of Government;
- (lxxii) “**Special interests**” include worker, peasant, tenant, women and such other interest as government may specify;
- (lxxiii) “**Street**” includes also a street which is not a thoroughfare;
- (lxxiv) “**Streets Line**” means a line dividing the land comprised in, and forming part of a street from the adjoining land;

- (lxxv) “**Sullage**” includes sewerage, polluted water, rain water, industrial waste and any other offensive matter carried by a drain;
- (lxxvi) “**Tax**” includes any cess, fee, rate, toll or other impost leviable under this Act;
- (lxxvii) “**Trade allowance**” includes such allowances as have the sanction of custom (riwaj) in a Market area;
- (lxxviii) “**Tribunal**” means a Election Tribunal constituted under Section 38 of this Act;
- (lxxix) “**Union**” means Union declared under this Act;
- (lxxx) “**Union Council**” means a Union Council constituted under this Act;
- (lxxxii) “**Urban Area**” means an area within the jurisdiction of a Municipal Committee or a Municipal Corporation or a Metropolitan Corporation and includes any other area which Government may, by notification, declare to be an urban area for the purposes of this Act;
- (lxxxiii) “**Vehicle**” means a wheeled conveyance capable of being used on a street;
- (lxxxiv) “**Vice Chairman**” means the Vice Chairman of a Local Council;
- (lxxxv) “**Village**” means the area comprising of a revenue estate under the Balochistan Land Revenue Act, 1967;
- (lxxxvi) “**Voter**” means a person, whose name for the time being appears on the electoral rolls prepared or adopted for the purposes of election under this Act;
- (lxxxvii) “**Ware-Houseman**” includes a person who stores any farm produce not belonging to himself and charges rent therefor in any form, from the person at whose instance the said produce is so stored.
- (lxxxviii) “**Water works**” includes a lake, stream, spring well, pump, reservoir, karez, cistern, tank, duct, sluice, pipe, culverts, engine and other appliances and any thing used for supply of water;
- (lxxxviii) “**Worker**” means a person directly engaged in work, or is

dependent on personal labour, for subsistence living and includes a worker as defined in the Industrial Relations Ordinance, 2002 (XCI of 2002);

- (2) Unless the context otherwise requires: -
- a) the words and expressions complaint, cognizable offence, Officer Incharge of a Police Station and Police Section shall have the same meaning as are respectively assigned to them in Section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898); and
  - b) the words and expressions decree and movable property shall have the same meanings as are respectively assigned to them in Section 2 of the Code of Civil Procedure, 1908 (Act V 1908).

**3. Repeal and Savings** (1) The Balochistan Local Government Ordinance, 2001 (XVIII of 2001) is hereby repealed.

(2) Notwithstanding the repeal of Balochistan, Local Government Ordinance, 2001 (XVIII of 2001), any appointment, rules, regulations or bye-laws made or saved, notification, order or notice issued, tax imposed or assessed, scheme prepared or executed, contract entered into, suit instituted, rights acquired, claims made, legal or administrative proceedings or action taken under the said Ordinance shall, so far as it is not inconsistent with the provisions of this Act, and not in contravention of the prescribed procedure or prejudicial to public interest, be deemed to have been respectively made or saved, issued, imposed or assessed, prepared or executed, entered into, instituted, acquired, made or taken, under this Act.

**4. Act to override other laws** - The provisions of this Act shall take effect notwithstanding any thing contained in any other law.

**5. Succession** - On the commencement of this Act, all Local Governments established or continued under the Balochistan Local Government Ordinance, 2001 (XVIII of 2001), shall be succeeded -

- i) In case of Town Municipal Administrations created in City District of

Quetta by the Metropolitan Corporation, Quetta to the extent of notified urban areas and functions assigned to the Corporation under this Act;

- ii) In case of Tehsil Municipal Administrations having succession under the Balochistan Local Government Ordinance, 2001 (XVIII of 2001) of the erstwhile Urban Councils under Balochistan Local Government Ordinance, 1980, by the Urban Council to the extent of notified Urban area and to the extent of functions assigned to the Urban Council; and by the District Council to the extent of Rural areas and to the extent of the functions assigned to the District Council;
- iii) In case of Tehsil Municipal Administration created without any succession of urban councils to the District Councils.
- iv) In case of City District Government Quetta and the District Governments, by the respective District Councils to the extent of rural areas and to the extent of functions assigned to District Councils under this Act; and
- v) In the case of Union Councils except for urban Union Councils, by the respective union councils to the extent of functions assigned to Union Councils under this Act.

**6. Certain matters to be prescribed** - Where this Act makes any provision for anything to be done but no provision or no sufficient provision has been made as respects 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.

## CHAPTER II

### CONSTITUTION OF LOCAL COUNCILS

**7. Constitution of Local Councils**– (1) As soon as may be, the following local councils shall be constituted : -

- (a) A Union Council for each Union;
- (b) A District Council for each District;
- (c) A Municipal Committee for each Municipality;
- (d) A Municipal Corporation for each City;
- (e) A Metropolitan Corporation for the Capital City.

(2) Government may, by notification, declare an area: -

- (a) comprising a village or a number of villages having, as far as possible, an aggregate population between 7000 and 15000, excluding its urban areas and the cantonment areas, to be a Union Council ;
- (b) comprising the area of a revenue district, excluding its urban areas and the cantonment areas, to be a District Council;
- (c) comprising an urban area having a population exceeding 15000 but not exceeding one lac to be a Municipal Committee;
- (d) comprising an urban area having a population exceeding one lac but not exceeding five lac to be a Municipal Corporation; and
- (e) comprising an urban area having population exceeding five lac to be a Metropolitan Corporation.

(3) The notification issued under sub-section (2) shall also specify the extent and limits of the areas comprising in each local council.

(4) The local area comprising a local council shall, as far as possible, be compact, contiguous and constitute a territorial unity.

(5) Government may, by notification, extend, curtail or otherwise alter the limits of a local council or declare that any local council shall cease to be a local council with the following consequences and such other consequences as may be enumerated in the declaration :-

(a) in cases where the whole local area comprising a local council ceases to be a local council :

(i) if the control of the local area is placed under any other local authority, the balance of the local council fund and other property vesting in the local council shall vest in such local authority and the liabilities of the local council shall stand transferred to such local authority; and

(ii) if the control of the local area is not placed under any other local authority, the balance of the local council fund and other property vesting in the local council shall vest in Government and the liabilities of the local council shall stand transferred to the Government;

(b) in cases where any local area forming part of a local council ceases to be a part of that local council : -

(i) if the control of that part of the local area is placed under some other local authority, such portion of the local council fund and other property vesting in the local council and such portion of the liabilities of the local council, as the Government may, by general or special order, direct shall be transferred to other local authority; and

(ii) if the control of that part of a local area is not placed under some other local authority, such portion of the local council fund, and other property vesting in the local council shall vest in Government and such portion of the liabilities of the local council shall be transferred to the Government, as the Government may, by general or special order, direct.

(6) Any local council fund or portion of a local council fund or other property of the local council transferred to Government or, as the case may be, to any other local authority, under the provision of sub-section (5) shall be applied in the first place to satisfy any liabilities of the local council or part of the local council and in the second place for the benefit of the inhabitants of the local area which has ceased to be a local council or, as the case may be, part of a local council.

(7) Subject to the provisions of the Act and the rules, a local council shall be a body corporate having a perpetual succession and common seal with power to acquire, hold and transfer property, movable and immovable, and may, by its name, sue and be sued.

(8) Government may, by notification, specify the name by which a local council shall be known and unless the name of local council is so specified, it shall be known as the local council of the place where its office is situated.

**8. Division, amalgamation and reconstitution of local council.** (1) Government may, by notification, divide a local council into two or more local councils or amalgamate two or more local councils into one local 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 amalgamation any new local council is constituted in accordance with the provisions of the Act or in the manner specified in the notification, the existing members of any local council so divided or amalgamated shall become the members of such local council or local councils as Government may, by notification, specify as if such members had been elected to that local council.

**9. Bar of Suit** – No suit or other legal proceedings shall lie against Government or any person or authority for any loss or damage of any kind caused by the dissolution or suspension of any Local Council.



## CHAPTER III

### COMPOSITION OF LOCAL COUNCILS

**10. Composition of Local Councils:** - As far as possible, the composition of District Councils, Union Councils, Municipal Committees, Municipal Corporations and Metropolitan Corporation shall be as follows: -

#### **Rural Councils**

**i. District Councils**

- (a) General members equal to the number of Union Councils in the District;
- (b) Such number of Non-Muslim members as determined under Section 11;
- (c) Such number of members belonging to peasants, workers and women as are determined under Section 12; and
- (d) all elected Chairmen of Municipal Committees, Municipal Corporation and in the case of Metropolitan Corporation an elected member also of that Corporation nominated by the Corporation in a special meeting for that purpose:

Provided that they shall have no right to vote or to stand as candidates in any meeting which is presided over by an officer appointed by the Government or Authority.

**ii. Union Councils**

- (a) Seven to Fifteen General members as are determined on the basis of population ranging between 1000 to 1500 with a marginal adjustment of 100 in the lower and upper stage;
- (b) Such number of Non-Muslim members as are determined under Section 11; and
- (c) Such number of members belonging to peasants, workers and women as are determined under Section 12;

## Urban Councils

### iii. Municipal Committees

- (a) Eight to thirty six General members as are determined on the basis of population ranging between 2000 to 2500 with a marginal adjustment of 200 in the lower and upper stage;
- (b) Such number of Non-Muslim members as are determined under Section 11; and
- (c) Such number of members belonging to peasants, workers, and women as are determined under Section 12;

### iv. Municipal Corporation

- (a) 30 to 50 General members as are determined on the basis of one member for a population between 3500 and 10000 with a marginal adjustment of 500 in the lower and upper stage;
- (b) Such number of Non-Muslim members as are determined under Section 11; and
- (c) Such number of members belonging to peasants, workers, and women as are determined under Section 12;

### v. Metropolitan Corporation

- (a) 50 to 70 General members as determined on the basis of one member for a population between 10000 and 20000 with a marginal adjustment of 1000 in the lower and upper stage;
- (b) Such number of Non-Muslim members as are determined under Section 11; and
- (c) Such number of members belonging to peasants, workers, and women as are determined under Section 12.

**11. Representation of Non-Muslims** – The number of Non-Muslims members in a Local Council shall be such as may be fixed by Government keeping in view the population of non-Muslims in that local area;

Provided that the number of seats for Non-Muslims in a Local Council shall be over and above the number of general seats and number of members representing special interest groups mentioned in Section 12.

**12. Representation of women, workers and peasants–** (1) A Local Council may have women members from the local area, elected to the council in the prescribed manner, whose number shall be 33% of the number of general members subject to a minimum of one such member.

(2) A Local Council may have members representing peasants and workers from the local area, elected to the council in the prescribed manner, whose number, in each category, shall be 5% of the number of general members subject to a minimum of one member under each category.

(3) Nothing contained in sub-sections (1) and (2) shall prevent the member of the special interest groups mentioned in the said sub-section from being elected to the general seats in any Local Council from that local area.

## CHAPTER IV

### LOCAL COUNCIL ELECTIONS

**13. Franchise and Wards-** (1) Save as otherwise provided, election of members of all local councils shall be held on the basis of adult franchise and on the basis of joint electorate through secret ballot.

(2) Government may, for the purpose of election, divide a local area into such number of wards having a definite boundary as it may determine.

(3) The wards may be multi-member or single-member as may be specified by Government.

(4) Every voter within the ward shall have only one vote irrespective of the number of members to be elected from the electoral unit.

**14. Election of Chairmen of Local Councils.-** For every Local Council there shall be a Chairman who shall be elected in the prescribed manner:

Provided that the Chairman of Metropolitan Corporation may be designated as Mayor.

**15. Election of Vice Chairmen.-** For every Local Council there shall be a Vice Chairman who shall be elected in the prescribed manner, and shall perform the functions of the Convenor of the Local Council:

Provided that the Vice Chairman of Metropolitan Corporation may be designated as Deputy Mayor:

Provided further that the Vice Chairman shall not exercise the executive authority of the Local Council.

**16. Election Commission. -** (1) Elections to the local councils shall be conducted by the Election Commission.

(2) The Government shall, in consultation with the Election Commission, make an announcement of the date or dates on which elections to the local councils

shall be conducted in the Province or part thereof:

Provided that the date or dates of such elections shall not be less than 90 days and more than 120 days from the date of such announcement:

Provided further that the first elections to the local councils under this Act shall be conducted within one year of commencement of this Act.

(3) Upon announcement of the date or dates of elections of local councils under sub-section (2) the Election Commission shall make necessary arrangements to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.

(4) The provisions of the Representation of the People Act, 1976 shall, mutatis mutandis and in so far as these are not inconsistent with this Act, apply to the elections to the local councils under this Act.

**17. Executive Authority to assist the Election Commission.** - It shall be the duty of all executive authorities in the Province to assist the Election Commission in the discharge of its functions under this Act.

**18. Election Cell.** – The Government shall establish a Local Councils Election Cell in the Local Government Department which shall perform such functions as are entrusted to it by the Government or the Election Commission.

**19. Appointment of Returning Officer, etc.** - (1) The Election Commission shall appoint, from amongst the officers of government, corporations or other institutions controlled by Government, a Returning Officer for each local area for the purpose of election of members for that local area:

Provided that a person may be appointed as Returning Officer of two or more local area.

(2) The Election Commission may appoint, from amongst the officers of Government, corporations or other institutions controlled by Government, as many Assistant Returning Officers as may be necessary.

(3) An Assistant Returning Officer shall assist the Returning Officer in

performance of his functions under this Act and may, subject to any condition 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 a 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 made thereunder.

