

EXTRAORDINARY

GOVERNMENT



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North-West Frontier Province

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PROVINCIAL ASSEMBLY SECRETARIAT,
THE NORTH-WEST FRONTIER PROVINCE.

NOTIFICATION

Dated 3rd August, 2005.

No. PA/NWFP/Legis-I/2005/21347.—The North-West Frontier Province Local Government (Amendment) Bill, 2005 having been passed by the Provincial Assembly of North-West Frontier Province on the 12-07-2005 and assented to by the Governor of the North-West Frontier Province on 28-07-2005 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE NORTH-WEST FRONTIER PROVINCE LOCAL GOVERNMENT (AMENDMENT) ACT, 2005.

(N.-W.F.P. ACT NO. X OF 2005)

[First published after having received the assent of the Governor of the Governor of the North-West Frontier Province in the Gazette of N.W.F.P. (Extraordinary), dated the 3rd August, 2005].

AN
ACT

*further to amend the North-West Frontier Province
Local Government Ordinance, 2001.*

Preamble.—WHEREAS it is expedient further to amend the North-West Frontier Province Local Government Ordinance, 2001 (N.-W.F.P. Ord. No. XIV of 2001); for the purposes hereinafter appearing:

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the North-West Frontier Province Local Government (Amendment) Act, 2005.

(2) It shall come into force at once.

2. **Amendment of section 1 of N.-W.F.P. Ord. No. XIV of 2001.**---In the North-West Frontier Province Local Government Ordinance, 2001 (N.-W.F.P. Ord. No. XIV of 2001), hereinafter referred to as the said Ordinance, in section 1, in sub-section (2),-

(a) after brackets, word, figures and comma "(II of 1924).", the words, commas, figures and brackets "or the Cantonments Ordinance, 2002 (CXXXVIII of 2002)." shall be inserted; and

(b) for the word "under the said Act", the word "thereunder" shall be substituted.

3. **Amendment of section 2 of N.-W.F.P. Ord. No. XIV of 2001.**---In the said Ordinance, in section 2:-

(a) clause (xii) shall be omitted;

(b) after clause (xx), the following new clause shall be inserted, namely:-

"(xxa) misconduct means transgression of prescribed Code of Conduct or dereliction from duty or deliberate unlawful 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."; and

- (c) in clause (xlii), for the words, comma, figures and brackets "Industrial Relations Ordinance, 1969 (XXIII of 1969)", the words, comma, figures and brackets "Industrial Relations Ordinance, 2002 (XCI of 2002)" shall be substituted.

4. Amendment of section 8 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance in section 8, the existing provision shall be re-numbered as sub-section (1) of that section and thereafter the following new sub-section shall be added, namely:

"(2) For the purpose of creation of a city district, the Unions in the district affected by such creation may be delimited in accordance with section 6:

Provided that in all other districts section 11 of this Ordinance shall apply."

5. Amendment of section 12 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 12,-

- (a) in sub-section (2), for the existing proviso, the following shall be substituted, namely:

"Provided that Government may, by the 20th day of June, 2005, divide such tehsil into two or more tehsils for establishing local government under sub-section (1)."; and

- (b) in sub-section (3), after the words "Union Administration", the words "and the functions of Tehsil Council shall be performed by the Union Council" shall be added.

6. Amendment of section 14 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 14, after sub-section (3), the following new sub-section shall be added, namely:

"(4) The Zilla Nazim shall nominate a Deputy District Officer at Tehsil level for the purpose of liaison between the offices of District Government, Provincial Government, Federal Government and other local governments for emergencies, natural calamities and extraordinary situations."

7. Amendment of section 22 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 22, in sub-section (1),--

- (a) the words "or suspension" shall be omitted;
- (b) for the word "appointed", the word "elected" shall be substituted; and
- (c) for the existing proviso the following provisos shall be substituted, namely:

"Provided that where the Naib Zilla Nazim is absent or his office is vacant for any reason, the senior-most presiding officer in the panel elected under sub-section (5) of section 42 shall act as Zilla Nazim and the next senior-most presiding officer in the panel shall act as Naib Zilla Nazim till the election of officiating Zilla Nazim under section 48 or Naib Zilla Nazim resumes his functions or, as the case may be, a new Naib Nazim is elected by the Zilla Council under section 156:

Provided further that the officiating Zilla Nazim shall not be a candidate in the election for Zilla Nazim."

8. Omission of section 23 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, section 23 shall be omitted.

9. Amendment of section 24 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 24,--

- (a) in the marginal note, for the words "Internal recall", the word "Recall" shall be substituted;
- (b) for sub-section (4), the following shall be substituted, namely:

"(4) Where the motion referred to in sub-section (1) is approved by two-third majority of the votes of the total membership of the Council through a secret ballot to be conducted by the Returning Officer nominated by the Chief Election Commissioner, the Zilla Nazim shall cease to hold office forthwith and the notification shall be issued in this behalf by the Chief Election Commissioner accordingly."

