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PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 3rd May, 2019.

No. PA/Khyber Pakhtunkhwa/Bills-41/2019/17004.— The Khyber Pakhtunkhwa Local Government (Amendment) Bill, 2019 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 29th April, 2019 and assented to by the Governor of the Khyber Pakhtunkhwa on 29th April, 2019 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA LOCAL GOVERNMENT (AMENDMENT) ACT, 2019.

(KHYBER PAKHTUNKHWA ACT NO. XXV OF 2019)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 3rd May, 2019).

AN
ACT

*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 hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019.

(2) It shall come into force on such date as the Local Government, Elections and Rural Development Department may, by notification appoint and different dates may be appointed for different provisions of this Act.

2. General amendment of 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, for the word “Nazim” or “Nazimeen” wherever occurring, the word “Chairman” or “Chairmen”, as the case may be, shall be substituted.

3. Amendment of section 2 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--
-In the said Act,-

- (a) after clause (c), the following new clause shall be inserted, namely:
- “(c-i) “City Local Government” means the City Local Government as provided in sub-section (5) of section 21 of this Act;
- (b) after clause (d), the following new clauses shall be inserted, namely:
- “(d-i) “Deputy Commissioner” means the Deputy Commissioner of the District concerned; and
- (d-ii) “Department” means the Local Government Elections and Rural Development Department of the Government;”;
- (c) after clause (f), the following new clause shall be inserted, namely:
- “(f-i) “District Administration” includes the Deputy Commissioner and district heads of provincial departments;”;
- (d) after clause (l), the following new clause shall be inserted, namely:
- “(l-i) “Local Government” means the Local Government as provided in sub-section (1) of section 5 of this Act;”;
- (e) in clause (m), the words and comma “District Council” and “Town Council,” shall be deleted;
- (f) for clause (gg), the following shall be substituted, namely:
- “(gg) “tehsil” means a tehsil notified under the West Pakistan Land Revenue Act, 1967 (W.P.Act No.XVII of 1967) and includes any other area as declared by the Government to be a tehsil for the purposes of this Act”; and
- (g) after clause (gg), the following new clauses shall be inserted, namely:
- “(gg-i)“Teshil Local Administration” means the Assistant Commissioners, Tehsil Municipal officers and heads of devolved offices;”;

(gg-ii) "Tehsil Local Government" means the Chairman and Tehsil Local Administration;";

- (h) clause (hh) shall be deleted;
- (i) in clause (s), for the word "Government", the word "Department" shall be substituted; and
- (j) in clause (w), for the word "District Government", the words and commas "District Administration or Tehsil Local Government, as the case may be," shall be substituted.

4. Amendment of section 3 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--
-In the said Act, in section 3, after sub-section (2), the following new sub-section shall be added, namely:

"(3) For the purposes of uniformity, Government shall give policy framework for devolved functions and each local government shall act in accordance with such policy frame work."

5. Amendment of section 4 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--
-In the said Act, in section 4, for the comma and words ", Tehsil, Town, District and City District", the words "and Tehsil" shall be substituted.

6. Amendment of section 5 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--
-In the said Act, in section 5, in sub-section (1),-

- (a) for clause (a), the following shall be substituted, namely:

"(a) a City Local Government;";

- (b) clauses (b) and (d) shall be deleted; and

- (c) for clause (c), the following shall be substituted, namely:

"(c) a Tehsil Local Government for a tehsil;";

7. Substitution of section 6 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--
-In the said Act, for section 6, the following shall be substituted, namely:

"6. Number of village and neighbourhood councils, Delimitation and Principles of Delimitation.---(1) The total number of Village and neighbourhood councils in every district shall be such as provided in Ninth Schedule.

(2) The Election Commission of Pakistan shall delimit village and neighbourhood councils.

(3) A Village Council shall be an area comprising one or more muaziat or, in the case of an area where revision of settlement under the law has not been taken, one or more census villages.

(4) In the case of an area with urban characteristics, a neighbourhood council shall be an area comprising a whole number of population census blocks as delimited for the purpose of last preceding census or a combination of whole number of census blocks and a whole number of muaziat, notified as such under the relevant laws.

(5) Village and neighbourhood Councils shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of village and neighbourhood councils:

Provided that, as far as may be,-

- (a) the area of a village and neighbourhood council shall be a territorial unity;
- (b) the boundaries of a village and neighbourhood council shall not cross the limits of a tehsil;
- (c) the area of a village council shall comprise a whole number of patwar circles, or a patwar circle may contain a number of whole village councils, provided that a village councils shall be delimited without distorting the boundaries of traditional villages;
- (d) the area of a neighbourhood council shall comprise a whole number of census blocks as delimited for the purpose of the preceding population census or a whole number of muaziat or a combination of a whole number of census blocks and muaziat, provided that neighbourhood councils shall be delimited without affecting the unity of census blocks or the combination of census blocks and muaziat included therein; and
- (e) the population of village and neighbourhood council within a district shall range between 5,000 to 15,000 calculated on the basis of last preceding population census officially published, however for the purposes of local government elections in 2019, the village and neighbourhood councils shall be delimited in accordance with the provisional results of National Population Census, 2017:

Provided that in specific cases, the Election Commission of Pakistan may, for reasons to be recorded, waive any of the aforesaid conditions.

(6) Government may through a notification declare contiguous village and neighbourhood councils in any other district to be City Local Government.”.

8. Substitution of section 8 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--
-In the said Act, for section 8, the following shall be substituted, namely:

“8. Provisions of Tehsil Local Government shall apply to City Local Government.---Save as otherwise provided in this Act, the provisions relating to Tehsil Local Government shall mutatis mutandis apply to the City Local Government and any reference in these provisions to

- (i) Chairman, Tehsil Local Government and Tehsil Council shall be read as Mayor, City Local Government and City Local Council;
- (ii) Chairmen, Tehsil Local Government and Tehsil Council shall be read as Mayors, City Local Government and City Local Council; and
- (iii) Tehsil Local Administration shall be read as City Local Administration.”.

9. Amendment of section 9 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--
-In the said Act, in section 9,-

- (i) sub-sections (1), (2) and (3) shall be deleted;
- (ii) for sub-section (4), the following shall be substituted, namely:

“(4) Notwithstanding anything contained in this Act or in any other law, rules, regulations, bye-laws, for the time being in force, in any master plan, relating to use of land or in any judgment or order of the Supreme Court or High Court, as the case may be, any land, building in the University Town, Peshawar, shall be permissible for commercial activities, which includes the use of such land or building for educational, Government or semi-Government offices, diplomatic mission offices, financial institutions, guest houses, clinical and for mix use as residential and commercial activities, with such limitations, restrictions included but not limited to areas and payment of such fee may be prescribed by rules:

Provided that change in site plan shall be allowed as per building laws or rules.”; and

- (iii) after sub-section (4), as so amended, the following new sub-sections shall be inserted, namely:

“(4A) For the purpose of sub-section (2), the owner of the land or building in the University Town, Peshawar, shall within the period of two years, from the commencement of the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019, apply to Government for commercialization of his property, on payment of such fee and other requirements as may be prescribed in the rules and on approval from the Government, such land or building shall be deemed to have been permissible for commercial activities

(4B) Subject to the provision of sub-section (4A), any land or building in the University Town, Peshawar, which is already in use for commercial purposes, but permission for which has not been obtained or not allowed for any reasons, the owner of such land or building shall, after the commencement of Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019, apply to the Government, within a period of two years, for conversion of his residential land or building for commercial purposes on payment of prescribed fee and in case he fails to do so, he shall be liable to pay penalty or fine in the prescribed manner.”.