**20. Polling Station :-** (1) The Returning Officer shall, before such time as the Election Commission may fix, submit to Election Commission, a list of polling stations he proposes to provide in a constituency for the purpose of election of a member for that constituency.

(2) The Election Commission may make such alterations in the list of polling stations submitted under sub-section (1) as it deems necessary and shall forward to the Returning Officer the final list of polling stations.

(3) The Returning Officer shall establish in each constituency polling stations according to the final list forwarded to him by the Election Commission, specifying the electoral area and the electors thereof who will be entitled to vote at such polling station, and shall, at least twenty-four hours before the polling day, give wide publicity, in such manner as he may deem fit, to the polling stations so established.

(4) No polling station shall be located in any premises which belongs to, or is under the control of any candidate.

**21. 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:

Provided that 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.

(2) A list of such Presiding Officers, Assistant Presiding officers and

Polling Officers shall be submitted to the Election Commission at least fifteen days before the polling day for its approval and no change in the personnel shall be made except with the approval of the Election Commission.

(3) 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:

Provided that, during the course of the poll, the Presiding Officer may entrust such of his functions as may be specified by him to any Assistant Presiding Officer and it shall be the duty of such Assistant Presiding Officer to perform the functions so entrusted.

(4) 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; and any absence of the Presiding Officer, and reason therefor, shall, as soon as possible after the close of the poll, be reported to the Election Commission.

(5) 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.

**22. Supply of Electoral Material.** (1) The Election Commission shall provide the Returning Officer with copies of electoral rolls and other material necessary for the conduct of election for all the electoral areas within his jurisdiction.

(2) The Returning Officer shall provide the Presiding Officer of each polling station with copies of electoral rolls containing the names of the electors entitled to vote at that polling station and other material necessary for the conduct of election at that polling station.

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

- (a) is a citizen of Pakistan;
- (b) is not less than eighteen years of age on the first day of January of the year in which an election is to be held; and
- (c) fulfils such other conditions as the Election Commission may specify.

(2) The electoral rolls for the local council elections shall be prepared by the Election Commission in the manner it may deem appropriate or adopt the electoral rolls prepared for the elections of Provincial Assembly and the electoral rolls shall not be invalid by reason of any erroneous description therein 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.

(3) Every person whose name is entered in the electoral roll, and no person whose name is not so entered, shall be entitled to cast a vote at an elections to the Local Council.

**24. Qualifications for candidates and elected members.**(1) A person shall qualify to be elected or to hold an elective office or membership of a local council, if he-

- (a) is a citizen of Pakistan;
- (b) is not less than twenty one years of age on the last day fixed for filing the nomination form;
- (c) is enrolled as a voter in the electoral roll of the relevant ward;
- (d) is of good character and is not commonly known as one who violates Islamic injunctions:

Provided that the condition at (d) shall not apply to a person who is a Non-Muslim, but such a person shall have a good reputation;

- (e) has not been declared by a competent court to be of unsound mind;
- (f) is not in the service of the federal government, a provincial government or a local council or any statutory body or a body which is



controlled by any such government or council or, in which any of such government or council has a controlling share or interest, except the holders of elected public office and part-time officials remunerated either by salary or fee:

Provided that in case of a person who has resigned or retired from such service, a period of not less than six months has elapsed since his retirement;

- (g) is not under contract for work to be done or goods to be supplied to the Local Council concerned or has otherwise any pecuniary interest in its affairs;
- (h) has not been dismissed, removed or compulsorily retired from public service on the grounds of moral turpitude;
- (i) does not possess assets which are inconsistent with his declaration of assets or justifiable means, whether held in his own name or of the dependents or any other person or corporate body in whose name assets are held in trust or under any other formal or informal arrangement whereby the defacto control of such assets including their sale, transfer or pecuniary interest is retained by him;
- (j) has not been adjudged a wilful defaulter of any tax or other financial dues owed to the federal government, a provincial government, or a local council or any financial institution, including utility bills outstanding for six months or more;
- (k) has not been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being in force;
- (l) has not been sentenced to imprisonment for more than three months for an offence under any law unless a period of not less than five years has elapsed since his release; and in case of a member or a holder of a public office, has not been sentenced to imprisonment;

- (m) has not failed to file the required return of election expenses or is not convicted for exceeding the prescribed limits of election expenses;
- (n) has not been declared an un-discharged insolvent by any court;
- (o) does not engage in any transaction involving pecuniary interest with the local council of which he is a member;
- (p) does not absent himself without reasonable cause from three consecutive meetings of the council of which he is a member:

Provided that a member shall not be disqualified if the absence was necessitated by an emergency or force majeure; and

- (q) has not been, and is not, involved, in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society.

(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 the local council for a period of four years; or
- (b) having been elected as a member of a local council or being a holder of an elective office of the local 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 Local Council and shall also stand disqualified from being a candidate for election to a local council for a period of four years.

**25. Non-Party-based elections-** Election to the Local Council shall be held on non-party basis.

**26. Term of office.-** (1) The term of office of a Local Council shall be four years; or such other period as the Government may specify commencing on the day on which it assumes office; provided that the Government may :-

- (a) Before the expiry of such term of office, and for the purpose of holding fresh elections, dissolve any or all local councils and appoint any person as Administrator to perform such functions of the local council;
- (b) on the expiry of such term of office, extend it for such period and appoint any person as Administrator to perform such functions of the local council;

(2) Nothing provided in this Act regarding elections to General and Non-Muslim seats or elections to fill reserved seats shall be deemed to prevent the holding of election of the Mayor / Deputy Mayor or Chairman / Vice Chairman of a Local Council if, as a result of any order of a Court of competent jurisdiction, any of the seats of the local council remain vacant or an elected member of the Local Council is restrained from participating in the proceedings for the election of the Mayor or Chairman.

**27. Declaration of Assets.-** Every Chairman or Vice Chairman or member of Local Council, shall before he enters in office, submit to the prescribed authority in such manner as the Government may direct, a declaration in writing of properties, both movable and immovable, whether within or outside Pakistan, which he or any member of his family owns, or which he has in his possession or under his control, or in which he or any member of his family has any pecuniary interest.

**EXPLANATION:** In this Section, the expression member of his family in relation to a person, includes:-

- (a) the spouse of such person, and
- (b) such of the legitimate or adopted children or parents; or servants; or relatives as reside with him and are wholly dependent upon such person.

**28. Oath of office.** -A member shall, before taking his seat, make and subscribe to an oath in such form as may be prescribed.

**29. Bar against double membership.** – (1) Subject to Section 10, no person

shall, at the same time, be a member of more than one council or more than one ward of the same council.

(2) Nothing in sub-section (1) shall prevent a person from being a candidate for two or more seats at the same time whether in the same Local Council or in different Councils, but if he is elected to more than one seat he shall, within a period of 60 (sixty) days after the declaration of the result for the last such seats, resign all but one of the seats and retain the seat of his choice and that until he has opted for one of such seats, he shall not take oath of office in any Local Council in terms of Section 28.

(3) A member who has subscribed to oath in pursuance of Section 28 and has also submitted declaration of assets as is required under Section 27, of a Local Council shall assume office on such date as may be fixed by the Government after issuance of notification by the Election Commission.

**30. Casual vacancy.** – (1) If the office of a member or a Vice Chairman or a Chairman for any reason, falls vacant during the term of office of a Local Council, a new member or Vice Chairman or Chairman, as the case may be, shall be elected in the prescribed manner, and he shall hold office for the residue of such term.

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

(3) Notwithstanding anything contained in sub-section (2) unless the time is extended by the Government, the vacancy in the office of the Chairman or Vice Chairman shall be filled within fifteen days from the date such vacancy is notified:

Provided that if the office of the Chairman falls vacant in pursuance of Section 31, 32 and 33, the Government shall appoint an Administrator till new Chairman is elected and assumes his office:

Provided that if the office of the Vice Chairman falls vacant in pursuance of Section 31, 32 and 33, the member of the panel of the Presiding Officers elected under Section 64 (7) securing the highest number of votes shall act as the convenor of the Local Council till new Vice Chairman is elected and assumes his office.

**31. Removal.-** (1) Government may, after giving him an opportunity of being heard, remove a Chairman/Vice Chairman or a Mayor/ Deputy Mayor or a member of a Local Council from office in the prescribed manner if he -

- (a) has incurred any of the disqualifications enumerated in Section 24;
- (b) absents himself without reasonable cause from three consecutive meetings of the Local Council;
- (c) refuses to take oath of office as member;
- (d) fails to submit a declaration of assets and liabilities as required under the Act;
- (e) is guilty of misconduct involving bribery, corruption, misappropriation or misapplication of Local Council funds or any attempt of such misconduct.

(2) A Chairman or a Vice Chairman or a member of a Local Council removed under sub-section (1) may, within 30 days of the order of removal, file a review petition to Government, whereupon Government may pass such orders as it may deem fit.

(3) A Chairman or a Vice Chairman removed from office shall cease to be a member.

**32. Resignation. –** (1) A Chairman or a Vice Chairman or a member may resign his office by tendering resignation in writing to the Government and a copy thereof shall be submitted to the Local Council of which he is a Chairman or a Vice Chairman or a member.

(2) On receipt of the resignation under sub-Section (1), the Government shall proceed under Section 36.

**33. Vote of no-confidence -** A Chairman or a Vice Chairman shall vacate office if a vote of no-confidence is passed against him in the prescribed manner by a minimum of two third number of the total number of members of the Local Council electing him;

Provided that -

- (a) A motion of no-confidence shall not be moved before the expiry of six months of his assumption of office as Chairman; and
- (b) Where a motion of no-confidence against a Chairman has been moved and has failed to secure the requisite majority of votes in its favour at the meeting, the proposer and seconder shall forthwith cease to be the members of the council, and no similar motion shall be moved against him before the expiry of six months from the date such motion was moved.

**34. Bar against re-election.** -When a Chairman or a Vice Chairman or a member is removed from office under section 33, he shall not, during the unexpired period of the term of his office, be eligible for re-election to the said office of any Local Council.

**35. Remuneration.-** (1) A Chairman / Vice Chairman of a Council may receive such remuneration as may be prescribed.

(2) A Chairman / Vice Chairman of a Local Council shall not have any pecuniary interest in the affairs of any of the Local Councils in the Province.

**36. Notification of election, resignation and removal of Chairman, Vice Chairman and Members, etc.** - Every election, and vacation of office as a result of death, removal or resignation from the office or vote of no-confidence of Chairman or Vice Chairman or member, shall be notified by the Election Commission or an authority designated by the Election Commission.

**37. Election Petition.** - No election under this Act shall be called in question, except by an election petition made by a candidate for the election.

**38. Election Tribunal.** - (1) For the hearing of an election petition the Election Commission shall, by notification, appoint an officer to be an Election Tribunal for such areas as may be specified in the notification.

(2) Where the person constituting an Election Tribunal is succeeded by

another, the hearing of a petition shall continue before the person succeeding and any evidence already recorded shall remain upon the record and it shall not be necessary to re-examine the witnesses who have already been examined and discharged.

**39. Procedure for hearing of election petition.-** Subject to the provisions of this Act, every election petition shall be made and tried in such manner as may be prescribed.

**40. Powers of the Election Tribunal. –** The Election Tribunal shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (V. of 1908) and shall be deemed to be a Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898).

**41. Decision of the Election Tribunal. - (1)** The Election Tribunal may, upon the conclusion of hearing 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 Election Tribunal on an election petition shall be final and shall not be called in question in any court or before any other authority.

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

**42. Ground for declaring election of returned candidate void. (1)** The Election 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 any corrupt or illegal practice; or
- (d) a 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 on the ground –

- (a) that any corrupt or illegal practice has been committed, if the Election Tribunal is satisfied that it was not committed by, or with the consent or connivance of that candidate or his election agent and that the candidate and the election agent took all reasonable precautions to prevent its commission; or
- (b) that any of the other contesting candidates was, on the nomination day, not qualified for or was disqualified from, being elected as a member.

**43. Ground for declaring a person other than a returned candidate elected. -**

The Election 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 respondents and the Election Tribunal is satisfied that the petitioner or such contesting candidate was entitled to be declared elected.

**44. Ground for declaring elections as a whole void. -** The Election 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 by reason 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.

**45. Decision in case of equality of votes. -** (1) Where after the conclusion of the hearing, 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 Election 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.

(2) Before proceeding to draw a lot under sub-section (1) the Election Tribunal shall give notice to the contesting candidates among whom there is an equality of votes and shall proceed to draw a lot on the day and at the time and place stated in the notice:

Provided that, the contesting candidates are present when it appears that there is an equality of votes among them, the Election Tribunal may proceed forthwith to draw a lot without giving notice as aforesaid.

**46. Corrupt practice.** A person guilty of bribery, personating, or undue influence shall be punishable for an offence of corrupt practice with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both.

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

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

from being a candidate at an election; or

- (v) rewarding a voter for having voted or refrained from voting at an election; or
- (vi) rewarding a candidate for having withdrawn or 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.

**48. 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 or dead or fictitious.

**49. Undue influence.** A person is guilty of undue influence, if he-

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

**Explanation.-** In this section, 'harm' includes social ostracism or ex-communication or expulsion from any caste or community.