- (c) sub-section (5) shall be omitted;
- (d) in sub-section (6), for figure "5", figure "1" shall be substituted; and
- (e) after sub-section (7).-
 - (i) the Explanation shall be omitted; and
 - (ii) the following new sub-section shall be added, namely:-

“(8) Where the motion referred to in sub-section (1) fails in the Zilla Council, the proposer and seconder of such motion shall lose their seats both as members of the Zilla Council and Union Nazim, if any one of them is also a Union Nazim.”.

10. Substitution of section 25 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, for section 25, the following shall be substituted, namely:

“25. Setting aside the order of Zilla Nazim by the Chief Executive of the Province.---(1) Where, in the opinion of the Chief Executive of the Province, an order or decision of the Zilla Nazim is not in conformity with law or is against the interest of the people, he may, for the reasons to be recorded and conveyed to the Nazim, suspend such order or, as the case may be, decision and refer the matter to the Provincial Local Government Commission for an enquiry to be completed not later than ninety days:

Provided that the Zilla Nazim shall be given an opportunity of being heard by the Provincial Local Government Commission before making recommendation to the Chief Executive of the Province.

(2) On receipt of report of enquiry conducted by the Provincial Local Government Commission, the Chief Executive of the Province may take such action as deemed expedient in the light of such report, including quashment of the order or decision of the Zilla Nazim:

Provided that, if no action is taken within ninety days of suspension of the order or decision of the Zilla Nazim, such order or, as the case may be, decision shall stand restored.

(3) The quashment of an order or decision referred to in sub-section (2) shall be notified by Government in the official Gazette.”.

11. Amendment of section 28 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 28,-

- (a) in sub-section (2), for clause (f) the following shall be substituted, namely:

“(f) call for information and reports from local governments in the district as required by the Provincial Government or District Government through the Tehsil Municipal Officer;” and

- (b) after sub-section (2), amended as aforesaid, the following new sub-section shall be added, namely:

“(3) Where, in the opinion of a District Coordination Officer, an order of the Zilla Nazim is motivated or unlawful, he may seek recourse in writing to the Local Government Commission with a copy thereof to the Zilla Nazim, and the decision of the Commission in the matter shall be final and binding.”.

12. Amendment of section 30 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 30,-

- (a) in sub-section (2),-

(i) for the word “all”, the word “such” shall be substituted; and

(ii) after the word “Schedule”, words “as may be prescribed” shall be added;

- (b) in sub-section (4),-

(i) for the word “shall” the word “may” shall be substituted; and

(ii) the words “within seven days and the Government may refer the matter to the Provincial Local Government Commission” shall be omitted; and

(c) sub-section (5) shall be omitted.

13. Insertion of new sections 30A and 30B to N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, after section 30, the following new sections shall be inserted, namely:-

“30A. Disciplinary powers of Nazims and Naib Nazims.---The Nazims and Naib Nazims shall be empowered to take disciplinary action against local government functionaries of their respective establishments and shall be responsible to Government for effective implementation of all efficiency and disciplinary rules as prescribed, not later than 31st December, 2005.

30B. District Officer (Revenue) to act as Collector.---The District Officer (Revenue) shall act and perform the functions of Collector under the provisions of sections 54, 68, 70(2), 71, 72, 92, 93, rule 18 of Order XXI, Order XI, and similar other provisions of the Code of Civil Procedure, 1908 (Act V of 1908).”

14. Amendment of section 34 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 34, clause (b) shall be omitted.

15. Amendment of section 38 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 38, after the word “allocation”, the words “with its Secretary as Drawing and Disbursing Officer and Naib Zilla Nazim as the Principal Accounting Officer” shall be added.

16. Amendment of section 39 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 39,-

(a) in clause (o), for the brackets and figure “(11)” the brackets and figure “(8)” shall be substituted; and

(b) in clause (q), for the second proviso the following shall be substituted, namely:

“Provided further that the Government shall accord approval within sixty days of receipt of proposals from a Zilla Council failing which it shall be deemed to have been approved;”

17. Amendment of section 40 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 40, in clause (d), the comma and words "beaches and sea sides" shall be omitted.

18. Amendment of section 42 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 42.-

- (a) in sub-section (3), the full-stop appearing at the end shall be replaced by a colon and thereafter, the following proviso shall be added, namely:

"Provided that the member presiding the meeting shall not vote except in case of equality of votes."

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

"(4) In the first meeting of the Council to be convened and presided over by the Returning Officer nominated by the Chief Election Commissioner, the members of the Zilla Council shall elect from amongst themselves a Naib Zilla Nazim securing majority votes of total membership of the Council through a secret ballot.

(4A) The Naib Zilla Nazim elected under sub-section (4) shall be the Convener of the Zilla Council and shall preside its meetings and shall perform such other functions as are assigned to him by the Zilla Nazim."; and

- (c) for sub-section (5), the following shall be substituted, namely:

"(5) After the election of Naib Zilla Nazim, the Zilla Council shall, in order of precedence elect a panel of not less than three members as presiding officers securing highest number of votes who shall, in the absence of, or in case of the suspension of, Naib Zilla Nazim, or where a no confidence motion has been moved against him, convene and preside over the meetings of the Zilla Council."