10. Substitution of section 10 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, for section 10, the following shall be substituted, namely:

“10. Coordination Unit.---(1) Soon after the commencement of this Act, Government shall, in the prescribed manner, re-constitute the Delimitation Authority, established by the Government and shall be known as Coordination Unit.

(2) The Coordination Unit shall be responsible to-

- (a) coordinate with the Election Commission of Pakistan in matters of Delimitation of village and neighbourhood councils and provision of timely assistance and facilitation;
- (b) coordinate with the Population Census Organization in matters of Population Census;
- (c) coordinate with local governments on socio economic surveys commissioned by the Government and compilation of their reports;
- (d) conduct surveys on certification function of village and neighbourhood councils; and
- (e) conduct surveys on the development investment of local governments in the province and impact assessment for informing policy formulation.”.

11. Deletion of Chapters-III and IV of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, Chapters-III and IV shall be deleted.

12. Substitution of Chapters-V and VI of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, for Chapters-V and VI, the following shall be substituted, namely:

**“CHAPTER –V
TEHSIL LOCAL GOVERNMENT**

21. Composition of Tehsil Local Government.---(1) In every tehsil there shall be a Tehsil Local Government which shall consist of the Chairman, Tehsil Local Government and Tehsil Local Administration.

(2) The Chairman, Tehsil Local Government shall be directly elected on party-based elections, held on the basis of adult franchise and joint electorate, with the whole of tehsil as single constituency for this purpose.

(3) The Executive Authority of Tehsil Local Government shall vest in Chairman, Tehsil Local Government and he shall be responsible to ensure that the business of Tehsil Local Government is carried out in accordance with the provisions of this Act and other laws for the time being in force.

(4) In performance of his functions, the Chairman, Tehsil Local Government shall be assisted by Tehsil Local Administration as given in Tenth Schedule.”.

(5) For the purpose of Urban Centers of the district, Government shall notify City Local Governments, to be established at each Divisional Headquarters;

Provided that the Government may notify any other contiguous group of Neighbourhoods as City Local Government for the purposes of this Act.

22. Devolution and grouping of offices.---(1) On commencement of the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019, the administrative and the financial authority for the management of the offices of Government, specified in the First Schedule in a tehsil shall stand devolved to the Tehsil Local Government of that tehsil.

(2) On commencement of the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019, the organization, functions, administration and financial management of local councils in the province shall come under the administrative and financial control of the successor local governments as provided in section 121 of this Act.

23. Authority and responsibility of Tehsil Local Government.---(1) The authority of Tehsil Local Government shall comprise the operation, management and control of offices of the departments which are devolved to it:

Provided that Tehsil Local Government shall exercise such authority in accordance with general policy of Government.

(2) Every order in Tehsil Local Government shall be expressed to be made in the name of the Tehsil Local Government and shall be executed by a duly authorized officer.

(3) The Tehsil Local Government shall be responsible to the people and the Government for improvement of governance and delivery of services within the ambit of authority devolved to it.

23A. Functions and Powers of the Chairman, Tehsil Local Government.---

(1) The functions and powers of the Chairman, Tehsil Local Government shall be to-

- (a) provide vision for tehsil-wide development, leadership and direction for efficient functioning of Tehsil Local Government;
- (b) formulate strategies and timeframe for accomplishment of goals regarding infrastructure development and improvement in delivery of services approved by tehsil council;
- (c) coordinate, where required with District Administration for district wide development and delivery of services;
- (d) ensure implementation of devolved functions and maintain administrative and financial discipline;
- (e) oversee formulation and execution of tehsil annual development programme including annual programme for development and improvement of municipal services and infrastructure;
- (f) prepare spatial plans for the tehsil including plans for land use and zoning and disseminate these plans for public enquiry;
- (g) present budget proposals to tehsil council for approval;
- (h) present to tehsil council bi-annual reports on the performance of offices of Tehsil Local Government;
- (i) monitor and supervise the performance of functionaries of Government offices in the tehsil and hold them accountable by making inquiries and reports to the District Administration and relevant provincial departments for action;
- (j) call for quarterly reports from Government departments in the tehsil, other than those devolved to Tehsil Local Government, present them to tehsil council and forward them to District Administration and the relevant provincial departments along with recommendations of tehsil council and his comments for action;
- (k) through the Tehsil Local Administration regulate markets and services including cattle fairs and cattle markets, issue licenses, permits, grant permissions and impose penalties for violation thereof;

- (l) authorize officers to issue notice, prosecute, sue and follow up criminal, civil and recovery proceedings against violators of municipal laws;
- (m) co-ordinate and support municipal functions amongst village and neighbourhood councils in the tehsil and initiate their inspections;
- (n) issue executive orders to officers in-charge of devolved departments for discharge of their functions;
- (o) recommend disciplinary action against functionaries in the Tehsil Local Administration under efficiency and discipline rules applicable to the employees in tehsil local administration;
- (p) represent Tehsil Local Government on civic and ceremonial occasions;
- (q) **nominate one of the members of the Tehsil Council to preside over meetings of the Tehsil Council and deputized him as Chairman during his temporary absence;**
- (r) perform any other function assigned by the Government and the Department.

(2) The Chairman, Tehsil Council shall be personally responsible for loss flowing from 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 and for any expenditure incurred without lawful responsible authority.

CHAPTER – VI TEHSIL COUNCIL

24. Composition of tehsil council.---There shall be a tehsil council in each tehsil which shall consist of members as provided in Part-I of Eleventh Schedule to this Act.

25. Functions and powers of tehsil council.---The functions and powers of tehsil council shall be to-

- (a) approve taxes, fines and penalties proposed by Chairman, Tehsil Local Government;
- (b) approve bye-laws for delivery of services devolved to Tehsil Local Government;
- (c) approve annual budget and appropriations for Tehsil Local Government;
- (d) approve long and short term development plans proposed by Chairman, Tehsil Local Government;

- (e) elect Standing Committees of tehsil council for municipal offices and tehsil based offices and sub-offices of devolved functions to oversee matters and service delivery obligations assigned to these offices and report to the tehsil council their findings on efficiency, responsiveness, service delivery standards and performance of the respective offices for review;
- (f) elect Finance Committee of the tehsil council for examination of tax and budget proposals;
- (g) elect Tehsil Accounts Committee to scrutinize the accounts showing appropriations of sums granted in the budget for expenditure of Tehsil Local Government, audit reports, statement of income and expenditure and such other matters as the Chairman, Tehsil Local Government may refer to it;
- (h) elect a Committee on Conduct of Business to consider matters regarding procedure and smooth conduct of business in the Tehsil Council;
- (i) elect a Code of Conduct Committee to oversee the observance of code of ethics by the members;
- (j) review the reports and recommendations of Tehsil Accounts Committee; and
- (k) review the performance reports presented by the Chairman, Tehsil Local Government.