**50. Illegal Practice.** A person is guilty of illegal practice punishable with fine which may extend to ten thousand rupees, if he-

- (a) obtains or procures, or attempts to obtain or procure, the assistance of any officer or official of the Federal Government, a Provincial Government or a Local Government or Authority to further or hinder the election of a candidate;
- (b) votes or applies for a ballot paper for voting at an election knowing that he is not qualified for voting or is disqualified from voting;
- (c) votes or applies for a ballot paper for voting more than once at any polling station;
- (d) removes a ballot paper or a ballot box from a polling station or destroys, damages or tampers with the ballot-box used at a polling station;
- (e) knowingly induces or procures any person to do any of the aforesaid acts; or,
- (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 purpose of promoting or procuring the election of another candidate, unless he proves that he had reasonable ground for believing, and did believe, the statement to be true;
  - ii) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate; or
  - iii) regarding the withdrawal of a candidate;
- (h) knowingly, in order to support or oppose a candidate, lets, lends, employs, hires, borrows or uses any vehicle or vessel for the purpose

of conveying voters to or from the polling station, except when a person conveys himself or any member of the household to which he belongs, to or from the polling station;

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

**51. Prohibition of Canvassing.** A person is guilty of an offence punishable with fine which may extend to ten thousand rupees, if he, on the polling day in connection with the election-

- (a) convenes, calls or organises within a ward any meeting; or
- (b) within a radius of two hundred meters of the polling station-
  - (i) canvasses for votes;
  - (ii) solicits vote of any voter;
  - (iii) persuades any voter not to vote at the election or for a particular candidate; or
  - (iv) exhibits, except with the permission of the Returning Officer and at a place reserved for the candidate or his polling agent beyond the radius of one hundred meters of the polling station, any notice, sign, banner or flag designed to encourage the voters to vote, or discourage the voters from voting, for any contesting candidate.

**52. 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 ten thousand rupees, or with both, if he-

- (a) uses, in such manner as to be audible within the polling station any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds; or
- (b) persistently shouts in such manner as to be audible within the polling station; or
- (c) does any act which—

- i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting; or
  - ii) interferes with the performance of the duty of a Presiding Officer, Polling Officer or any other person performing any duty at a polling station; or
- (d) abets the doing of any of the aforesaid acts.

**53. Tampering with papers.** A person is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten 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
- (d) causes any delay or interruption in the beginning, conduct or completion of the procedure required to be immediately carried out on the close of the poll; or
- (e) fraudulently attempts or abets to do any of the aforesaid acts.

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

- (a) interferes or attempts to interfere with a voter when he records his

vote;

- (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 as to the candidate for whom a voter in that station is about to vote or has voted.

**55. 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 ten 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.

**56. Conduct of officials-** A Presiding Officer, Polling Officer or any other officer or official performing a 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 fifteen 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 amounting to further or hinder the election of a candidate;
- (e) fails to maintain or aid in maintaining the secrecy of voting;
- (f) communicates, except for any purpose authorised by any law, to any person before the poll is closed, any information as to the name or

number on the electoral roll of any voter who has or has not applied for a ballot paper, or has or has not voted at a polling station; and

- (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.

**57. Breaches of official 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, or with both, if he, willfully and without reasonable cause, commits breach of any such official duty, by act or omission.

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

**59. Summary trial-** All offences under this Act except the offences under sections 46 shall be tried summarily under the provisions of the Code of Criminal Procedure 1898 (Act V of 1898).

**60. Cognizance-** No court shall take cognizance of the offences under sections 56, 57 and 58 except on the complaint in writing of the Returning Officer concerned:

Provided that if the Returning officer has committed a breach of his official duty, the complaint shall be made by the Election Commission.

**61. Certain offences to be cognizable-** An offence punishable under sections 46, 50, 51, 52, 53, 54, 55, 56, 57 and 58 shall be cognizable offences.

**62. Prosecution of offences under this Chapter-** Notwithstanding anything

contained in Chapter XV of this Act, no Court shall take cognizance of an offence under sections 46, 50, 51, 52, 53, 54, 55, 56, 57 and 58 except upon a complaint in writing made by order or, under authority from, the Election Commission.



## CHAPTER V

### EXECUTIVE POWERS AND CONDUCT OF BUSINESS

**63. Executive authority and conduct of business -** (1) The executive authority of a Local 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, the executive authority of Local Council shall vest in and be exercised by its Chairman or Mayor as the case may be.

(3) All acts of a Local Council, whether executive or not, shall be expressed to be taken in the name of the Local Council and shall be authenticated in the manner prescribed.

**64. Disposal of Business. -** (1) The business of a Local Council to the extent and in the manner prescribed shall be disposed of at its meetings.

(2) A Local Council shall have the power to act notwithstanding any vacancy in its membership.

(3) No proceedings of a Local Council shall be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of the Local Council, or by reason only that some person, who was not entitled to do so, sat or voted, or otherwise took part in its proceedings.

(4) Quorum of the ordinary meetings of a Local Council shall be not less than one third of the total membership of the Council.

(5) Save as otherwise provided, decisions of the Local Council shall be taken by resolutions passed by a simple majority of the members present and voting.

Provided that the Presiding Officer shall not vote except in the case of equality of votes.

(6) Ordinarily, the Vice Chairman shall preside over the meetings of the Local Council.

(7) In the first meeting of a Local Council after the election of Chairman and Vice Chairman presided over by the Vice Chairman, the members shall elect, from amongst them, in order of precedence, a panel of not less than three presiding officers securing highest number of votes who shall, in absence of the Vice Chairman preside over the meeting of the Council.

(8) A Local Council may appoint sub-committees consisting of such number of its members and other persons, if any, to perform such functions in such manner as may be prescribed.

**65. Meeting -** (1) A Local Council shall within three months of the assumption of office frame bye-laws for the conduct of its meetings which may, besides other matters, provide for -

- (a) the types of meetings, that is to say, ordinary, special or emergent;
- (b) The types of business to be conducted in different types of meetings;
- (c) The place of meetings;
- (d) Notices required for different meetings;
- (e) Authority to call meetings;
- (f) Notice of agenda for the meetings;
- (g) Quorum for special and emergent meetings;
- (h) Order of business to be conducted in meetings;
- (i) The manner of asking questions;
- (j) Motions and amendments and their withdrawal or discussion on them;
- (k) Speeches to be delivered;
- (l) Training discourses or discussions to be arranged at the meeting;
- (m) Preservation of order;
- (n) Decision by votes;
- (o) Language to be used;
- (p) Adjournments or postponements;

- (q) Co-opting of other members or official;
- (r) Re-consideration of the matters once disposed of;
- (s) Entertainment to be arranged at the time of meetings; and
- (t) Suspension of meetings.

(2) All Local Councils shall hold at least one meeting during a month.

(3) No member shall be liable to any proceedings in any Court in respect of anything said and any vote given by him in the meeting of Local Council or a committee thereof so long as such action does not-

- a) Undermine the ideology, security, integrity or solidarity of Pakistan;
- b) Seek to create or excite feelings of enmity, ill will, or hatred among different communities, sects, classes or sections of the citizens of Pakistan;
- c) Contain any indecent, obscene, scurrilous or ironical expressions or defamatory remarks against or seek to defame any person; and
- d) relate to any matter basically not relevant to or beyond the scope of this Act.

(4) A member who acts in contravention of the provisions of sub-section (3) shall, without prejudice to any other action against him, be disqualified and removed from membership forthwith.

(5) All meetings of Local Councils shall be public except when a Local Council by majority of votes decides to consider any matter in a session attended exclusively by its members.

(6) Minutes of the names of members present and of the proceedings at each meeting shall be drawn up and recorded in a book to be kept for the purpose which shall be signed by the person presiding at the meeting and shall at all reasonable times and without charge be open to inspection by members; provided that no member shall be entitled to object to the minutes of any meeting in which he was not present.

(7) A member who directly or indirectly, by himself or by any partner, employer or employee, has any share or interest in respect of any matter or has acted professionally, in relation to any matter on behalf of any person having therein any such shares or interest as aforesaid, shall not vote or take any other part in any proceedings of a Local Council or any of its Committees in relation to that matter.

**66. Contracts.** (1) All contracts made by or on behalf of the Local Council shall be;

- (a) In writing and expressed to be made in the name of the Local Council;
- (b) executed in such manner as may be prescribed; and
- (c) Reported to the Local Council by the Chairman at the meeting next following the execution of the contract.

(2) No contract executed otherwise than in conformity with the provisions of this section shall be binding on the Local Council.

**67. Works.** - Government may, by rules, provide for-

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

**68. Reporting and evaluation.** - A Local Council shall –

- (a) Maintain such record of its working as may be required by Government;
- (b) Prepare and publish such periodical reports and returns as may be required by Government; and
- (c) Adopt such other measures as may be necessary for the publication of information about the working of the Local Council.

## CHAPTER VI

### ADMINISTRATION OF SERVICES

**69. Local Council Service.**-(1) Keeping in view the requirement of Local Council the Government shall appoint staff from amongst the officials in Local Councils Service, servants of Local Council borne on the establishment of Local Government Board and the Servants of the respective Local Council.

(2) The Government may from time to time specify the posts in the Local Councils Service and the manner in which they are to be filled, that is to say, from BPS-1 to BPS-15 by the Local Councils Selection Board and B-16 and above by Balochistan Public Service Commission.

**70. Balochistan Local Government Board.** The Balochistan Local Government Board provided continuity under the repealed Balochistan Local Government Ordinance, 2001 (XVIII of 2001) for the administration of officers and officials of the Local Councils Service shall continue to function under relevant Board Rules.

**71. Members and servants of Local Councils to be public servants.** Every member and every servant of a Local Council, and every other person duly empowered to act on behalf of a Local Council, shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

**72. Servants of Local Councils.** (1) A Local Council may, with the prior approval of Government and if so required by Government shall, on the prescribed terms and conditions, employ such servants as are deemed necessary for the efficient performance of its functions under the Act:

Provided that Government may classify certain posts as tenure posts and the term of such posts shall coincide with the term of the office of a Local Council.

(2) If in the opinion of Government, the number of servants employed by a Local Council under sub-section (1) or the remuneration fixed for any of them, is excessive, the Local Council shall on being required by Government to do

so, reduce the number of its servants or the remuneration of any of them, as the case may be.

**73. Functions of Secretary-** A Secretary of a Local Council shall perform such functions as may be prescribed.

**74. Provident Fund, Pension and other facilities for the Servant of Local Council and Members of Local Council Service.**-(1) A Local Council may establish and maintain a Provident Fund and require any of its servants to contribute to such fund, and may itself contribute to it in such manner and in such proportion, as may be prescribed.

(2) A Local Council may, in the prescribed manner, and with the previous sanction of Government, provide for the payment of pension to its servants after retirement.

(3) A Local Council may, with the previous sanction of Government, grant a special pension or gratuity to the family of a servant who dies of disease or injury contracted or suffered in the discharge of his official duties.

(4) A Local Council may, in the prescribed manner, operate scheme of group insurance of its employees and require its employees to subscribe to it.

(5) The Government may establish and maintain-

(a) a fund for maintenance of Local Councils Service in Balochistan Local Government Board;

(b) a Pension Fund out of which shall be paid any pension granted under sub-section (2); and

(c) a Benevolent Fund out of which shall be paid any special pension or gratuity granted under sub-section (3) or such relief as may be prescribed.

(6) The Local Council shall contribute for the members of Local Councils Service to the funds established and maintained under sub-section (5) in such proportion and in such manner as may be specified by Government.

**75. Service Rules.** (1) Unless and until the rules are framed by the Government, the services of Local Councils Service (LCS) and the servants of Local Councils shall be governed under the provisions of -

- (a) West Pakistan Local Councils and Municipal Committees (Service) Rules, 1963;
- (b) West Pakistan Local Councils (Service) Rules, 1969;
- (c) a schedule of establishment and schedule of qualification for the staff that shall be employed by a Local Council shall be framed by the Local Council and approved by the Government;
- (d) Appointment of various posts shall be made subject to following the provisions for recruitments under the prescribed service rules and policy of the Government framed from time to time.

(2) Disciplinary action shall be initiated as per prevailing rules and guidelines circulated by the Government.

**76. Legal Adviser.** A Local Council may, with prior approval of Government as to the qualifications, terms and conditions of service, appoint a whole-time or part-time Legal Adviser (not being a member or a servant of a Local Council or Local Councils) to appear in all legal proceedings and to render such advice as may be required.

**77. Training and Training Institutions:-** Government may-

(1) Set up institutions or make other arrangements as may be necessary for-

- (a) the pre-service and in-service training of the functionaries of Local Council, Government departments and other related agencies ;
- (b) the training of Chairmen and members of Local Councils;
- (c) organizing conferences and seminars on local governance and related subjects ; and

(d) undertaking research on issues in local governance and allied subjects independently or in collaboration with Universities or Research Institutions ;

(2) Provide for-

(a) the administration of training institutions ;

(b) the compulsory training of members and staff of Local Councils;

(c) curricula and courses to be studied ;

(d) the holding of examinations and award of diplomas and certificates to successful candidates ;

(e) affiliating institutions with universities; and

(f) associating such universities, colleges or training institutes as may be necessary for the training of staff of Local Councils ;

(3) A Local Council may be required to pay towards the cost of the institutions set up or other arrangements made under sub-section (1) and (2) in such proportion as Government may, from time to time, determine.



## CHAPTER VII

### FUNCTIONS OF LOCAL COUNCILS

**78.** (1) A Local Council shall undertake the functions provided in this Act.

(2) A Local Council may, and if the government so directs, shall declare any of its functions as essential services, and impose such restrictions on its officers or servants as it deems appropriate for the efficient delivery of such services.

(3) A Local Council may, subject to rules, regulations and through its bye-laws, and if the Government so direct shall, subject to allocation of funds undertake all or any of the functions enumerated in Fifth Schedule.

**79.** Nothing contained in this Chapter shall preclude a Local Council from performing such functions as may be assigned to it by or under any other law.

**80. Dangerous and offensive trades.-** (1) The articles and trades given in the First Schedule shall be deemed to be dangerous or offensive for the purposes of this section.

(2) Except under, and in conformity with, the conditions of a licence granted by the Local Council -

- (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 articles in excess of such limits as may be fixed by bye-laws.

(3) A Local Council may, with the previous sanction of the Government, prepare and enforce a scheme providing for the prohibition of dangerous and offensive trades in specified areas within the Local Council, and for the restriction of such trade in any area not so specified.

