

A  
BILL  
*further to amend the Khyber Pakhtunkhwa  
Local Government Act, 2013.*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), for the purposes hereinafter appearing;

It is enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2018.

(2) It shall come into force at once.

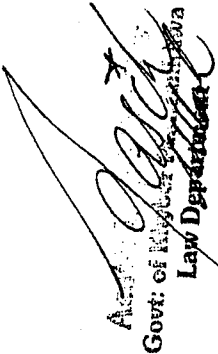
2. **Amendment of section 36 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.**---In the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), hereinafter referred to as the said Act, in section 36, for sub-section (2), the following shall be substituted, namely:

“(2) The following arrangements for maintaining of accounts and pre-audit in local governments shall be followed:

- (a) the District Accounts Officer shall maintain the accounts of the respective district government and pre-audit all payments from the district fund, before approving disbursement of monies;
- (b) the Tehsil Officer (Finance) shall maintain the accounts of their respective tehsil municipal administration and town municipal administration;
- (c) the Secretary, village or neighborhood council, shall maintain the accounts of their respective councils; and
- (d) the Director, Local Fund Audit shall pre-audit all the payments from the respective fund of tehsil municipal administrations, village or neighborhood councils, as the case may be, before approving the disbursement of money, in the manner as may be prescribed.”

3. **Addition of new section to the Khyber Pakhtunkhwa Act No. XXVIII of 2013.**---In the said Act, after section 123, the following new section shall be added, namely:

“124. **Officiating Nazim.**---(1) Notwithstanding anything contained in this Act, in case the office of Nazim, district council, tehsil council, or village or neighborhood council, as the case may be, falls vacant by reason of death, resignation, removal or any other reasons, the concerned local council shall elect one of its members to be the Officiating Nazim within ten (10) days, for interim period, till a new Nazim is elected under the provisions of this Act.

  
Govt. of Khyber Pakhtunkhwa  
Law Department

(2) The meeting of concerned council shall be called by the Naib Nazim for election of Officiating Nazim, in case the Naib Nazim is absent or his office is vacant for any reason, the senior most presiding officer from amongst the panel of presiding officers shall hold the election of Officiating Nazim:

Provided that the Officiating Nazim, elected under this section, shall not be a candidate in the election for Nazim.

(3) Where a Nazim district council, tehsil council or village or neighborhood council, as the case may be, is unable to perform his functions for reason of his temporary absence, he may authorize the Naib Nazim of the concerned local council, in writing, to act on his behalf till he resumes his duties.”

4. **Amendment of FOURTH SCHEDULE of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.**---In the said Act, in the FOURTH SCHEDULE, in PART-I, after Serial No. 23, the following new entry shall be added, namely:

“24. Obstructing or tampering with any main pipe, meter or any apparatus or appliance for the supply of water supply or sewerage system.”


5. **Amendment of FIFTH SCHEDULE of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.**---In the said Act, in the FIFTH SCHEDULE, against Serial No. 9, in column 3, for the existing entry, the following shall be substituted, namely”

“Upto Rs. 50,000/-, but shall not be less than Rs. 10,000/- in any case”.

#### STATEMENT OF OBJECTS AND REASONS

It is desirable to amend the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013). Hence, this Bill.

Peshawar,  
dated the  
, 2018.

  
**MINISTER-IN-CHARGE.**  
Senior Minister for  
Local Government Election &  
Rural Development Deptt:  
(Khyber Pakhtunkhwa)