25A. Functions of Mayor, City Local Government and City Local Council.---

(1) In addition to the functions specified in section 23(A), the Mayor, City Local Government shall perform the following functions, namely:

- (a) review implementation of rules and bye-laws governing land use, housing, markets, zoning, roads, traffic, tax, infrastructure and public utilities;
- (b) approve proposals for public transport and mass transit systems, construction of express ways, fly-overs, bridges, roads, under passes, and inter-town streets;
- (c) perform the functions of approval of such macro municipal plans as may be notified by City Local Government;

- (d) sewerage tertiary and secondary network, treatment plants, and disposal;
- (e) storm water drainage network and disposal;
- (f) flood control protection and rapid response contingency plans;
- (g) industrial and hospital hazardous and toxic waste treatment and disposal;
- (h) environmental control, including control of air, water, and soil pollution in accordance with federal and provincial laws and standards;
- (i) parks, play grounds, sporting, and other recreational facilities;
- (j) art galleries, libraries and community centers;
- (k) landscape, monuments, and municipal ornamentation;
- (l) urban and housing development, including urban improvement and upgrading, and urban renewal and redevelopment, with care being taken to preserve historical and cultural monuments; and
- (m) regional markets and city-wide commercial centers.

(2) In addition to section specified in section 25, the City Local Council shall perform the following additional functions, namely:

- (a) approve master plans, zoning, land use plans, including classification and reclassification of land, environment control, urban design, urban renewal and ecological balances;
- (b) approve development schemes for beautification of areas along rivers, canals, streams; and
- (c) review development of integrated system of water reservoirs, water sources, treatment plants, drainage, liquid and solid waste disposal, sanitation and other municipal services.”.

13. Substitution of section 27 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--In the said Act, for section 27, the following shall be substituted, namely:

“27. Composition of village council and neighbourhood Council.--(1) Every village council and neighbourhood council, shall comprise of members as provided in Part-II of Eleventh Schedule to this Act.

(2) The village council or the neighbourhood council, as the case may be, shall be a multimember ward for directly election of members to be held on non-party basis through adult franchise and joint electorate.

(3) The candidate securing highest number of votes in election to the general seats of the Village Council or the Neighbourhood Council, as the case may be, shall be the Chairman of the respective council:

Provided that if the required number of general members of village council or neighbourhood council have been elected unopposed, the election of Chairman of village council or neighbourhood council shall be conducted in the prescribed manner.

(4) Executive Authority of the Village Council or Neighbourhood Council, as the case may be, shall vest in respective Chairman who may nominate one of the members of the Village Council or the Neighbourhood Council, as the case may be, to preside over meetings of the respective council and deputize him during his temporary absence.

Explanation.---For the purposes of this section and Eleventh Schedule, the term "youth" means a duly qualified candidate for election under this Act, who is below thirty years of age on the last day fixed for filing of nomination papers."

14. Amendment of section 28 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, in section 28, in sub-section (1),-

(i) after clause (a), the following new clause shall be inserted, namely:

"(a-i) present annual budget for approval of the village council or neighbourhood council, as the case may be;"

(ii) in clauses (d) and (e), for the words "tehsil municipal administration and district government", the words "District Administration and Tehsil Local Government" shall be substituted; and

(iii) sub-section (3) shall be deleted.

15. Substitution of section 29 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, for section 29, the following shall be substituted, namely:

"29. Functions of the village council or neighbourhood council.---(1) Functions of the village council and neighbourhood Council, as the case may be, shall be to,-

(i) implement and monitor village level development works;

(ii) carry out village level sanitation and conservancy functions in village councils only;

(iii) identify development needs of the area for use by Tehsil Local Government in prioritizing development plans for the tehsil;

(iv) register births, deaths, marriages and divorces;

- (v) consider and approve annual budget, including scheme-wise annual development programme and provision for other functions performed by the local council;
- (vi) organize and sponsor village and neighbourhood level sports and cultural events;
- (vii) organize village level cattle fair and shows in its area;
- (viii) elect an Accounts Committee and review its recommendations on the annual statement of accounts and audit reports;
- (ix) monitor the performance of service providers including education, health, agriculture, water and sanitation and revenue through a Monitoring Committee constituted by it. The Monitoring Committee shall send its report to the respective Chairman, Tehsil Local Government for consideration and action through the respective Assistant Director, Local Government and Rural Development;
- (x) organize watch and ward in the area including protection from stray animals and animal trespass;
- (xi) collect, prepare, maintain and update basic data on social indicators;
- (xii) facilitate Tehsil Local Government in performance of its functions; and
- (xiii) perform any other task assigned by Government or Tehsil Local Government.

(2) The respective village council or neighbourhood council shall assist Tehsil Local Government in conducting surveys, collecting socio-economic data and selecting sites for municipal and social facilities and services.

(3) Assistant Director, Local Government and Rural Development shall be responsible for coordinating matters relating to secretarial functions of village and neighbourhood councils in the district.”.

16. Amendment of section 32 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, in section 32, for clause (d), the following shall be substituted, namely:

“(d) annual contribution for human resource development and third party monitoring of developmental schemes of local governments in the manner to be prescribed at the rate of two percent of the development grant.”.

17. Amendment of section 34 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, in section 34, after sub-section (5), the following new sub-sections shall be added, namely:

“(6) The budget shall include all the development projects/ schemes by name before it is tabled for approval by the Council.

(7) Bi-annual reports of budget execution shall be prepared and published on the websites of the local governments or the Department on 31st of December and 31st of July respectively.”.

18. Substitution of section 35 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.—In the said Act, for section 35, the following shall be substituted, namely:

“35. Presentation of budget, approval and effect of refusal by the local council.---(1) Within thirty days of the commencement of a financial year, each Chairman shall, present the budget of that year for consideration and approval of the respective local council.

(2) The budget of a local government shall be approved by simple majority of the members of the respective local council present and voting.

Provided that in case of tie, the Chairman shall have a casting vote.

(3) The Chairman shall authenticate by his signature a schedule specifying the:

(a) grants made or deemed to have been made by the local council; and

(b) the several sums required to meet the expenditure charged upon the Fund of the local government.

(4) The schedule so authenticated shall be laid before the local council, but shall not be open to discussion or vote thereon.

(5) The schedule so authenticated shall be communicated to the respective local government officials, accounts officials and Government.

(6) 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 be subject to the provisions of this section.

(7) In case a budget is not approved by the local council, in terms of sub-section (2), within ten (10) days of its presentation or the council rejects the budget with a simple majority of its total membership, the Chairman shall submit the budget to the Local Government Commission through the Department for consideration and the Local Government Commission shall convey the approval within thirty days. The decision of the Local Government Commission shall be final.

(8) The Local Government Commission or, as the case may be, the committee notified for the purpose by it shall review and approve, with or without amendments, a budget for the local government and the budget so approved shall be considered a budget approved in terms of sub-section (2).

(9) The budget proposed by the Chairman shall be deemed duly approved, if the Local Government Commission fails to respond in terms of sub-section (8).

(10) No other business shall be taken up by a local council during the budget session.

(11) A local council shall not be empowered to approve a budget if the sums required to meet estimated expenditures exceed the estimated receipts.

Explanation: For the purposes of this section, the term “estimated expenditure” includes previous liabilities and commitments.

(12) In the absence of local council, whatsoever the reason may be, the respective principal accounting officer shall prepare the budget and submit it to the Local Government Commission, through the Department, for consideration of approval.”.

19. Amendment of section 36 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, in section 36, for sub-sections (2) and (3), the following shall be substituted, namely:

“(2) The district account officer shall maintain the accounts of local governments within the districts and pre audit all payments from the funds mentioned in sub-section (1) of section 30 before approving disbursement of monies.

(3) The district account officer shall, monthly and annually consolidate the accounts of local governments in the districts separately for receipts from the Government and local resources and send the copy to Government, Accountant General and the Department.