**81. Constitution of Musalihat Anjuman.-** (1) In each Local Council, Musalihat Anjuman shall be constituted consisting of a panel of three members including at least one woman member one of whom shall be its Convener, to be selected by the Local Council, within thirty days after its election, from amongst the members of the Local Council:

Provided that the Chairman shall not be appointed as a member of the Anjuman.

(2) Any casual vacancy of a member of the Anjuman shall be filled by the Local Council, as soon as practicable, after occurrence thereof.

(3) The members of the Anjuman shall be selected for the term of the Local Council or until replaced earlier.

(4) Where in the opinion of the Local Council, a member of the Anjuman is accused of consistent partiality and malpractices in performance of his functions, the Local Council may, subject to notice to show cause, remove such member and select another member in his place.

**82. Encouragement for amicable settlement of disputes-** The Chairman, members of the Local Council and the members of Musalihat Anjuman shall use their good offices to achieve amicable settlement of disputes amongst the people in the area through mediation, conciliation and arbitration, whether or not any proceedings have been instituted in a court of law in respect of such disputes:

Provided that such settlement shall be carried out in such case where all parties to the dispute agree thereto and no fee shall be charged for such settlement:

Provided further that in bringing parties to a dispute to an amicable settlement, Musalihat Anjuman shall have regard to the provisions of section 345 of the Code of Criminal Procedure (Act V of 1898), Hadood laws and all other laws for the time being in force where under certain offences are not compoundable:

Provided also that every settlement brought by Musalihat Anjuman in a case pending before a Court shall be subject to the approval of such Court.

**Explanation-** For the purpose of this Section the expression 'dispute' relates to disputes amongst the individuals whether of civil or criminal nature.

**83. Courts may refer cases to Musalihat Anjuman.-** (1) Any court of competent jurisdiction may, in a case where it deems appropriate, refer a matter to the Musalihat Anjuman through the Chairman for settlement.

(2) The court making a reference to Musalihat Anjuman for settlement of a dispute under subsection (1) may lay down the procedure for summoning the parties to the dispute, the terms of reference, the period during which settlement is to be made, the manner in which report of the settlement is to be submitted and such other matters as it may deem appropriate for resolution of the dispute.

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

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

**84. Appointment of Conciliator for individual cases-** Where in a dispute the parties request for appointment of a person other than the members of the Musalehat Anjuman referred to in section 81 in a particular case as a Conciliator, the Chairman may, in consultation with the Local Council, appoint such person as a co-opted member of the Anjuman for that case.

**85. Procedure of settlement of disputes.-** (1) The Convener of the Musalihat Anjuman selected under section 81 shall-

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

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

(3) The report of the Musalehat Anjuman shall be recorded in writing and copies thereof attested by the Secretary of the Local Council, shall be provided to the parties.

## CHAPTER VIII

### DEVELOPMENT PLANNING IN LOCAL COUNCILS

**86. Development Plans:** Development Plans in Local Councils shall be prepared on specified sectoral proforma with the following as essential information:-

- (a) **Name & Location:** Name of the project and location must be clearly indicated by giving the name of the Area, Union Council and Village along with relevant details to signify the exact locality. Map of the area should be attached to magnify project location.
- (b) **Cost:** Cost estimates should be indicated with source of financing and allocation in the current year budget. The narration should touch on the basis (e.g. market survey, schedule of rates, estimation of previous work done) of determining the capital cost.
- (c) **Objectives:** The Local Council must have clear road map of targets and objectives to achieve in the arena of its responsibility for development. Every project must fit into this frame and should have strong linkage with over all development objectives of the local council.
- (d) **Description and Justification:** This section should describe the project in terms of existing facilities and justification for the Project. This section should also include technical parameters, details of civil works, machinery and other physical facilities required for the project, highlights of issues relevant to the project and strategy to resolve them.
- (e) **Operating and Maintenance Cost:** This section should indicate itemized operational cost for five years after completion of the project with source of financing and responsibility.
- (f) **Financial Plan:** This section should indicate the quantum of total resources required for the project and the sources to provide the cost.

- (g) **Project Benefits and Analysis:** This section should give a brief narration of the probable income to be generated due to the project and quantify social benefits to the target group.
- (h) **Environmental Impact:** This section should give a fair assessment of the negative or positive impact of the project on the environment.
- (i) **Implementation Schedule:** This section should indicate the starting and completion date of the project with detailed schedule of physical activities. The details should include administrative arrangements and manpower requirements during execution and operation of the project.

**87. Community Development Projects.** A Local Council may sponsor or promote Community Development Projects for its local area or any part thereof and may in this behalf, subject to the approval of Government, perform such functions as may be necessary.

**88. Commercial Schemes.** A Local Council may, with the previous sanction of Government, promote, administer, execute and implement schemes for undertaking any commercial or business enterprise.

**89. Town Improvement:** A Local Council may, within the area of its jurisdiction, with prior approval of Government, frame projects for Town Improvement and constitute a Town Improvement Committee for the purpose which shall perform such functions and exercise such powers as may be specified by Government.

**90. Development Schemes.** Where a Town Improvement Committee is constituted, Government may, in the prescribed manner, provide for:

- (a) the types of schemes to be undertaken;
- (b) initiation of schemes by Town Improvement Committee on the direction of Government or on move by the Local Council concerned;
- (c) matters to be provided for in a scheme such as acquisition of land subject to the provisions of Land Acquisition Act 1894, retention management or disposal of lands vested in the Council, demolition of unhygienic buildings, re-laying out and redistribution of land in a scheme, laying out and alteration of schemes, provision and

management of open spaces, reclamation of land and its reservation for the production of fruit, vegetables, fuel, fodder and the like for the residents of a local area, water supply and lighting, drains and sewerage, health measures, erection and re-erection of buildings, advances to owners, communications and other mater;

- (d) alteration and abandonment of schemes;
- (e) furnishing of information by a Local Council or by Government or other agency and which is necessary for the purpose of framing a scheme or of assistance in its execution or maintenance;
- (f) powers of sanction or, as the case may be, of rejection or modification of a scheme;
- (g) powers to facilitate movement of population and powers of entry;
- (h) powers to make a survey or contribute towards its costs; and
- (i) such other matters as may be necessary.

**91. Notice of scheme.** (1) As soon as may be, after a scheme has been formulated, the Town Improvement Committee shall prepare a notice stating the fact that the scheme has been framed and that the boundaries of the localities comprised therein and the place or places at which and the time at which the scheme including a statement of the land proposed to be acquired and the general map of the locality comprised in the scheme, may be inspected.

(2) The Town Improvement Committee shall, notwithstanding anything contained in the sanctioned scheme, cause the said notice to be notified and also published in a newspaper weekly on three consecutive weeks along with a statement of the period within which objections shall be received.

(3) On the notification and publication of notice under sub-section (2), the scheme shall be deemed to be in force and no person shall thereafter erect, re-erect, add or alter any building or buildings within the area of the scheme except with the permission of the Town Improvement Committee.

(4) The objections under subsection (2) shall be disposed of in the prescribed manner.

**92. Notice of acquisition of land and notification of schemes.** (1) During thirty days next following the first day on which any notice is notified and published, the Town Improvement Committee shall serve a notice on every person whom the Town Improvement Committee has reason to believe to be owner or occupier of any immovable property which is proposed to be acquired in executing the scheme and such notice shall state that the Town Improvement Committee proposes to acquire such property for the purpose of carrying out a scheme, requiring such person, if he objects to such acquisition, to state his reasons in writing within a period of sixty days from the service of the notice.

(2) The sanction of the scheme by the authority competent to do so under the rules shall on notification be conclusive evidence that the scheme has been duly framed and sanctioned.

**93. Finances.-** For every Town Improvement Committee there shall be maintained a Fund, to be known as Town Improvement Fund which shall be treated as local fund.

(a) The Town Improvement Fund shall be made up of contributions by the Local Council and such loans and grants as are approved and made by Government.

**94. Approval of Development Plan:** The Development Plan of a Local Council may be sanctioned in its ordinary meeting.

**95. Development Plans to be Included in the Budget:** As far as may be, the schemes included in the Development Plan shall be included in the budget.

## CHAPTER IX

### LOCAL COUNCIL FINANCE

**96. Establishment of Local Fund and Public Account.** (1) For every Local Council there shall be established a Local Fund and a Public Account.

(2) To the credit of respective Local Fund shall be placed all revenues received by a Local Council from the following sources:

- (a) monies transferred by another Local Council under this Act.;
- (b) grants made to or monies received by a Local Council from the Government or other authorities in Pakistan.
- (c) the proceeds of taxes, tolls, fees, rates or charges levied by a Local Council under this Act;
- (d) rents and profits payable or accruing to a Local Council from immovable property vested in or controlled or managed by it;
- (e) proceeds or any other profits howsoever known or called from bank accounts and investments of a Local Council.
- (f) gifts, grants or contributions to a Local Council by individual or institutions;
- (g) income accruing from markets or fairs regulated by a Local Council.
- (h) fines and penalties imposed under this Act ;
- (i) proceeds from other sources of income which are placed at the disposal of a Local Council under directions of the Government; and
- (j) All monies transferred to a Local Council by the Government including loans if any.

(3) To the credit of respective Public Account shall be placed all revenues received by a Local Council from the following sources-



- (i) receipts accruing from trusts administered or managed by a Local Council.
- (ii) refundable deposits received by a Local Council; and
- (iii) deferred liabilities.

(4) A Local 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 these sources or any specified portion of the Local Fund may be assigned and which shall be administered and regulated in such manner as a Local Fund.

**97. Custody and Operation of Local Fund and Public Account.** (1) Monies credited to a Local Fund or a Public Account shall be kept in the government treasury, a post office or National Bank of Pakistan in such manner as shall be specified by the Government from time to time.

(2) The Local Fund shall be operated in the manner as provided in the Rules.

**98. Charged expenditure.—** (1) The following expenditure shall be compulsorily charged on the Local Fund, that is to say:

- (a) such sums as are required for repayment of loans;
- (b) any sum required to satisfy any judgment, decree or award against the Local Council by any Court or Tribunal or Authority;
- (c) such sums as the Local Council may be required by Government to contribute towards the conduct of elections, the maintenance of specified Group of Functionaries and the auditing of accounts; and
- (d) any expenditure declared by Government to be so charged.

(2) if any expenditure is a compulsory charge on the Local Fund and 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 be possible from time to time, from the balance of the Local Fund.

**99. Application of Funds.-** (1) Monies credited to a Local Fund shall be expended in accordance with the approved Annual Budget.

(2) No Local Council shall transfer monies to a higher level except by way of repayment of debts or for carrying out deposit works or as prescribed in this Act.

(3) The application of Local Fund shall be subjected to budgetary constraints by ratio to be prescribed for development works and expenditure on prescribed establishment.

(4) Where a new Local 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 mensem of the budgeted funds for remainder of its term in office in that financial year.

**100. Budgets.-** (1) Every Local Council, shall in the prescribed manner, before the commencement of each financial year, prepare a statement of its estimated receipts and expenditure for the year and forward copies thereof for examination, scrutiny and sanction in the following manner and to the following authorities : -

- (i) A Union Council shall prepare and forward the budget for scrutiny and sanction to the District Council concerned;
- (ii) A Municipal Committee shall prepare and forward the budget for scrutiny and sanction to the Divisional Coordination Committee, and in the absence of Divisional Coordination Committee, to the Commissioner;
- (iii) A Municipal Corporation and District Council shall prepare and forward the budget for scrutiny and authentication to the Divisional Coordination Committee who shall, after such scrutiny and authentication, forward it to the Government for final sanction:

Provided that in the absence of Divisional Coordination Committee, the budget shall be forwarded to the Commissioner who shall, after scrutiny and authentication, forward it to the Government for final sanction; and

(iv) A Metropolitan Corporation shall prepare and forward the budget for scrutiny and authentication to the Divisional Coordination Committee, and in absence of the said Committee, to the Commissioner, who shall, after such scrutiny and authentication, forward it to the Government for final sanction.

(2) If the budget is not prepared by the Local Council before the commencement of any financial year the sanctioning authority may have the necessary statement prepared and certify it and such certified statement shall be deemed to be the sanctioned budget for the concerned Local Council;

(3) At any time before the expiry of the financial year to which 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 subject to the provisions of this Section, deemed to be the budget of the Local Council concerned.

(4) All Local Councils enlisted at (i), (ii) of (1) above shall also send a copy of their budgets to Government who, if considered expedient may modify the budget.

**101. Accounts.** (1) The following arrangement for maintaining of accounts in Local Councils shall be followed:

(a) The District Accounts Officer shall maintain the accounts of each Local Council for funds received from the Government;

(b) Accounts of all other receipts and expenditure of a Local Council shall be kept in the manner and form prescribed by Government.

(2) An annual statement of the accounts shall be prepared after the close of every financial year and shall be transmitted to Government by fifteenth day of July.

(3) A copy of the annual statement of accounts shall be displayed at a conspicuous place in the office of the Local Council for public inspection, and all objections or suggestions concerning such accounts received from the public shall be considered by the Local Council and brought to the notice of the Audit Authority.

(4) The District Accounts Officer shall, quarterly and annually, consolidate the accounts of Local Councils in the District separately for receipts from the Government and local resources and send a copy to the Government, Accountant General and Chairman of the District Council.

**102. Audit.** (1) Director Local Fund Audit, as Audit Authority for Local Councils, shall, on the basis of such audit as he may consider appropriate or necessary, certify the accounts, compiled and prepared by the respective accounts official of the local council for each financial year;

(2) The Director Local Fund Audit shall have the authority to audit and report on the accounts of stores and stock kept in any office of a local council.