Explanation: The financial and accounting system before the commencement of the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019, shall remain in practice till the establishment of a new financial and accounting system for the purpose of section 36 and 37 under the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019.”.

20. Amendment of section 37 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, in section 37,-

(i) for sub-section (3), the following shall be substituted, namely:

“(3) Every Tehsil Local Government shall publish its annual audit report for information of public.”;

(ii) for sub-section (4), the following shall be substituted, namely:

“(4) The Finance Department shall place sufficient human resources at the disposal of the Department to conduct Internal Audit in each tier of the Local Government.”; and

(iii) after sub-section (4), as so substituted, the following new sub-sections shall be added, namely:

“(5) The Internal Audit staff shall conduct the internal audit of the accounts of receipts and expenditures of the respective fund of every Local Government.

(6) The Internal Audit Report of the audit entity shall be submitted to the respective Chairman, as principal support for provision of information to him on performance the audited entity.”.

21. Amendment of section 38 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, in section 38, for sub-section (2), the following shall be substituted, namely:

“(2) Properties of the Government in possession of the local governments established under Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No XXVII of 2013) shall pass to their successors in such manner as may be prescribed by the Department.”.

22. Amendment of section 45 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, in section 45, in sub-sections (3) and (4), for the word “Government”, the word “Department” shall be substituted.

23. Amendment of section 46 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, in section 46, in sub-sections (2) and (3), for the words “any official of a local government authorize in this behalf”, the words “an officer authorized by the Department” shall be substituted.

24. Amendment of section 52 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, in section 52, in sub-section (1),-

(i) in clause (g), after semicolon, the word “and” shall be added in the end;

(ii) clause (h), shall be deleted; and

(iii) for clause (i), the following shall be substituted, namely:

- “(i) five Chairmen, Tehsil Local Government one each representing a Zone as detailed in Twelfth Schedule, elected by Chairmen, Tehsil Local Government in the respective Zone.”.

25. Amendment of section 54 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, in section 54,-

- (i) in sub-section (1), the full stop appearing at the end of clause (e) shall be replaced by a semi colon and thereafter, the following new clause shall be added, namely:

“(f) a representative of the Finance Department for matters relating to budget of Local Government.”.

- (ii) in sub-section (2), for the words and comma “Nazim, District Government”, the words “Chairman, Tehsil Local Government” shall be substituted; and

- (iii) for sub-section (3), the following shall be substituted, namely:

“(3) Government shall provide separate budget for the Local Government Commission with Director General, Local Government and Rural Development as Principal Accounting Officer. The Directorate General Local Government shall be a permanent secretariat for the Local Government Commission having separate human resource and an officer authorized as such, as extended presence of the Commission in a district.”.

26. Substitution of section 55 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, for section 55, the following shall be substituted, namely:

“55. Functions of the Local Government Commission.---(1) Functions of the Local Government Commission shall be to:

- (a) conduct annual inspections of local governments and submit reports to the Government;
- (b) commission a third party performance and financial audit of all or any local government where it feels it necessary and in public interest;
- (c) conduct, on its own initiative, or whenever, so directed by the Chief Minister or, a reference is made by the Department, an inquiry by itself or through any officer of the Provincial Government into any matter concerning a local government;
- (d) resolve disputes between local governments;
- (e) submit to the Chief Minister an annual report on the over-all performance of local governments; and

(f) take cognizance of violations of laws and rules by a local government.

(2) Where the Local Government Commission is of the opinion that suspension of a Chairman or a member of a local council is necessary for the purposes of a fair enquiry or preventing him from continuing with any unlawful activity during an enquiry, it may recommend to the Chief Minister for suspension of such Chairman or a member of a local council, as the case may be, for a maximum period of thirty days.

(3) Where, on an enquiry, the Local Government Commission holds a Chairman, Tehsil Local Government or a member of a Tehsil Council guilty of misconduct, it shall recommend appropriate action, including his removal, to the Chief Minister.

(4) The Local Government Commission shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:

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

27. Amendment of section 57 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-
--In the said Act, for section 57,-

- (i) in sub-section (1), for the words “District Government”, the words “local government” shall be substituted;
- (ii) for sub-section (2), the following shall be substituted, namely:

“(2) Government may provide guidelines and render advice for achieving the ends of the Government policy and for promoting economic, social and environmental security of the province through District Administration who shall act in the following manner:

- (a) coordinate between Government departments and local governments;
- (b) coordinate among local governments in cases where more than one local government in a district are involved;
- (c) coordinate/ carryout periodic inspections to ensure that the non-devolved offices perform their functions efficiently and effectively;

- (d) dispute resolution among Tehsil Local Governments within the districts;
 - (e) where required to do so by the Government or a Government department, report on the performance of the devolved offices in the district;
 - (f) where required to do so by the Government, or a Government department, report and review of budget expenditure and Annual Development Program utilization; and
 - (g) any other task assigned by the Government for improved service delivery.”;
- (iii) after sub-section (2), as so amended, the following new sub-section shall be added, namely:

“(3) The Chief Minister, may issue directives in public interest to a Chairman for implementation and if he fails to comply with the directions, the Chief Minister may require the Department or a Commissioner to take such action as the situation may necessitate.”.

28. Deletion of section 58 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, section 58 shall be deleted.

29. Amendment of section 59 of Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, in section 59, in sub-section (3), for the comma and word “, the Naib Nazim”, the words “the member nominated under paragraph (q) of sub-section (1) of section 23A and sub-section (4) of section 27” shall be substituted.

30. Substitution of section 60 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--In the said Act, for section 60, the following shall be substituted, namely:

“**60. Setting aside an order of Chairman.**---Where, in the opinion of the Chief Minister, an order or decision of a Chairman is not in conformity with law or is against the interest of the people, he may, for reasons to be recorded and conveyed to the Chairman, suspend such order or, as the case may be, decision, refer the matter to the Local Government Commission for enquiry to be completed within sixty days and may on receipt of the report, quash the order or decision of the Chairman, if it is so recommended by the Local Government Commission.”.

31. Substitution of section 61 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--In the said Act, for section 61, the following shall be substituted, namely:

“**61. Internal controls, inspection and supervision.**---(1) Chairman, Tehsil Local Government may designate inspecting officers to objectively examine the performance of any office in local government in relation to service delivery.

(2) Inspection reports prepared and containing evaluation of performance in relation to achievement of targets, responsiveness to citizens’ difficulties, efficiency in delivery of services, transparency in functioning and corrective actions taken by Chairman, Tehsil Local Government, shall be laid before tehsil council.

(3) If the tehsil council resolves that the situation requires any additional action, it may refer the case to the respective Standing Committee.

(4) In all other cases Minister Local Government may require the respective Chairman to take an appropriate action.”.

32. Deletion of sections 62 and 63 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, sections 62 and 63 shall be deleted.

33. Substitution of section 64 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--In the said Act, for section 64, the following shall be substituted, namely:

“**64. Suspension of Resolution and proceedings.**---Where in the opinion of the Chief Minister a resolution of a local council is not in conformity with law or is not in the interest of public, he for reason to be recorded may suspend the execution of such resolution and prohibit the doing of anything resolved to be done.”.

34. Amendment of section 65 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--In the said Act, in section 65, in sub-section (1), for the comma and words “, Nazimeen and Naib Nazimeen”, the words “Chairmen and convenors” shall be substituted.

35. Substitution of section 67 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--In the said Act, for section 67, the following shall be substituted, namely:

“**67. Appointment and control of Enforcement Officers etc.**---(1) Government shall designate Enforcement Officers and their Controlling Authority for the offences specified in Fourth and Fifth Schedules.

(2) Tehsil Local Government shall specify registers for maintaining record of cases and forms for monthly reports regarding enforcement activities.

(3) The Controlling Authority shall periodically review enforcement effort, compile reports and publish quarterly Tehsil Enforcement Gazette.

(4) Chairman, Tehsil Local Government may requisition a police contingent for assistance in enforcement effort of Tehsil Local Government.”.

36. Substitution of section 70 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--In the said Act, for section 70, the following shall be substituted, namely:

“**70. Municipal Wardens.**---(1) Government may establish and maintain municipal wardens.

(2) Government may, notwithstanding anything contained in the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act. No II of 2017), or in any other law, specify the duties which the municipal wardens may be required to perform.”.

37. Amendment of section 72 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--In the said Act, in section 72, for the words "District Government", the word "Department" shall be substituted.

38. Deletion of section 73 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, section 73 shall be deleted.

39. Substitution of section 74 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--In the said Act, for section 74, the following shall be substituted, namely:

"74. Franchise, Wards and Electoral College.---(1) Save as otherwise provided, election of members of village council, neighbourhood council and Chairmen, Tehsil Local Government shall be held on the basis of adult franchise and joint electorate.

(2) Each tehsil shall be a single ward for the election of Chairman, Tehsil Local Government.

(3) Members to fill seats reserved for women, peasants and workers, youth and minorities in the Tehsil Council shall be elected in the manner indicated in Part-II of Eleventh Schedule.

(4) Elections of Chairman, Tehsil Local Government shall be held on party basis and a political party shall be eligible to obtain an election symbol for contesting these elections.

Explanation: For the purpose of this section:

(a) the term "Political Party" shall have the same meaning as assigned to it in the Election Act, 2017 (Act No. XXXIII of 2017) and the provisions of the said Act, shall mutatis mutandis apply to political parties contesting election for Chairman, Tehsil Local Government; and

(b) the term election symbol shall have the same meaning and connotation as assigned to it in the Election Act, 2017 (Act No. XXXIII of 2017).".

40. Substitution of section 78A of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, for section 78A, the following shall be substituted, namely:

"78A. Disqualification on grounds of defection.---(1) If a Chairman, Tehsil Local Government resigns from membership of his political party or joins another political party, he may be declared in writing by the Party Head to have defected from the political party, and the Party Head may forward a copy of the declaration to the Election Commission and shall similarly forward a copy thereof to the Chairman concerned:

Provided that before making the declaration, the Party Head shall provide such Chairman, Tehsil Local Government with an opportunity to show cause as to why such declaration may not be made against him.

Explanation: For the purpose of this section "Party Head" means any person, by whatever name called or declared as such by the Party and includes the nominee of the Party Head.

(2) A Chairman, Tehsil Local Government shall be deemed to be a member of a political party if he, having been elected as a candidate or nominee of a political party or has become a member of such political party after his election as independent candidate.

(3) The Election Commission shall either confirm or reject the declaration within thirty days of its receipt.

(4) Where the Election Commission confirms the declaration, the Chairman, Tehsil Local Government referred to in sub-section (1), shall cease to hold office and his seat shall become vacant.

(5) Any party aggrieved by the decision of the Election Commission may, within thirty (30) days, prefer an appeal to the High Court which shall decide the matter within sixty (60) days from the date of the filing of the appeal."

41. Substitution of section 79 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.
--In the said Act, for section 79, the following shall be substituted, namely:

"79. Term of office, first meeting and conduct of business in Local Council.---

(1) The term of office of a local council shall be four years commencing on the date on which it holds its first meeting:

Provided that the first meeting shall be held not later than fifteen days from the day on which the names of its members are notified.

(2) In case where all members of a village council or a neighbourhood council, as the case may be, are returned unopposed, such council shall in its first meeting and to the exclusion of any other business elect from its members a Chairman, in the prescribed manner.

(3) Secretary, Local Government, Elections and Rural Development Department shall notify the assumption of offices by Chairmen and members of the local councils.

(4) Every local council shall meet at least once in every month and regulate its business in accordance with bye-laws made by it:

Provided that Tehsil Council shall be in session for at least thirty five accumulated days in a year.

(5) Save as otherwise provided, all meetings of a local council shall be convened by the respective Chairman.

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

Provided that in case of a tie, the Chairman shall have a casting vote.

(7) Quorum for the meetings of local council shall be thirty three percent of its total membership.

(8) Minutes of the meetings of the local council shall be recorded and maintained by Secretary of the local council:

Provided that Tehsil Municipal Officer in the tehsil shall act as Secretary of the tehsil council.”.

42. Substitution of section 80 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-
--In the said Act, for section 80, the following shall be substituted, namely:

“80. Oath of office and declaration of assets.---(1) Every Chairman and member shall, before taking his seat, make and subscribe to an oath in such form as may be specified.

(2) Every Chairman and member shall, after taking oath of office, declare his assets in the manner prescribed.”.

43. Substitution of section 81 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-
--In the said Act, for section 81, the following shall be substituted, namely:

“81. Casual vacancy.---(1) If at any time, the office of a Chairman, Tehsil Local Government falls vacant by reason of death, resignation, removal or any other reason, the concerned tehsil council shall within ten (10) days, elect one of its members as officiating Chairman, Tehsil Local Government till appointment of new Chairman, Tehsil Local Government:

Provided that the new Chairman, Tehsil Local Government shall be elected in accordance with the provisions of this Act and the rules made thereunder, within a period of ninety (90) days from the date such vacancy is notified and the new Chairman, Tehsil Local Government shall hold office for the residue of such term.

(2) If at any time, the office of a Chairman, village council or neighbourhood council, as the case may be, falls vacant by reason of death, resignation, removal or any other reason, the concerned village council or neighbourhood council, as the case may be, shall within ten (10) days, elect one of its members as officiating Chairman, village council or neighbourhood council till appointment of new Chairman, village council or neighbourhood council:

Provided that the new Chairman, Village Council or the neighbourhood council, as the case may be, shall be elected in accordance with the provisions of this Act and the rules made thereunder, within a period of one hundred and twenty (120) days from the date such vacancy is notified and the new Chairman, village council or the neighbourhood council, as the case may be, shall hold office for the residue of such term.

(3) For the purpose of election of officiating Chairman, meeting of the Tehsil Council shall be called by the member nominated under paragraph (q) of sub-section (1) of section 23A and sub-section (4) of section 27.

(4) In all other cases of casual vacancies, the Election Commission shall hold bye-elections once in a calendar year:

Provided that If the vacancy in these cases occur within four (04) months of the expiry of the term of a local council, the vacancy shall not be filled.”.

44. Substitution of section 82 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-
--In the said Act, for section 82, the following shall be substituted, namely:

“**82. Resignation.**---(1) A member of a local council may resign his office by tendering resignation in writing to the respective Chairman.

(2) A Chairman, Tehsil Local Government may resign his office by tendering resignation in writing addressed to the Chief Minister.

(3) The resignations so tendered shall deem to be accepted and effective forthwith.

(4) Copies of all resignations shall be forwarded to the Election Commission.”.