(3) The Director Local Fund Audit shall:

- (a) audit all expenditure from the Local Fund to ascertain whether the moneys shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged and whether the expenditure conforms to the authority which governs it;
- (b) audit all transactions of the local council relating to Public Account;  
and
- (c) audit all receipts which are payable into a Local Fund and to satisfy himself that all such receipts which are payable into a local Fund have been properly and correctly deposited and rules and procedures relating to such receipts have been fully observed;

(4) The Director Local Fund Audit shall have the authority:

- (a) to inspect any office of accounts, under the control of a local council, responsible for the keeping of initial or subsidiary accounts of the council;
- (b) to require that any accounts, books, papers and other documents which deal with, or form the basis of, or otherwise relevant to the transactions to which his duties in respect of audit extend, shall be sent to such place as he may direct for his inspection;

- (c) to inquire or make such observations as he may consider necessary, and to call for such information as he may require for the purpose of the audit, and the officials shall afford all facilities and provide record for audit and inspection and comply with requests for information in as complete a form as possible and with all reasonable expedition, and
- (d) to examine the Chairman/ Vice Chairman, or Mayor/ Deputy Mayor as the case may, or any member or servant of the Local Council.

(5) On completion of audit, the Director Local Fund Audit shall submit to Government and to Local Council an audit report which shall, among other things, clearly mention: -

- (a) Cases of embezzlement, if any;
- (b) cases of loss, misappropriation, waste or misapplication;
- (c) cases of other irregularities in the maintenance of accounts.

(6) The disposal of audit report shall be as prescribed by the Government and Rules made thereunder.

(7) The annual audit report shall be published by every Local Council for information of public.

(8) The Government shall constitute a Local Council Accounts Committee consisting of elected members and official members to review audit reports of the Local Councils and also to perform such other functions as may be prescribed.

**103. Special Audit.-** Government may appoint any other authority for special audit of the accounts of a Local Council.

**104. Surcharge.** Every member of a Local Council, every official or servant of a Local Council and every person charged with the administration of the affairs of a Local Council or acting on behalf of a Local Council shall be responsible for the loss, waste, misappropriation or misapplication of any money or property belonging to a Local Council which is direct consequence of his negligence or misconduct, and shall be liable to pay such surcharge as may be determined by the Local Councils Accounts Committee and such amount shall be recoverable as a public demand or as arrears of land revenue.

**105. Appeal.** Any person aggrieved by the imposition of surcharge under Section 104 may, within a period of thirty days from the date of such imposition, prefer an appeal to Government or any other authority or person authorized by Government in this regard, whose decision shall be final.

Provided that no order shall be passed in appeal except after giving the aggrieved person an opportunity of being heard.

**106. Local Council not to Incur Debt.** (1) No Local Council shall incur any debt.

(2) No monies of the Local Council shall be invested in securities other than those floated or approved by the Federal Government or Provincial Government.

## **CHAPTER X**

### **LOCAL COUNCIL PROPERTY**

**107. Ownership of Property.** (1) Subject to any conditions imposed by the Government, the property specified hereunder shall vest in the respective local council if it is-

- (a) vested in a local council through succession;
- (b) transferred to the local council by the Government or any other authority, organization or an individual; and
- (c) constructed or acquired by a local council with its title.

(2) The properties of the Government in possession of the local governments established under Balochistan Local Government Ordinance, 2001 (XVIII of 2001), shall pass on to their successors as provided in this Act till varied by the Government.

(3) The Government shall make Rules for the use, development, improvement, management and inspection of property which is owned by or vests in it or which is placed under its management charge.

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

**108. Transfer of Property by the Government.** The Government may, on its own accord or on a request by a local council, transfer the management of any other Government or public property to it for administration as a trustee.

**109. Stock taking by the Chairman.** (1) Every Chairman or Mayor as the case may be shall, on assumption of his office and thereafter, once in every year on a date fixed by him, take the physical stock of movable and immovable properties of the local council and submit a report to the Council.

- (2) The report referred to in sub-section (1) shall contain-
  - (a) particulars of the properties held during the preceding year;
  - (b) total value of the property and annual return therefrom ;
  - (c) particulars of unserviceable articles and losses if any; and
  - (d) plans for utilization, development and improvement during the following year.

**110. Use and disposal of properties of local council.**(1) Properties of local council shall be used only for public purposes.

(2) Immovable properties of local council shall not be sold or permanently alienated:

Provided that such properties may be given on lease through competitive bidding in public auction with the prior approval of the Government.

Provided further that no such property under or near a fly-over bridge shall be leased or otherwise given to any person for private, commercial or non-commercial use, and any order, licence, permission, handcart passes or certificate issued by any authority at any time in this respect shall stand withdrawn and shall be deemed cancelled.

(3) The movable property of a local council which, by the order of the Government is required to be disposed of and all articles declared unserviceable shall subject to approval by the Government, or any authority specially empowered by the Government in this regard, be sold through a transparent competitive bidding in public auction.

**111. Personal Responsibility with regard to loss and waste:** (1) Every Mayor/ Chairman, official or servant of a Local Council, every member of a Local Council, and every person charged with the administration and management of the property of a Local Council shall be personally responsible for any loss or waste, financial or otherwise, of any property belonging to a Local Council which is a direct consequence of decisions made by him personally or under his directions in violation



of any provisions of this Act or any other law for the time being in force or which accrues as a result of his negligence or misconduct, and shall be liable to pay such surcharge as may be determined by the Local Councils Accounts Committee and such amount shall be recoverable as arrears of land revenue under surcharge proceedings.

(2) Any person aggrieved by the imposition of liability under sub-section (1) may prefer an appeal to Government, or any other authority or person authorized by the Government in this behalf, whose decision shall be final.

Provided that no order shall be passed in appeal, except after giving the aggrieved person an opportunity of being heard.

## CHAPTER XI

### LOCAL COUNCIL TAXATION

**112. Local Rate.** All lands assessable to rent or land revenue shall be subject to the payment of a rate to be known as the Local Rate. The local rate in each District shall bear such proportion to the rent or land revenue in the Local Area as Government may, by notification from time to time fix, and shall be collected in the prescribed manner alongwith the rent or land revenue by the revenue officials responsible for its collection and the proceeds thereof shall be credited to the Local Fund of the District Council.

**113. Rating Areas and Property Tax.** (1) On commencement of this Act, every notified urban area shall be the Rating Area within the meaning of Balochistan Urban Immovable Property Tax Act, 1958 (West Pakistan Act V of 1958).

(2) The Metropolitan Corporation, Municipal Corporation and Municipal Committee, as the case may be, shall determine the rate of property tax in their respective area;

Provided that the Government may vary the rate of property tax for any local area or a part thereof determined by the Local Council, and thereafter, the rate fixed by the Government shall prevail;

Provided further that in the urban areas where the rate has not been determined, the areas shall be deemed to be exempted from property tax till determination of the rate.

(3) Unless varied under sub-section (2), the existing rates shall remain inforce.

(4) Government may declare any local area or a part thereof as the Rating Area.

**Explanation:** For the purpose of this section the “Rate” shall mean the tax leviable under the Balochistan Urban Immovable Property Tax Act, 1958 (West Pakistan Act V of 1958).

**114. Imposition, notification and enforcement of Taxes.-** (1) A Local Council subject to the provisions of any other law may, and subject to approval by the Government shall, levy all or any of the taxes, cesses, fees, rates, rents, tolls, charge, surcharges and levies specified in the Second Schedule.

(2) No tax shall be levied without previous publication of the tax proposal and without inviting and considering/hearing public objections

(3) Subject to the provisions of any other law for the time being in force, and with the prior approval of the Government, a Council may reduce, suspend or abolish a tax.

(4) Where a tax is levied or modified, the Local Council shall specify the date for the enforcement thereof, and such tax or the modification shall come into force on such date.

**115. Model Tax Schedule.-** Government may frame Model Tax Schedules and when such Schedules have been framed a Local Council shall be guided by them in levying a tax, cess, rent, charge, rate, toll or fee.

**116. Collection and recovery of taxes, etc.** (1) Failure to pay any tax and other money claimable under this Act shall be an offence

(2) All arrears of taxes, rents and other moneys claimable by a Local Council under this Act shall be recoverable as arrears of land revenue.

(3) Government may empower any Local Council to recover arrears of taxes or any other moneys claimable by the Local Council under this Act by distress and sale of the movable property belonging to the person concerned or by attachment and sale of the immovable property belonging to him.

(4) Government may, by rules, specify the officials or classes of officials by whom the power under sub-section (2) shall be exercised and prescribe the manner in which it shall be exercised.

**117. Liability on account of taxes.** (1) A Local Council may by notification, call upon any person to furnish such information, produce such record or accounts or to

present such goods or animals liable to any tax as may be necessary for the purpose of determining the liability of such person, goods or animals to a tax.

(2) Any official of a Local Council authorized in this behalf, may after due notice, enter upon any building or premises for the purposes of assessing the liability of such building or premises to any tax, or inspecting any goods or animals therein liable to any tax.

(3) Any official of a Local Council authorized in this behalf may, in the prescribed manner, seize and dispose of any goods or animals on which any tax is due and is not paid.

**118. Taxation Rules.** (1) All taxes and other charges levied by a Local Council shall be imposed, assessed, leased, compounded, administered and regulated in such manner as may be provided by rules.

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

**119. Sharing of income.-** A District Council may, and if so directed by the Government shall, allocate a portion of its income to a Union Council or Councils .

## **CHAPTER XII**

### **LOCAL COUNCILS GRANTS COMMITTEE AND FISCAL TRANSFERS**

**120. Constitution of Local Councils Grants Committee.** The Government shall constitute a Local Councils Grant Committee headed by the Minister Finance with Secretaries of the Finance, Local Government and Planning & Development Departments as members for award of grant to the Local Councils.

**121. Functions of the Local Councils Grants Committee.** - (1) The Local Councils Grants Committee shall make recommendations to the Government on:

- (a) The amount of Local Councils Grant out of the proceeds of Provincial Consolidated Fund in a financial year in addition to the GST grant (in lieu of Octroi and Zila Tax);
- (b) Formula for distribution of Local Councils Grant among local councils in the province;
- (c) The amount of special grants with modalities and conditions for local councils to access the facility;
- (d) Grants in aid to local councils in need of assistance; and
- (e) Matters relating to local councils finance.

(2) The Grants Committee shall take into account the principles of need, capacity, effort and performance of local councils while making recommendations.

**122. Rules of Business of Local Councils Grants Committee.**- The Government shall make rules to regulate the business of Local Councils Grants Committee.

## CHAPTER – XIII

### SUPERVISION OF LOCAL COUNCILS

**123. Supervision of Local Councils.** (1) Government shall exercise general supervision, and control over the Local Councils in order to ensure that their activities conform to the provisions of this Act.

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

**124. Inspections of Local Council.** – (1) The working of the Local Councils shall be inspected at least once in each financial year by the inspecting officer or officers to be notified by Government.

(2) The Inspecting Officer shall have the power–

- (a) to enter upon, inspect and survey any immovable property occupied by a Local Council or any institution maintained by or any work in progress under the directions of Local Council;
- (b) to call for or inspect files, registers, books or documents in the possession or under the control of a Local Council;
- (c) to require the production of such statements, accounts, reports, documents and copies of documents relating to the proceedings of a Local Council as he may think fit;
- (d) to observe meetings of Local Council; and
- (e) to inquire generally into the affairs of a Local Council.

**125. Inspection reports and action thereon**– (1) The inspection reports shall be prepared in such form as may be specified by Government and the inspection reports so prepared shall be forwarded to the Local Council concerned within thirty days of the completion of inspection.

(2) As soon as may be, the inspection reports prepared under sub-section (1) shall be placed before a meeting of the Local Council for information and compliance.

(3) The Chairman shall take such action on the inspection report as may be required.

(4) Within thirty days of the receipt of an inspection report, Local Council shall annotate the inspection report and forward it to the Inspecting Officer who may issue such further directions and advice to the Local Council as may be necessary.

(5) If there is any dispute or difference of opinion between the Inspecting Officer and the Local Council, such dispute or matter shall be decided by Divisional Coordination Committee.

**126. Suspension of orders and resolutions.** –Where in the opinion of Government anything done or intended to be done by or on behalf of a Local Council is not in conformity with law, Government for reasons to be recorded, may:–

- (a) quash the proceedings;
- (b) suspend the execution of any resolution passed or order made by the Local Council;
- (c) prohibit the doing of anything proposed to be done; and
- (d) Require the Local Council to take such action as may be specified.

**127. Power to give directions.** – (1) Government may direct any Local 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 a Local Council or person or authority has failed to comply with any direction made under sub-section (1), Government may appoint a person or persons to give effect to such directions and may further direct that the expenses incurred in connection therewith shall be borne by the Local Council.

(3) Should the expenses be not so paid, Government may make an order directing the person having the custody of the balance of the Local Fund of the Local Council to pay the expenses or so much thereof as may, from time to time, be possible.

**128. Inquiries.** –(1) Government may, for reasons to be recorded and communicated to the concerned Chairman or Mayor, cause an inquiry to be made by such person as may be authorized by it in this behalf, into the affairs of a Local Council, generally or into any particular matter concerning a Local Council and take such remedial measures as may be warranted by the findings of such inquiry.

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

**129. Dissolution and Suspension.** – (1) Government may by notification in the official gazette dissolve or suspend a Local Council for a period specified in such notification and appoint any person as Administrator if there are reasons to believe that a Local Council:-

- (a) Is unable to discharge or persistently fails to discharge its duties; or
- (b) Is unable to administer its affairs for meeting its financial obligations;  
or
- (c) Generally acts in a manner contrary to public interest; or
- (d) Otherwise exceeds or abuses its powers.

(2) On publication of a notification under sub-section (1):

- (a) Person holding offices as Chairman/Vice Chairman, or Mayor/ Deputy Mayor as the case may be, and members of the Local Council shall cease to hold offices;
- (b) all functions of the Local Council shall, during the period of suspension, be performed by such person or authority as Government may appoint in this behalf; and
- (c) all funds and property belonging to the Local Council shall, during the period of suspension, vest in Government.

(3) Government shall hold or cause to be held an inquiry into charges on which a Local Council is suspended and if, within a period of two months, from the date of the suspension of the Local Council, the inquiry is not completed, the Local Council shall stand re-instated.



(4) If, as a result of the inquiry, the charges against the Local Council are proved, Government may dissolve the Local Council.

(5) When a Local Council is dissolved-

(a) Government shall order fresh elections, for the remaining term of the Local Council, if the remaining term is not less than six months; and

(b) If the remaining term of the Local Council is less than six months, the person or authority referred to in sub-section (2) (b) shall continue to perform the functions of the Local Council and its funds shall continue to vest in the Government till the re-constituted Local Council assumes office.

## CHAPTER- XIV

### DIVISIONAL CO-ORDINATION COMMITTEE AND INTER-COUNCIL MATTERS

**130. Divisional Coordination Committee.** – (1) There shall be Divisional Coordination Committee in every Division, which shall consist of -

- (a) Elected Mayor of Metropolitan Corporation, Chairmen of District Councils, Chairmen of Municipal Corporations, Chairmen of Municipal Committees and heads of all nation building departments of the Provincial and Federal Governments and Collector of the District.
- (b) One representative each of the special interest groups, viz. peasants, workers and women to be elected in the prescribed manner, by the elected members belonging to the respective groups in various Local Councils within a Division.

(2) The members of the Provincial and National Assemblies elected from the Division may take part as observers in the meetings of the Divisional Coordination Committee but they shall not be its members.

(3) The Chairman of the Divisional Coordination Committee shall be the Commissioner and the Deputy Director, Local Government and Rural Development shall be its ex-officio Secretary:

Provided that if the Chairman is unable to preside over any meeting of Divisional Coordination Committee, the members present may elect from amongst themselves, any member to preside over that meeting.

(4) The Divisional Coordination Committee shall meet at least once in every three months:

Provided that it shall compulsorily meet in the month of June each year to scrutinize, authenticate or sanction, as the case may be under this Act, the budget of the Local Councils.

(5) The Commissioner shall call its meetings, and decisions shall be taken by a majority of vote of the members participating in the meeting.

(6) Quorum for the meetings shall be one third of the total members of the Committee.

**131. Functions.-** (1) The functions and powers of the Divisional Coordination Committee, shall among other matters, include the following:

- (a) Coordination of the activities including the Development Plan of all Local Councils and all nation building departments in the Division;
- (b) settlement of disputes amongst Local Councils in the Division;
- (c) levy of surcharge under Section 104 and 113; and
- (d) Consideration and recommendation of the taxes proposed to be levied by District Councils, Metropolitan Corporation, Municipal Corporation or Municipal Committees.

(2) Any decision taken by the Divisional Coordination Committee shall be communicated to the Local Council concerned and Nation Building Departments concerned for implementation.

**132. Joint Committee.-** A Local Council may join any other Local Council or Local Authority in appointing a Joint Committee for any purpose in which such Local 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.

## CHAPTER—XV

### OFFENCES AND PENALTIES

**133. Offences.** An act or omission specified in the Third Schedule shall be an offence under this Act.

**134. Punishment.** (1) Whoever commits any of the offences mentioned in Part-1 of the Third Schedule shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both, and if the offence is a continuing one, with a further fine which may extend to two hundred rupees for every day after the date of the first commission during which period the offender has persisted in the offence.

(2) Whoever commits any of the offences mentioned in Part-II of the Third Schedule shall be punished with fine which may extend to five thousand rupees and if the offence is a continuing one, with further fine which may extend to two hundred rupees for every day after the date of the first commission during which period the offender has persisted in the offence.

(3) Out of the fine imposed under sub-section (1) or sub-section (2), the court imposing the fine may award such compensation for the loss to or damage of the property of the Local Council as it may deem fit.

**135. Compounding of offence.** Save as otherwise provided the Chairman or any person generally or specially authorized by Local Council in this behalf, may at any time or after the commission of offence but before the conclusion of proceeding in the Court, compound any offence mentioned in the Third Schedule:

Provided that no case in respect of any offence pending adjudication before a court shall be compounded except with the permission of the court;

Provided further that an offence shall not be compounded where the accused has been served a notice forbidding him from continuing with the violation or contravention of any provision of this Act, and he persists in such violation and contravention;

Provided also that the accused shall be given an opportunity of being heard before passing an order or taking any action adverse to his interest.

**136. Cognizance of offences.** No Court shall take cognizance of any offence mentioned in the Third Schedule, except on a complaint in writing received from the Chairman, or a person generally or specially authorized by the Local Council in this behalf.

**137. Summary disposal of cases.** (1) A Court taking cognizance of any offence punishable under this Act other than an offence mentioned in Part-I of the Third Schedule, may state upon the summons to be served on the accused person that he may:

- (a) appear by pleader and not in person; or
- (b) by a specified date, prior to the hearing of the charge, plead guilty by registered letter and remit to the Court such amount as the Court may specify.

(2) The accused person shall, if he pleads guilty to the charge, forward his license, if any, to the Court with a letter containing his plea in order that the conviction may be endorsed on the licence.

(3) Where the accused person pleads guilty and remits the sum specified and has complied with the provisions of sub-section (2), no further proceedings in respect of the offence shall be taken against him nor shall he be liable to be disqualified from holding or obtaining a licence solely by reason of his having pleaded guilty.

**138. Summary trial of offences.** Notwithstanding anything to the contrary contained in any other law for the time being in force, the offences specified in the Third Schedule shall be tried summarily.

## CHAPTER—XVI

### MISCELLANEOUS

**139. Appointment of whole-time Magistrates.** (1) Government may, on such terms and conditions as it may determine, appoint one or more Magistrates for trial of offences under this Act.

(2) Notwithstanding anything contained in any other law for the time being in force, the Magistrate or Magistrates, as the case may be, appointed under sub-section (1) shall have the power to try summarily the offence under this Act.

**140. Appeals.** (1) Any person aggrieved by any order passed by a Local Council or its Chairman in pursuance of this Act or the rules or bye-laws, may appeal to such authority, in such manner and within such period as may be prescribed.

(2) Any order passed in appeal shall be final:

Provided that no order shall be passed in appeal, except after giving the aggrieved person an opportunity of being heard.

**141. Power to make 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 power, such rules may provide for all or any of the matters specifically required to be provided under this Act, and all matters incidental, consequential and supplemental thereto.

**142. Bye-laws.** (1) A Local Council may, and if required by Government shall, make bye-laws not inconsistent with this Act and the rules framed thereunder to carry out the purposes of this Act.

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

(3) Any regulations made by any Local Council in pursuance of, or

continued in force under the provisions of the Balochistan Local Government Ordinance, 2001(XVIII of 2001), if not inconsistent with this Act or the rules made thereunder, shall be deemed to be bye-laws validly made under this Act.

**143. General provisions relating to bye-laws, etc.** (1) All bye-laws shall be made subject to the condition of previous publication.

(2) All bye-laws made by any Local Council shall be subject to the sanction of Government and Government may sanction such bye-laws subject to modifications:

Provided that if the Government does not sanction or modify the bye-laws made by the Local Council within three months of their receipt, the bye-law so made by the Local Council shall be deemed to be sanctioned.

(3) Government may frame model bye-laws and in framing their bye-laws the Local Councils shall be guided by such models.

(4) All rules shall be notified in the Official Gazette, and all bye-laws shall be published in such manner as in the opinion of the authority making them be best adopted for information of the residents of the Local Area concerned.

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

**144. Delegation of powers.** (1) Government may, by notification, delegate any of its powers under this Act or the rules to any officer subordinate to it.

(2) A Local Council may, with the previous sanction of Government, delegate any of its powers under this Act or the rules or bye-laws to its Chairman or a Sub-Committee or any of its officers or members.

(3) A Chairman may, with the previous sanction of the Local Council concerned, delegate all or any of his powers under this Act or the rules or bye-laws, not being powers delegated to him under sub-section (2), to any member of the Local Council, or any of its officers.

(4) Notwithstanding anything to the contrary contained in this Act, or any delegation made under this section, whenever the Chairman of a Local Council is on leave for a period of more than ten days, then the Vice Chairman of the respective Council shall exercise all the executive powers and perform all the functions of the Chairman during the period of his absence.

**145. Transfer of function.** Notwithstanding anything contained in this Act or in any other law, Government may, from time to time, direct that subject to such terms and conditions, as may be specified in the direction.

- (a) any institution or service maintained by a Local Council shall be transferred to the management and control of Government; or
- (b) any institution or service maintained by Government shall be transferred to the management and control of a Local Council.

Provided that no direction regarding the transfer of any institution or service from a Local Council to Government or vice versa shall be given without the consent of the Local Council.

**146. Licenses and sanctions.** (1) Wherever it is provided in this Act or the rules or bye-laws that the permission or sanction of a Local Council shall be necessary to the doing of any act, such permission or sanction shall be in writing.

(2) Every license sanctioned or permission granted by or under the authority of a Local Council shall be signed by the Chairman, or by such Officer of the Local Council, as may be authorized in this behalf by rules or bye-laws.

**147. Institution of suits against Local Council, etc.** (1) A suit may be instituted against a Local Council or against any member, official or servant of a Local Council in respect of any act done or purported to have been done in his official capacity after the expiration of one month next after a notice in writing has been in the case of a Local Council, delivered or left at its office, and in the case of member, official or servant, delivered to him or left at his office or residence, stating the cause of action, the name, description, and place of 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 or if settlement as regards the subject matter of the suit is reached or the Local Council or the member or official or servant, as the case may be concedes the plaintiff's claim within the period of one month from the date of institution of the suit, the plaintiff shall not be entitled to any cost.

**148. Notice and service thereof.**- (1) Where anything is required 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 by affixing it on some conspicuous part of his ordinary abode or usual place of business.

(4) A notice intended for the public in general shall be deemed to have been sufficiently served if a legible copy thereof is affixed in such public place as may be determined by the Local Council.

**149. 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 Qanun-e-Shahadat Order, 1984.

**150. Bar against employment.** A Chairman or a member of a Local Council shall not be employed under such Local Council for a period of one year from the date on which he ceases to be a Chairman or member, as the case may be.

**151. Protection of action taken in good faith.** No suit, prosecution or other legal proceedings shall lie against Government or any Local Council or against any person authorized by either, for anything done in good faith or intended to be done under this Act or for any damage caused or likely to be caused by any such thing.

**152. Revival of the Divisional and District offices of Local Government and Rural Development Department and Water & Sanitation Agencies and any other Authorities.-** On commencement of this Act the Divisional and District Offices of the Local Government & Rural Development Department entrusted to the Town/ Tehsil Municipal Administrations constituted under the Balochistan Local Government Ordinance 2001 alongwith employees shall stand revived. The Water and Sanitation Agency and any other Authority under the control of District Government shall also stand functioning as prior to the promulgation of the Balochistan Local Government Ordinance, 2001.

**153. Entrustment of Decentralized Offices.-** On the commencement of this Act the administrative and financial authority for the management of the offices of the District Government set up in a District under BLGO 2001 shall stand entrusted to the respective Provincial Administrative Departments.

**154. Removal of difficulty.-** The government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

**155. Amendment of Schedules.** The Government may, by notification in the official gazette, amend or vary any of the Schedules incorporated in this Act.

**CHAPTER—XVII**  
**MANAGING TRANSITION**

**156. Interim authorities.** In any area within the jurisdiction of a Local Government as defined in the Balochistan Local Government Ordinance, 2001 (XVIII of 2001), in which the provisions of this Act are brought into force but a Local Council is not constituted or a Local Council constituted under this Act has been dissolved, then notwithstanding anything contained in this Act, Government may, by order empower a person or persons to perform all or any of the functions of such Local Government or Local Council as had jurisdiction therein immediately before such enforcement or dissolution, as the case may be, or such functions under this Act or any other law for the time being in force as may be specified in the order, until a Local Council for the area assumes office in accordance with the provisions of this Act.

**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 Council, such service or institution shall, notwithstanding anything contained in this Act, continue to be undertaken or maintained by Government until the management thereof is duly transferred to the Local Council.

**158. Interim budget.** Where a Local Council assumes office under this Act for the first time, its budget for the financial year during which it assumes office shall relate to the remaining period of that year and the provisions regarding budget under this Act shall mutatis mutandis apply to such a budget.

## **THE FIRST SCHEDULE**

### **DANGEROUS AND OFFENSIVE ARTICLES AND TRADES**

**(See Section 80)**

1. The business of storing or selling timber, firewood, coal, charcoal and coke, hay straw, grass and bamboo, jute, shrub, hemp munj and their products, matches, explosives, petrol, oil and lubricants, paper, ghee and other dangerously inflammable materials.
2. Sugar refining and sugar refineries.
3. preparation of aerated water.
4. Operating or running bake houses.
5. Electroplating.
6. Welding.
7. Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever blasting powder, ammunition, fireworks, gun powder, sulphur, mercury, gases, gun cotton, saltpeter, nitrocompounds, nitromixtures, phosphorus or dynamite.
8. Cleaning, dying, preparing or manufacturing by any process whatever clothes or yarn in indigo and other colours.
9. Storing, processing, cleanings, crushing, melting, preparing or manufacturing by any process whatever or dealing in bones, offal, fat blood, soap, raw hides and skins candles, manure, catgut and oil cloth.
10. Manufacturing oils.
11. Washing or drying wool or hair.
12. Making or manufacturing bricks, 'Surkhi', tiles, or earthenware potsclay pipes or other earthenware by any process of baking or burning.
13. Burning or grinding of limestone or metal stone or storing of lime for sale.
14. Cleaning or grinding of grain or chilies by any kind or class or

machinery.