45. Substitution of section 83 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-
--In the said Act, for section 83, the following shall be substituted, namely:

“**83. Removals.**---(1) Where proceedings of disqualification have been initiated by the Election Commission against a Chairman or member, the Election Commission or any officer authorized by it may issue a notice to him, within a specified period as to why proceedings against him may not be taken for his removal.

(2) Where the Election Commission or an officer authorized by it is not satisfied with the reply to the notice or any reply to the said notice is not filed within the specified period, it may order for an enquiry in the matter and for that purpose appoint an enquiry officer.

(3) On the basis of enquiry, the Election Commission may order the removal of a Chairman or member:

Provided that before an order of removal is passed, the Chairman, or, as the case may be, member against whom enquiry proceedings are carried out shall be afforded a reasonable opportunity of being heard, including personal hearing if so requested.”.

46. Substitution of section 84 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.-

--In the said Act, for section 84, the following shall be substituted, namely:

“84. Impeachment.--- (1) A Chairman, Tehsil Local Government shall cease to hold office if he is impeached, on the grounds and in the manner as prescribed in rules, by two third majority of the total number of members of the local council ascertained through open division:

Provided that-

- (a) a motion of impeachment shall not be moved before the expiry of six months of his assumption of office as Chairman; and
- (b) where a motion of impeachment against a Chairman has been moved and has failed to secure the requisite majority of votes in its favour at the meeting, no similar motion shall be moved against him before the expiry of six months from the date such motion was moved.”.

47. Amendment of sections 85 and 86 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, in sections 85 and 86, the comma and words “, Naib-Nazim” shall be deleted.

48. Deletion of sections 106 and 108 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, sections 106 and 108 shall be deleted.

49. Amendment of section 109 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, in section 109, for the words and comma “district government, tehsil municipal administration”, the words “local government” shall be substituted.

50. Amendment of section 110 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, in section 110, for the words and comma “Nazimeen, Naib-Nazimeen”, the words and comma “Chairmen, the member presiding the meeting” shall be substituted.

51. Amendment of section 113 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, in section 113, for the words and commas “district council, tehsil council, village council and neighbourhood council”, the words “local council” shall be substituted.

52. Amendment of section 114 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, in section 114, for the words and comma “Nazimeen, Naib-Nazimeen”, the words and comma “, Chairmen, the member presiding the meeting” shall be substituted.

53. Amendment of section 115A of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, in section 115A, for the words and comma “City District Government, District Government, Tehsil Municipal Administration or Town Municipal Administration”, the words “City Local Government or Tehsil Local Government” shall be substituted.

54. Substitution of section 118 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, for section 118, the following shall be substituted, namely:

“118. Local Council Board.---(1) The Local Council Board established, under the Khyber Pakhtunkhwa Local Government Ordinance, 1979 shall continue to perform the functions of the management, control and administration of the Local Council Service and Servants of Local Councils.

(2) For the purpose of this Act, the Local Council Board shall exercise all the powers and functions in respect of field formations working under its administrative control, including their service structure, service rules, sanction for the creation and abolition of posts, approval, consent, no objection certificates, vetting, advices, guidelines, instructions, performance management, trainings, fund investment, appointments, transfer, posting and disciplinary action under the prescribed rules and policy.

(3) The Local Council Board shall provide for service structure of the Local Council Service and the Servants of Local Councils including specification of posts to be filled through Khyber Pakhtunkhwa Public Service Commission.”.

55. Insertion of new section 118A to the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, after section 118, the following new section shall be inserted, namely:

“118A. Alternate Dispute Resolution.---(1) In order to provide for speedy and affordable justice, there shall be a mediation council for out of court arbitration, reconciliation, mediation and amicable settlement of disputes of civil nature in each village and neighbourhood council level:

Provided that in the areas of the erstwhile Federally Administered Tribal Areas, merged in the Province of Khyber Pakhtunkhwa, after the Constitution (Twenty-Fifth Amendment) Act, 2018, such mediation council shall be established at sub-division level.

(2) Government may make rules for the purpose of this section.”.

56. Addition of section 120A of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--In the said Act, after section 120, the following new section shall be added, namely:

“120A. Dissolution of Local Governments.---(1) Soon after the completion of the tenure of all the district councils, tehsil councils, town councils, village councils and neighbourhood councils in the province shall stand dissolved and as a consequence thereof all District Nazimeen, Tehsil Nazimeen, Town Nazimeen, village council Nazimeen and neighbourhood council Nazimeen shall cease to hold their respective offices.

(2) The Department shall authorize officers to perform administrative functions of respective Nazimeen till the installation of local governments under this Act.

(3) All administrative actions required for giving effect to the provisions of this Act and transition to the local government system set up thereunder shall be completed within six months of the commencement of the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019.”

57. Addition of section 121A to the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--
-In the said Act, after section 121, the following new section shall be added, namely:

“121A. Successors-in-interest.---(1) On commencement of the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019 the new local governments to be established thereunder shall succeed the functions, rights, assets and liabilities of the local councils established before the commencement of Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019, in the following manner:

- (a) in the case of City District Government by the City Local Government;
- (b) in case of District Government other than City District Government by the respective Tehsil Local Government;
- (c) Tehsil Municipal Administration or the Town Municipal Administration, as the case may be, shall stand integrated with respective Tehsil Local Government;
- (d) in case of village councils in rural areas of the province by the respective village councils; and
- (e) in case of neighbourhood councils in areas with urban characteristics by the respective neighbourhood councils.

(2) The Department, shall, as soon as possible, designate an officer to divide rights, assets and liabilities of the district governments as well as City District Government Peshawar including adjustment of the staff amongst the local governments. The decision of the designated officer shall be final.”

58. Amendment of section 123 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, in section 123, for the word “Government”, the words “the Chief Minister on the recommendation of the Department” shall be substituted.

59. Deletion of section 124 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, section 124 shall be deleted.

60. Substitution of First Schedule of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, for the First Schedule , the following shall be substituted, namely:

“FIRST SCHEDULE

[See section 22]

Devolved Offices

- (i) Primary and Secondary Education
- (ii) Social Welfare
- (iii) Sports and Youth Affairs
- (iv) Agriculture (Extension, Livestock, OFWM, Soil Conservations, Fisheries)
- (v) Population Welfare
- (vi) Municipal Services including water and sanitation
- (vii) Rural Development
- (viii) Public Health Engineering
- (ix) Coordination, Human Resource Management, Planning, Development, Finance and Budgeting functions for the devolved offices.
- (x) Any other office to be added by Government by Notification in the official Gazette.”.

61. Deletion of Second Schedule of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, the Second Schedule shall be deleted.