15. Keeping animals likely to create nuisance.
16. Casting of heavy metals such as iron, lead copper and brass.
17. Dealing in chemicals, liquid or otherwise.
18. Whole-sale storing cleaning pounding and selling of tobacco except the storing of tobacco required for the preparation of biddies, cigars or cigarettes.
19. Operating or running tin factories.
20. Manufacture of safes, trunks and boxes.
21. Marble cutting and polishing.
22. Glass leveling and polishing.
23. Manufacture of cement and home pipes.
24. Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever, rags, pitch, tar, turpentine, dammar, coconut, fiber, flax, hemp, rosin or spirit.
25. Tanning, pressing or packing hides or skins whether raw or dry.
26. Trade or operation of a Ferries.
27. Working of power-looms, rice husking plants, steam whistle, steam trumpet or electric or hand operated sirens beyond hours fixed for their operation by a Local Council.
28. Discharging fire-arms and letting off fire-works, fire-balloons or detonators, or any game dangerous to life, dwelling and other property.
29. Any other article or trade declared by Government to be dangerous to life, health or property or likely to cause nuisance either from its nature or any reason of the manner in which or the conditions under which, the same may be processed or carried on.

**THE SECOND SCHEDULE**  
**TAXES OF LOCAL COUNCILS**

(See Section 114)

Part I - Taxes of Union Councils

- (1) Tax on cinemas and cinema tickets.
- (2) Entertainment tax on dramatical and theatrical show;
- (3) Fees for registration and certification of birth, marriages, and deaths;
- (4) Fees for licenses, sanctions and permits granted by a Union Council;
- (5) Fee on the slaughter of animals;
- (6) Fee for erection and re-erection of buildings;
- (7) Rate for the remuneration of village guards;
- (8) Market fees for the markets established by the Union Council;
- (9) Rates on the services provided by the Union Council;
- (10) Rate for the execution or maintenance of any work of public utility like lighting of public places, drainage, conservancy and water supply operated by Union Council;
- (11) Fee at fairs, agricultural shows, industrial exhibitions, tournaments and other public gathering;
- (12) Tax on feasts where more than twenty persons, not belonging to the household of the person arranging the feast, are entertained with foodstuffs;
- (13) Community tax for the construction of public work of general utility for the inhabitants of the Union; and
- (14) Any other tax authorized by Government.

## **Part II**

### **Taxes of District Councils**

- (1) Tax on the transfer of immovable property;
- (2) Fees for licenses, sanctions and permits granted by the District Council;
- (3) Market fees for the markets maintained by the District Council
- (4) Rates on the services provided by the District Council;
- (5) Fees at fairs, agricultural shows and industrial exhibitions tournaments and other public gathering;
- (6) Fees for specific services rendered by the District Council;
- (7) Tax on the annual rental value of buildings and lands;
- (8) Toll on roads and bridge and ferries maintained by the District Council;
- (9) Tax on vehicles other than motor vehicles and including carts, bicycles, and tongas.
- (10) Tax for the construction or maintenance of a work of public utility;
- (11) Fee on advertisement and billboards, other than on radio, print media and television, and
- (12) Any other tax authorized by Government.

### **Part III**

#### **Taxes of Urban Councils**

##### **Municipal Committees, Municipal Corporations and Metropolitan Corporation**

- (1) Tax on the annual rental value of buildings and land;
- (2) Tax on cinemas and cinema tickets;
- (3) Entertainment tax on dramatical and theatrical shows;
- (4) Tax on the transfer of immovable property;
- (5) Water rate;
- (6) Drainage rate;
- (7) Conservancy rate;
- (8) Tax on all kinds of vehicles;
- (9) Lighting rate;
- (10) Tax on the birth of children;
- (11) Fee for the erection and re-erection of buildings;
- (12) Marriage tax;
- (13) Fee for the licenses, sanctions and permits granted by an Urban Council;
- (14) Fees on the slaughter of animals;
- (15) Tax on professions, trade, callings and employment;
- (16) Market fees for market established by the respective Urban Council;
- (17) Fee on advertisement and billboards, other than on radio, print media and television;
- (18) Tax on feasts when more than twenty persons, not belonging to the household of the persons arranging the feast are entertained with foodstuffs;
- (19) Tax on animals and sale of animals;
- (20) Toll tax on roads, bridges and ferries maintained by an Urban Council;



- (21) Fees at fairs, agricultural shows, industrial exhibitions, tournaments and other public gathering;
- (22) Fees for specific services rendered by an Urban Council;
- (23) Tax for the construction or maintenance of any work of public utility;
- (24) Parking fees; and
- (25) Any other tax authorized by Government.

**THE THIRD SCHEDULE**  
**OFFENCES UNDER THE ACT**

(See Section 133)

**Part-I**

1. Contravention of the prohibition provided under the Act with regard to the development of sites and erection and re-erection of buildings within the urban area.
2. Keeping or maintaining any cattle in any part of a prohibited zone or failure to remove the cattle from the prohibited zone within the specified time when an order to this effect has been made.
3. Carrying of any dangerous or offensive trade or storing any offensive or dangerous articles without the sanction required under this Act.
4. Tampering with any road, drain, pavement, main, pipe, meter or any apparatus or appliance for the supply of water.
5. Exhibiting any obscene advertisement.
6. Stocking or collecting of timber, wood, dry grass, straw or other inflammable material in a manner which is declared by the Local Council to be dangerous.
7. Discharge fire-arms or letting off fire works, crackers fire balloons or detonators or engaging in any game in such manner as causes or is likely to cause danger to persons passing by or living or working in neighborhood, or risk or injury to property.
8. Willfully obstructing any officer or servant of a Local Council or any person authorized by the Local Council in the exercise of powers conferred by or under this Act.
9. Fixing of wooden Khokhas, plying of hand carts for the sale of goods and temporary shops or permanent shops or extension thereof on footpaths or beyond the street line.

10. Opposing forcible seizure of animals under this Act or rescuing the seized animals either from the pound or from any person taking them to a pound.
11. Erection or re-erection of a building without the sanction required under this Act or using for a purpose other than for which erection or re-erection was sanctioned.
12. Erection or re-erection or addition to or altering any building or buildings within the area of the scheme respecting which notice under section 92 has been notified, except with the permission of the Town Improvement Committee.
13. Dyeing or tanning skins within such distance of the residential area as may be specified by the Local Council.
14. Establishing a brick kiln, lime kiln, charcoal kiln, or pottery within such distance of the residential area as may be specified by the Local Council.
15. Failure to demolish or otherwise secure a building declared by the Local Council to be dangerous building.
16. Failure of industrial or commercial concerns to provide adequate and safe disposal of affluent.
17. Erection or re-erection, addition or alteration of any building or buildings within the area of the scheme included in the Site Development Schemes prepared by and sanctioned at the instance of Town Improvement Committee.
18. Failure by the owner or occupier of any land to clear away and remove any thick vegetation or under-growth declared by a Local Council to be injurious to health or offensive to the neighborhood.
19. 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 neighborhood.
20. Being an officer or servant declared by the Local Council to be an essential officer or servant to be absent from duty or to neglect or refuse to perform any of the duties or to perform them willfully in inefficient manner.

21. Violation of the prohibitions and other provisions provided in the Master Plan, and the sanctioned and un-sanctioned Site Development Scheme under this Act.
22. Cutting down of any tree, or cutting of a branch of any tree, or erection or demolition of any building, or a part of a building where such action is declared under this Act to be a cause of danger or annoyance to public.

### **Part-II**

1. Without the permission of the Local 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.
2. Laying out a drain or altering any drain in a street without the sanction required under this Act.
3. Connecting any house drain with a drain in a public street without the permission required under this Act.
4. Using water for drinking from any source which is suspected to be dangerous to public health and the use thereof has been prohibited by the Local Council.
5. Excavation of earth, stone or any other material within such distance of the residential area as specified by the Local Council.
6. Disposing of carcasses of animals within prohibited distance and removal of fat from a dead animal other than a slaughtered animal.
7. Slaughtering of animals for the sale of meat at a place other than the place set apart for the purpose.
8. Burning or burning a dead body at a place which is not a public or registered burial or burning place, except with the sanction of the Local Council.
9. Evasion of payment of a tax or other impost lawfully levied by a Local Council.

10. Failure to furnish, on requisition, information in respect of any matter which a Local Council is authorized to call for under any of the provisions of this Act, rules or bye-laws or furnishing wrong information.
11. Doing an act without licence or permission when the doing of such act requires a licence or permission under any of the provisions of this Act or the rules or bye-laws.
12. Picketing, parking animals or collecting carts or vehicles on any street, using any street as a halting place for vehicles or animals or as a place of encampment without the permission of the Local Council
13. 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 by allowing cattle to move thereon.
14. Throwing or placing any refuse on any street, or in any place, not provided or appointed for the purpose by a Local Council.
15. Doing any act by which water for drinking is rendered unfit for such use.
16. Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.
17. Steeping hemp, jute or any other plant in or near a pond or any other excavation within such distance of the residential area as may be specified by a Local Council.
18. Willfully 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 a Local Council.
19. Drawing off, diverting or taking any water except with the permission required under this Act.
20. Failure or 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 Local Council.

21. 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.
22. Cultivation of such crops, use of such manure, or irrigation of any land in such manner as is declared under this Act to be injurious to public health or offensive to the neighborhood.
23. 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 neighborhood.
24. Failure of an owner or occupier of any building or land to put up and keep in good condition troughs and pipes for receiving or carrying water or sullage water.
25. Sale of article of food or drink by a person suffering from any infectious disease.
26. Feeding or allowing to be fed any animal meant for dairy, or food purposes on deleterious substance, filth or refuse of any kind.
27. Defacing or disturbing any direction-post, lamp-post or lamp, or extinguishing any light arranged by a Local Council without due authority.
28. Fixing any bill board, notice, placard or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose by a Local Council.
29. Writing or painting any objectionable, abusive, provocative, anti-State or such other slogans or words on a building.
30. Failure to remove or erase bills, notices, placards, papers, writing or paintings referred to in items 28 and 29 by the owner or occupier of the buildings.
31. Playing of music or radio, beating a drum or tomtom, 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 Local Council.

32. Letting loose or setting in of ferocious dogs or other dangerous animals.
33. Using or allowing the use for human habitation of a building declared by a Local Council to be unfit for human habitation.
34. Failure to lime-wash or repair a building if so required by a Local Council.
35. Failure by the owner or occupier of a building to make adequate arrangements for house scavenging when so required by a Local Council.
36. Begging importunately for alms or exposing or exhibiting with the object of exciting charity, any deformity or disease or any offensive sore or wound.
37. Failure of the head of family to report the birth or death to a Local Council or a person appointed in this behalf within a reasonable time.
38. 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.
39. Doing of any other act which is prescribed as an offence under this Act.
40. Contravening any of the provisions of this Act, rules or bye-laws, or any order, direction, notice or declaration made or issued thereunder.
41. Attempts and abetment of any of the offences as aforesaid.

## **THE FOURTH SCHEDULE**

(See Section 142)

### **MATTERS RESPECTING WHICH BYE-LAWS MAY BE MADE**

1. Registration of births, deaths and marriages.
2. Registration of the sale of cattle and animals.
3. Registration, management, regulation of orphanages, widow homes and other institutions for the relief of the poor.
4. Organization of village defence, and adaptation of measures for village defence.
5. Regulation and management of Shamilats and other common property.
6. Regulation of burning and burial grounds.
7. Regulation of the slaughter houses.
8. Detention and destruction of stray dogs.
9. Enforcement of disease immunization programmes and control of infectious diseases.
10. Prevention of adulteration of food stuffs.
11. Regulation of milk supply.
12. Regulation of stables.
13. Prevention of encroachments.
14. Prevention or abatement of nuisances.
15. Regulation of dangerous buildings and structures and erection and re-erection of buildings.
16. Regulation of dangerous and offensive trades.
17. Management and regulation of cattle ponds.
18. Regulation of traffic.
19. The holding & celebration of public and private fairs, festivals, tournaments and other public gatherings.



20. Enforcement of compulsory primary education.
21. Prevention of beggary, juvenile delinquency, prostitution and other social evils.
22. Regulation for grant of licences, sanctions, levy of licences fee and permission thereof.
23. Regulation of public notices, special notices and other notices and manner for services of the notices.
24. The provision, promotion, or subsidization of facilities for public recreation, entertainment, amusement and other cultural activities.
25. Regulation of sanitation.
26. Regulation of Parks.
27. Regulation of fire-fighting.
28. Regulation of water supply.
29. Regulation of construction and maintenance of private drain.
30. The Regulation for the use of public water courses.

## **THE FIFTH SCHEDULE**

(See Section 78)

### **1. URBAN COUNCILS**

#### **COMPULSORY FUNCTIONS**

An Urban Council may and if the Government so directs shall undertake all or any of the functions as follows:-

##### **a. Public Health**

1. Maintenance of sanitation.
2. Removal, collection and disposal of refuse.
3. Provision and maintenance of private and public latrines and urinals.
4. Prevention and cure of infectious disease.
5. Registration of Births and Deaths.
6. Reservation of places for digging pits for storing and preservation of composite and farm yard manure.

##### **b. Water supply**

7. Regulate water supply.
8. Regulate, inspection and control of private sources of water supply within Municipal limits.

##### **c. Drains**

9. Regulate private drainage and sewerage and for commercial and industrial area (s) for the adequate drainage and disposal of their waste.

##### **d. Articles of Food and Drinks**

10. Regulate private markets established for the sale of articles of food or drink or animals.
11. Provision and maintenance of slaughter house.

**e. Animals and Cattle**

12. Prohibition on picketing or tethering of animals in streets.
13. Regulate keeping and maintaining animals.
14. Control over dangerous animals.
15. Regulate disposal of carcasses.