62. Substitution of Third Schedule of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, for Third Schedule, the following shall be substituted, namely:

“THIRD SCHEDULE

[See section 42]

Part - I

TEHSIL LOCAL GOVERNMENT

1. Tax for Education and Health.
2. Local rate on lands.
3. Local tax on services.
4. Tax on the transfer of immovable property.
5. Urban Immovable Property Tax.
6. Fees in respect of educational and health facilities established or maintained by Tehsil Local Government.
7. Fee for licenses or permits and penalties or fines for violations.
8. Fees for specific services rendered by Tehsil Local Government.
9. Fee on sale of animals in cattle markets.
10. Market Fees.
11. Fee on all types of advertisements including on bill-boards other than on radio and television.
(Explanation) Local advertisements run by local cable operators do not fall under the classification of television advertisements.
12. Fee for approval of building plans, erection and re-erection of buildings.
13. Fee for fairs, agricultural shows, cattle fairs, industrial exhibitions and other public events organized by Tehsil Local Government.
14. Fee on cinemas, dramatic, theatrical art/ shows and tickets thereof, and other entertainment.
15. Charges for execution and maintenance of works of public utility like lighting of public places, drainage, conservancy and water supply operated and maintained by Tehsil Local Government.
16. Collection charges prescribed for recovery of tax on behalf of Government, other local governments or any statutory authority.
17. Rent for land, buildings, equipment, machinery, and vehicles owned by Tehsil Local Government.
18. Any other tax authorized by Government

Part-II**VILLAGE & NEIGHBOURHOOD COUNCILS**

1. Prescribed fees for licensing of professions and vocations in the area of the Council.
2. Fees for registration and certification of births and marriages.
3. Charges for specific services rendered by the Council.
4. Rate for the remuneration of village and neighbourhood guards.
5. Rate for the execution or maintenance of any work of public utility like lighting of public places, drainage, conservancy and water supply operated by the Council.
6. Conservancy charges.”.

63. Substitution of Fifth Schedule of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, for fifth schedule, the following shall be substituted, namely:

“FIFTH SCHEDULE

[See section 66 & 68]

OFFENCES WHERE TICKET CAN BE ISSUED

S.#	Offence	Amount of Fine
1.	Neglect in safe storage of eatable, drinkable and other consumable items sold or supplied to the public.	Rs. 5,000
2.	a. Fixing of wooden khokhas, and temporary shops or extension thereof on footpaths or beyond the street line. b. Plying of handcarts for the sale of goods without permission.	Rs. 15,000 Rs. 2,000
3.	Failure by the owner or occupier of any land to clear away and remove any vegetation declared by a local government to be injurious to health or offensive to neighbourhoods.	Rs. 1500
4.	Slaughtering of animals for the sale of meat at a place other than the place set apart for the purpose.	Rs. 12,000
5.	Without the permission of the local government causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, or drain or to be put upon any street, or public place, or into irrigation channel or any sewer or drain not set apart for the purpose.	a. Rs. 6,000 in case of commercial concerns. b. Rs. 4000 for others

6.	Keeping or maintaining any cattle in any part of the 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.	Rs. 2000
7.	Keeping ferocious dogs or other animals in residential areas or taking such animals to public places or the areas specified by the local government, without leash or chain and without being muzzled or to set at large any animal or dog infected with rabies or any other infectious disease.	Rs. 2,000
8.	Obstructing or tampering with any road, street, drain or pavement.	Rs. 25,000
9.	Obstructing or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or sewerage system.	Rs. 50,000
10.	Without previous sanction of the local government- laying out a drain or altering any drain in a street or road; connecting any house drain with a drain in a public street; and drawing off, diverting or taking any water.	Rs. 7,000
11.	Excavation of earth, stone or any other material within such distance of the residential area as specified by the local government.	Rs. 10,000
12.	Burying or burning a dead body at a place which is not a public or registered burial or burning place, except with the sanction of the local government.	Rs. 3,000
13.	Failure to furnish, on requisition, information in respect of any matter which a local government is authorized to call for under any of the provisions of the Act, rules or bye-laws or furnishing wrong information.	Rs. 3000
14.	Obstructing lawful seizure of animals liable to be impounded on the ground of violations of rules or by-laws governing the picketing, tethering, keeping, milching or slaughter of animals or their trespass of private or public property.	Rs. 2000
15.	Picketing, parking animals or collecting carts or vehicles on any street, using any street as a halting place for vehicle or animals or as a place for encampment without permission of the local government.	Rs. 2000
16.	Causing or permitting animals to stray or keeping, tethering, stalling, feeding or gazing any cattle on any road, street or thoroughfare or in any public place or damaging or causing or permitting to be damaged any road, street or thoroughfare by allowing cattle to move thereon.	Rs. 2000

17.	Disposal of carcasses of animals within prohibited distance.	Rs. 1500
18.	Failure to dispose of offal, fat or any organ or part of a dead animal in a place set apart for the purpose by the local government.	Rs. 1500
19.	Throwing or placing any refuse, litter or garbage on any street, or in any place, not provided or appointed for the purpose by a local government.	Rs. 5000
20.	Failure to provide for disposal of litter or garbage inside or outside a shop by its owner.	Rs. 5000
21.	Failure to maintain clean premises of the area in front of a shop, office or factory up to the public street or road serving this facility.	Rs. 5,000
22.	Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.	Rs. 1500
23.	Steeping hemp, jute or any other plant in or near a pond or any other excavation within such distance of the residential area as may be specified by a local government.	Rs. 3,000
24.	Failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal drain, cesspool or other receptacle for filth, sullage, water or refuse by an owner of a house, shop, office, industry or premises.	Rs. 10,000 for commercial concerns Rs. 2000
25.	Failure to clean the premises, houses, shops and cultivated lands of the plastic bags and other non-perishable materials.	Rs. 2000
26.	Damaging or polluting physical environment, inside or outside private or public premises, in a manner to endanger public health.	Rs. 6,000 for public premises Rs. 1500 for private premises
27.	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.	Rs. 1500
28.	Failure by the owner or occupier of any land or building to clean, repair, cover, fill up or drain off any private well, tank or other source of water supply, which is declared under this Act to be injurious to health or offensive to the neighbourhood.	Rs. 3,000
29.	Failure to stop leakages of water pipes, faucets and sanitary fittings resulting in dirty water pools affecting physical environment and breeding of mosquitoes.	Rs. 3,000

30.	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.	Rs. 3,000
31.	Feeding or allowing to be fed an animal meant for dairy or meat purposes, on deleterious substance, filth or refuse of any kind which is dangerous to health of consumers.	Rs. 5,000
32.	Defacing or disturbing any direction-post, lamp post or lamp extinguishing or any light arranged by a local government without due authority.	Rs. 5,000
33.	Fixing or allowing the fixing of any bill, notice, play card, poster or other paper or means of advertisement against or upon any private or public building or place other than the places fixed for the purpose by a local government.	Rs. 5,000
34.	Exhibiting any obscene advertisement.	Rs. 5,000
35.	Loud playing of music or radio, beating of drum or tom-tom, blowing a horn or beating or sounding any brass or other instruments or utensils in contravention of any general or special prohibition issued by a local government or a hospital or an educational institution.	Rs. 3,000
36.	Loud shouting in abusive language causing distress to the inhabitants of a neighbourhood or village or any other public place.	Rs. 3,000
37.	Using or allowing the use for human habitation of a building declared by a local government to be unfit for human habitation.	Rs. 10,000
38.	Failure to lime-wash or repair a building, if so required by local government.	Rs. 5,000
39.	Begging importunately for alms by exposing any deformity or disease or any offensive sore or wound to solicit charity.	Rs. 2000
40.	Causing or permitting to be caused by any owner or keeper of an animal who through neglect or otherwise damage any land or crop or produce of land, or any public road, by allowing such animal to trespass thereon.	Rs. 3,000
41.	Selling cattle and animals in contravention of any law, rule or by-laws of a local government.	Rs. 50,000
42.	Kite flying in contravention of any general or specific prohibition issued by local governments.	Rs. 1500

43.	Keeping pigeon or other birds in a manner causing danger to air traffic.	Rs. 5000
44.	Digging of public land without the permission in writing of local government.	Rs. 10,000
45.	Contravention of the prohibition or direction of the local government issued under the Act.	Rs. 1500
46.	Non-disposal of building materials/ debris.	Rs. 25,000/-
47.	Construction of Illegal speed breaker on public roads/ streets.	Rs. 20,000/-
48.	Attempt or abetment of any of the offences in this Schedule.	Same as for the offences specified in the schedule.”.