**f. Education**

16. To establish, maintain and manage for promotion of education such educational institutions as may be required and approved by the Government.
17. Enforcement of compulsory primary education.

**g. Public Safety**

18. Maintenance of Fire-fighting.
19. Civil Defence.
20. Relief measures in the event of fire, flood, famine, hail storm or other natural calamities.
21. Control over dangerous and offensive trades.

**h. Town Planning**

22. Master planning for development expansion and improvement of any area.

**i. Building Control**

23. Regulate erection and re-erection of buildings.
24. Regulate construction of buildings and development of sites.

**j. Streets**

25. Provision and maintenance of public streets and other means of public communication.
26. Regulation of private streets.
27. Measures for the prevention of encroachments.

28. Proper lighting of streets and roads.
29. To adopt measures for the watering of public streets for the comfort and convenience of public.
30. Regulation of traffic and public vehicles.

**k. Arboriculture**

31. Plantation and protection of trees.

**OPTIONAL FUNCTIONS**

**a. Public Health**

1. To establish, maintain or manage or contribute towards the health centres, maternity centres for the welfare of women, infants and children.
2. The measures for promoting the public health.
3. To establish, maintain and manage hospitals and dispensaries as may be necessary.
4. Provision, maintenance and management of-
  - (a) first aid centres ;
  - (b) mobile medical aid units
  - (c) grants to institutions for medical relief ;
  - (d) the medical inspection of school children ; and
  - (e) the encouragement of societies for the provision of medical aid.
5. Preparation and implementation of schemes for the prevention of the pollution of air, water, land gases, dust or other substances exhausted or emitted by automobiles, engines, factories, brick or lime kilns, crushing machines for grains, stone, salt or other materials and such other sources of air pollution.

**b. Dhobi Ghats**

6. Regulate, provide and maintain bathing and washing places ;

7. Maintain and provision, maintenance and management of public fisheries.

**c. Articles of Food and Drinks**

8. Through bye-laws :
  - (a) prohibit the manufacture, sale or preparation or the exposure for sale of any specified articles of food or drink in any place or premises not licensed by the Municipal Committee.
  - (b) Prohibit the import into the Municipality for sale or the hawking for sale, of any specified article of food or drink by person not so licenced.
  - (c) Prohibit the hawking of specified articles of food or drink in such parts of the Municipality as may be specified.
  - (d) regulate the time and manner of transport within the Municipality of any specified articles of food or drink.
  - (e) regulate the grant and withdrawal of license under this section and the levying of the fees thereon ; or
  - (f) provide for the seizure and disposal of any animals, poultry or fish intended for food which is diseased or any articles of food or drink which is noxious.
9. Regulate import of milk for sale, manufacture of butter, ghee, or any other milch, or dairy product and milk supply scheme including milkmen's colonies, the prohibition of the keeping of milch cattle in the municipal area or any part thereof.
10. Measures, as may be necessary to ensure an adequate supply of pure milk to the public.
11. Establishment and maintenance of public markets.

**d. Animal Husbandry**

12. Prevention of contagious diseases amongst animals and compulsory inoculation of animals.

13. Maintenance and management of animal homes.
14. Maintenance and management of cattle and poultry farms.
15. Registration of sale of cattle.
16. Frame and execute a livestock scheme, and to regulate, keeping of such animals unless castrated to be fit for breeding.
17. Holding of cattle shows and fairs.
18. Contribution towards the maintenance of Zoological gardens.
19. natural calamities.
20. Provision and maintenance of burial and burning places.

**e. Trees, Parks, Gardens and Forests**

21. Maintenance of public gardens for the recreation and convenience of the public.
22. Provision and maintenance of 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, in the prescribed manner.
23. Prevention of nuisances pertaining to trees and plantations.

**f. Education**

24. Promotion of adult education.
25. Construct and maintain buildings to be used for schools and hostels for students.

**g. Culture**

26. Maintenance of information centres for the furtherance of civic education and dissemination of information on matters of community development and other public interest.
27. Maintenance of radio and television sets at public institutions and places of public interest.

28. Organize museums, exhibitions and arts galleries.
29. Provision and maintenance of public halls and community centres.
30. Provide for the reception of distinguished visitors visiting the Municipal Committees.
31. Encouragement of national and regional languages.
32. Promote physical culture and encouragement of public games and sports and organize rallies and tournaments.
33. Promote tours to the Municipal Committees and adopt measures for the preservation of the historical and indigenous characteristics of the Municipal Committees.
34. Provide, promote or subsidies facilities for the recreation of the public.
35. To establish and maintain public libraries, reading rooms and the circulation libraries.
36. Arrangements on the occasion of any fairs, shows, or public festivals.

#### **h. Social Welfare**

37. To establish, manage and maintain welfare homes and other institutions for the relief of distressed.
38. Provide for the burial and burning of paupers found dead within municipal limits.
39. Prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, Juvenile delinquency and social evils.
40. Organize voluntary services.
41. To adopt such measures as may be prescribed for the promotion of welfare of backward classes, families of the persons serving in Armed Forces and Women and children.
42. Assistance to Social Welfare Organization.

**i. Municipal Police**

43. Maintenance of municipal police.

**j. Additional Functions**

Nothing contained in this schedule shall preclude a municipal committee to perform such functions as may be assigned to it by or under any other law or by the Government.

**II. RURAL COUNCILS**

**A. Functions of Union Councils**

1. The Union Council may and if the District Council or the Government so direct shall perform all or any of the functions enumerated at a', 'b', 'c', 'd', 'e f', and 'l', of the Fifth Schedule showing functions of District Council ; and

2. **Under Rural Development**

(i) To formulate ADP and act as construction and maintenance agency following sub-sectors :-

Primary Education, Rural health clinics, family welfare clinics, Basic health units, piped water supply, potable water storage tanks, Handpumps wells and Tube wells.

Karez.

Sanitation

Farm to market road.

*Note* : -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.

(ii) Monitor the, implementation of development projects of the line departments by regular review meetings, inspections and review of periodical progress reports ;



- (iii) Make recommendations about the location of various facilities to the District Council ;
- (iv) Identify gaps in various sectors in the Union Council areas and to take steps to remove, these gaps with the available resources in accordance with the priorities laid down by District Council;
- (v) Circulate widely the information on the projects, allocations and physical programmes to be executed by various line departments and the Union Council within the Union Council area to enlist the voluntary financial and material support to the local development programmes and to stimulate better community supervision.

**B. Functions of District Councils**

**Local Government Rural Development and Local Council function.-** A District Council may and if the Government so directs shall undertake all or any of the following functions;

**a. Public Works**

- (1) provision, maintenance, improvement and management of its public roads, public streets and public ways, culverts bridges, public buildings, wells, water pumps, tanks, ponds and other works of water supply ;
- (2) provision, maintenance and management of sarais, dak bungalows, rest houses and other buildings for the convenience of travelers
- (3) plantation and preservation of trees on road sides, public ways, public places and public buildings ;
- (4) provision and maintenance of public garden, public playgrounds and public places.

**b. Public Health**

- (5) prevention and cure of infectious diseases and enforcement of vaccination ;

- (6) establishment, maintenance and management of hospitals and rural health centres ;
- (7) establishment, maintenance and management of First Aid Centres ;
- (8) provision and maintenance of Medical Aid Units ;
- (9) establishment, management and visting of health centres, maternity centres, and centres for the welfare of infants and children, training of Dais and adoption of other measures likely to promote health and welfare of women, infant and children ;
- (10) payment of grants to medical aid societies and institutions ;
- (11) establishment, management, maintenance and the visiting of Unani, Ayurvedic and Homoeopathic dispensaries ; and
- (12) promotion of sanitation, public health and educating people in public health.

**c. Education**

- (13) provision, maintenance and management of primary Schools ;
- (14) construction and maintenance of building as hostels of students ;
- (15) payment of grants and subsidies to institutions and organizations engaged in the promotion of education ;
- (16) promotion of adult education ;

**d. Agricultural Development and Economic Welfare**

- (17) agricultural, industrial and community development promotion of national reconstruction, promotion and development of co-operative movement and village industry ;
- (18) adoption of measures for increased agricultural production ;
- (19) establishment and maintenance of model agricultural farms ;
- (20) popularization of improved methods of agriculture, maintenance of improved agricultural implements and machinery and lending of such implements and machinery to cultivators and adoption of measures for bringing waste land under cultivation.

- (21) promotion of agricultural credit, agricultural education and adoption of other measures likely to promote agricultural development ;
- (22) promotion and co-ordination with Agrovilles ;
- (23) provision, regulation and maintenance of markets ;
- (24) popularization of co-operative movement and the promotion of education in co-ordination.
- (25) construction and repair of embankment supply, storage and control of water for agricultural purposes ; and
- (26) promotion of cottage industry ;

**e. Articles of Food and Drink**

- (27) protection of food stuff and prevention of adulteration.

**f. Drainage**

- (28) provision and maintenance of adequate system of public drains and regulation of the disposal of industrial wastes

**g. Livestock and Dairy Development**

- (29) voluntary registration of the sale of cattle and other animals ;
- (30) prevention of cruelty to animals and measures to combat ordinary and contagious diseases of birds and animals ;
- (31) provision, maintenance and improvement of pastures and grazing grounds;
- (32) regulation of milk supply ;
- (33) establishment and maintenance of cattle colonies ;

**h. Culture**

- (34) holding of fairs and shows ;
- (35) promotion of public games and sports ;
- (36) provisions, organization and maintenance of museums, exhibitions and art galleries ;

- (37) provision and maintenance of public halls, public meeting places and community centres ;
- (38) celebration of national occasions
- (39) establishment management and maintenance of welfare Homes and other institutions for the relief of the destitutes ,
- (40) suppression of beggary, prostitution, gambling, taking of injurious drugs, consumption of alcoholic drink and other social evils ;
- (41) establishment and maintenance of information Centres ;
- (42) encouragement of national and regional languages ; and
- (43) reception of distinguished visitors.

**i. Public Safety**

- (44) relief measures in the event of any fire, flood, hail storm, earth quake, famine and other natural calamities.

**j. Other Functions**

- (45) provision and maintenance of libraries and reading rooms ;
- (46) prevention and abatement of nuisance and encroachment ; and
- (47) regulation of traffic, licensing of vehicles and the establishment and maintenance of public stands for vehicles in Rural areas.

**k. Rural Development**

- (48) Aggregation of the financial allocation and physical programmes and targets received from the Provincial Government 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 the districts (Generally the organization may develop and take on complete planning functions).
- (49) To proposal submit, if necessary, to the Local Government and Rural Development Department for modifications in the aggregate District programmes after identifying the (a) gaps, (b) internal inconsistency

(c) compatibility of the programme with capacity available in the District implementation, maintenance and supervision and (d) evaluating it in the light of local priorities ;

- (50) To facilitate the formation of associations for the performance of tasks that can be done/performed collectively, for example, consumer association for distribution of electricity, farmers association for water courses management, associations for distribution of agriculture inputs, cooperative marketing associations, etc
- (51) To discharge the overall responsibility for the identification appraisal of projects and approval of projects prepared and to be constructed by Rural Local Councils in the following sub-sectors: -  
Primary schools, Basic health units, Family welfare clinics, piped water supply, potable water/storage tanks Hand pumps / Sanitation, Rural roads.
- (52) To propose disbursement of ADP funds for the approved projects to various Local Councils mentioned in (51) above inclusive of Municipal Committees if necessary;
- (53) 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, training of un-skilled labour etc.;
- (54) To review the implementation of the District Development programmes (as an extension of the function of Government and as their agent) by holding review meetings within the District as well as through periodic inspections and progress reports from the lower tiers etc ;
- (55) To supervise and submit to the Government regular progress reports on the implementation of Development projects at different levels within the District;

- (56) To evolve standard designs and specifications to the extent possible and desirable in harmony with the general conditions obtaining in the District and use appropriate technology to execute its development projects on a more economic basis ;
- (57) To monitor the supply of agricultural inputs and to make appropriate recommendations to the concerned authorities ;
- (58) To formulate Tehsil Markaz development programmes derived from the District Development programmes in consultation with the respective Local Councils in Tehsil and to review periodically its implementation;
- (59) Disseminate information about the projects and allocations of funds for the District to keep the people fully informed about the projects 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 better community supervision ;
- (60) Improvement of breeding of cattle, horses and other animals ;
- (61) Establishment and maintenance of Cattle colonies ;
- (62) Establishment and maintenance of cattle and dairies ;
- (63) Initiation, promotion, undertaking individually or on co-operative basis of commercial schemes, like the establishment of cattle, poultry, fish and agricultural farms, installation of wells/ tube wells, construction of tanks for the storage of irrigation water, establishment of workshops for manufacture and repair of agricultural implements and machinery, provision and maintenance of transportation services, construction of shops, establishment of markets and other commercial enterprises for which funds are available.

1. **Through Bye-Laws Regulate**

- (1) the collection and removal of manure and street sweepings ;
- (2) disposal of industrial waste ;
- (3) offensive and dangerous trades ;
- (4) disposal of carcasses ;
- (5) slaughter of animals ;
- (6) erection and re-erection of buildings ;
- (7) removal of dangerous buildings and structures ;
- (8) prohibition of watering of cattle, bathing or washing near wells, ponds and other sources of water reserved for drinking purposes
- (9) prohibition of steeping of hemp or other plants in or near ponds or other sources of water supply ;
- (10) prohibition of dyeing or tanning of skins within residential areas ;
- (11) prohibition of the establishment of brick kilns, lime kilns, potteries and other kilns within the residential areas;
- (12) destruction of weeds and pests of crops;
- (13) preservation of useful wildlife;
- (14) registration of birth, death and marriage;
- (15) registration of sale of cattle and other animals.

# THE BALOCHISTAN LOCAL GOVERNMENT ACT, 2009

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**Secretary**  
**Balochistan Provincial Assembly**