64. Substitution of Seventh Schedule of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, for Seventh Schedule the following shall be substituted, namely:

**“Part - I
Rules**

1. Local Government (Conduct of Elections);
2. Local Government (Taxation);
3. Local Government (Servants);
4. Local Government (Planning, Development, Budget and Accounts);
5. Local Government (Contracts);
6. Local Government (Works & Services);
7. Local Government (Development Authorities);
8. Local Government (Regulation of Site Development Schemes);
9. Local Government (Monitoring & Supervision);
10. Local Government (Provision of Information and Transparency);
11. Local Government (Internal Audit);
12. Local Government (Public Private Partnership);
13. Local Government (Conduct of Inspections);
14. Local Government (Elected Officials Conduct);
15. Local Government (Procurement);
16. Local Government (Fiscal Transfers);
17. Local Government (Elected officials’ remuneration and allowances);
18. Local Government (Prevention of adulteration of foodstuffs);

19. Local Government (Animal husbandry and milk supply);
20. Local Government (Prevention and abatement of nuisances);
21. Local Government (Forests and plantations);
22. Local Government (Property Management);
23. Local Government (Registration of births, deaths, marriages and divorces); and
24. Any other set of rules necessary for implementation of this Act.

Part – II
Bye-laws

1. Conduct of Business and Conduct of Meetings.
2. Zoning, master planning, and buildings.
3. Dangerous buildings and structures.
4. Prevention of encroachments.
5. Registration of sale and control of cattle and animals.
6. Registration, management and regulation of orphanages, widow homes, senior citizens homes, homes for the mentally ill, and women in distress.
7. Regulation of burial and cremation places.
8. Slaughter of animals and maintenance of slaughterhouses.
9. Dangerous and offensive articles and trades as indicated in the **Annexure**.
10. Regulation of traffic.
11. Organization and regulation of fairs, shows, tournaments and other public gatherings.
12. Prevention of beggary, juvenile delinquency and other social evils.
13. Licensing.
14. Regulation of Markets.
15. Libraries.
16. Parks and open places.
17. Farm produce markets.
18. Encroachment on any public road, public street, or public place.
19. Picketing, parking animals or collecting carts or vehicles on any street.
20. Throwing or placing refuse on any street, or in any place not provided or appointed for the purpose.
21. Dyeing or tanning animal skins.
22. Tampering with any main pipe, or any apparatus or appliance for the supply of water.
23. Excavation of earth, stone or any other material.
24. Disposing of carcasses of animals.

25. Use of sewer water for farming.
26. Flow or drain to be put upon any street, or public place, or into an irrigation channel or any sewer or drain not set apart for the purpose.
27. Fixing any bill, notice, placard, or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose.
28. Fixing of wooden khokhas, plying of handcarts for the sale of goods, and temporary or permanent shops or extensions thereof on footpaths or beyond the street line.
29. Watering cattle or animals, or bathing or washing at, or, near a well or other source of drinking water for the public.
30. Other matters as in the opinion of the Tehsil Council are necessary or expedient to be provided for in the bye-laws.”.

65. Addition of new Schedules to the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, after the Eighth Schedule, the following new Schedules shall be added, namely:

“Ninth Schedule

(See Section 10)

(Number of village and neighbourhood councils in every district)

S#	District	Councils		Total
		Village	Neighbourhood	
1	Abbottabad	195	14	209
2	Bajuar	120	7	127
3	Bannu	111	5	116
4	Battagram	79	11	90
5	Buner	105	0	105
6	Charsadda	126	20	146
7	Chitral Upper	39	0	39
8	Chitral Lower	56	5	61
9	Dera Ismail Khan	150	36	186
10	Hangu	50	12	62
11	Haripur	155	25	180
12	Karak	57	4	61
13	Khyber	130	17	147
14	Kohat	84	23	107
15	Kohistan	62	1	63
16	Kohistan Lower	47	0	47
17	KolaiPalas Kohistan	52	0	52

18	Kurram	67	14	81
19	Lakki Marwat	94	7	101
20	Lower Dir	182	16	198
21	Malakand	67	15	82
22	Mansehra	174	20	194
23	Mardan	178	53	231
24	Mohmand	58	7	65
25	North Waziristan	75	6	81
26	Nowshera	129	24	153
27	Orakzai	42	4	46
28	Peshawar	227	130	357
29	Shangla	105	0	105
30	South Wazistan	82	15	97
31	Swabi	133	27	160
32	Swat	170	44	214
33	Tank	67	11	78
34	Torghar	39	1	40
35	Upper Dir	117	5	122
Total		3624	579	4203

Tenth Schedule

(See Section 21)

Tehsil/City Local Administration

Municipal Services	Social Services
1. Regulations	1. Primary & Secondary Education
2. Finance/Accounts	2. Social Welfare
3. Infrastructure/Services	3. Sports and Youth Affairs
4. Municipal Services including water and sanitation	4. Agriculture (Extension, Livestock, OFWM, Soil Conservations, Fisheries)
	5. Population Welfare
	6. Rural Development
	7. Public Health Engineering
	8. Coordination, Human Resource Management, Planning, Development, Finance and Budgeting functions for the devolved offices.
	9. Any other office.

Eleventh Schedule
(See Section 24 & 27)

Composition of Local Councils

PART-I
(Tehsil Council)

S#	Category	Mode of Election
1	All Chairmen of Village and neighbourhood Councils in the Tehsil	Indirect
2	Reserved seats for women, youth , peasants/workers and minorities Note. The total number of seats in women, youth peasant/worker and minorities categories will be such as Government may determine.	Indirectly elected from amongst the categories of women, youth, peasant/worker and minorities councilors of the Village and neighbourhood Councils in the Tehsil/ City Local Government who have obtained highest number of votes in percentage of their respective category of reserved seats. Provided that where a member is elected unopposed in a village council or a neighbourhood council, he shall be deemed as a highest vote taker in their respective village councils or neighbourhood council.

PART-II

(Village and neighbourhood Council)

S#	Category	Mode of Election
1	Three General Members	Directly elected from free list of candidates in non-party-based elections held on the basis of adult franchise and joint electorate."
2	One Woman Member	
3	One Youth Member	
4	One Peasant or Worker Member	
5	One minority Member in councils where minorities are registered as voters	

Twelfth Schedule

(See Section 52)

Zones of Districts for Representation in Provincial Finance Commission

Zone	Districts
1	Bajaur, Khyber, Kurram, Mohmand, Orakzai, North Waziristan and South Waziristan
2	Charsadda, Mardan, Nowshera, Peshawar and Swabi
3	Buner, Chitral, (Chitral Lower, Chitral Upper) Dir Lower, Dir Upper, Malakand, Shangla and Swat
4	Bannu, Dera Ismail Khan, Hangu, Karak, Kohat, Lakki Marwat and Tank
5	Abbottabad, Battagram, Haripur, Kohistan, Kohistan Lower, Kolai-Palas, Kohistan, Mansehra and Torghar."

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA**

(NASRULLAH KHAN KHATTAK)

Secretary

Provincial Assembly of Khyber Pakhtunkhwa

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