19. Substitution of section 45 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, for section 45, the following shall be substituted, namely:

"45. Setting aside the resolution of Zilla Council by the Chief Executive of the Province.---(1) Where, in the opinion of the Chief Executive of the Province, a resolution of Zilla council is not in conformity with law or is against the interest of the people, he may, for the reasons, to be recorded and conveyed to the Council, suspend such resolution and refer the matter to the Provincial Local Government Commission for an enquiry to be completed not later than ninety days.

(2) On receipt of report of the enquiry conducted by the Provincial Local Government Commission, the Chief Executive of the Province may take such action as deemed expedient in the light of such report, including quashment of the resolution of the Zilla Council:

Provided that, if no action is taken within ninety days of the suspension of the resolution of the Zilla Council such resolution shall stand restored.

(3) The quashment of the resolution referred to in sub-section (2) shall be notified by Government in official Gazette."

20. Amendment of section 47 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 47,-

(a) in the marginal note, for the words "Recall of a", the words "No confidence motion against" shall be substituted;

(b) in sub-section (1),-

(i) after the words "other reason", the words "he has lost confidence of the Council" shall be added; and

(ii) for the word "recall", the word "removal" shall be substituted;

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

"(4) Where the motion referred to in sub-section (1) is approved by majority votes of the total membership of the Council, through a secret ballot, the Naib Zilla

Nazim shall cease to hold office forthwith and the notification shall be issued in this behalf by the Chief Election Commissioner accordingly”;

- (d) for sub-section (5), the following shall be substituted, namely:

“(5) Where the Naib Zilla Nazim is removed under sub-section (4), the Council shall elect a new Naib Zilla Nazim within a period not later than ten days in the manner specified in sub-section (4) of section 42.”;

- (e) in sub-section (6), for the words “appear before the Zilla Council and address it”, the words “address the Zilla Council” shall be substituted; and

- (f) after sub-section (7), the following new sub-section shall be added, namely:

“(8) Where the motion referred to in sub-section (1) fails in the Zilla Council, the proposer and seconder of such motion shall lose their seats both as members of the Zilla Council and Union Nazim, if any one of them is also a Union Nazim.”.

21. Amendment of section 48 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 48,-

- (a) the brackets and figure “(1)” shall be omitted; and
- (b) for the first proviso, the following shall be substituted, namely:

“Provided that, where the Naib Zilla Nazim fails to convene the meeting for election of officiating Zilla Nazim from amongst the members of the Council, within ten days, the Naib Zilla Nazim shall be liable to misconduct, and the senior-most presiding officer shall, convene the meeting of the Council for such purpose.”.

22. Amendment of section 50 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 50,-

(a) in sub-section (1), the brackets and figure "(1)" shall be omitted; and

(b) for the word "Tehsil", the word "Town" shall be substituted.

23. Amendment of section 55 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 55, the word "District" shall be omitted.

24. Insertion of new section 58B to N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, after section 58A, the following new section shall be inserted, namely:

"58B. Performance evaluation of officers of tehsil.---The annual performance report of the officers posted in the Tehsil Municipal Administration shall be initiated by-

(a) the Tehsil Nazim in respect of Tehsil Municipal Officer and the Zilla Nazim shall be the first countersigning officer, while the Secretary, Local Government Department, shall be the second countersigning officer:

Provided that the District Coordination Officer shall record in a separate part of the Performance Evaluation Report his evaluation about the Tehsil Municipal Officer's ability to collect and compile information; and

(b) the Tehsil Municipal Officer in respect of Tehsil Officers:

Provided that the Tehsil Nazim shall be the countersigning officer."

25. Amendment of section 61 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 61, in sub-section (1), for the existing proviso, the following provisos shall be substituted, namely:

"Provided that where the Naib Tehsil Nazim is absent or his office is vacant for any reason, the senior-most presiding officer in the panel elected under sub-section (5) of section 69 shall act as Tehsil Nazim and the next senior-most presiding officer in the panel shall act as Naib Tehsil Nazim till the election of officiating Tehsil Nazim under section 68 or Naib Tehsil Nazim resumes his functions or, as the case may be, a new Naib Tehsil Nazim is elected by the Tehsil Council under section 156:

Provided further that the officiating Tehsil Nazim shall not be a candidate in the election for Tehsil Nazim.”.

26. Omission of section 62 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, section 62 shall be omitted.

27. Amendment of section 63 of N.-W.F.P. of Ord. No. XIV of 2001.---In the said Ordinance, in section 63,-

(a) in the marginal note, for the words “ Internal recall”, the word “ Recall” shall be substituted;

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

“(4) Where the motion referred to in sub-section (1) is approved by two-third majority of the votes of the total membership of the Council, through a secret ballot to be conducted by the Returning Officer nominated by the Chief Election Commissioner, the Tehsil Nazim shall cease to hold office forthwith and the notification shall be issued in this behalf by the Chief Election Commissioner accordingly.”;

(c) sub-section (5) shall be omitted; and

(d) after sub-section (7), the following new sub-section shall be added, namely:

“(8) Where the motion referred to in sub-section (1) fails in the Tehsil Council, the proposer and seconder of such motion shall lose their seats both as members of the Tehsil Council and Naib Union Nazim, if any one of them is also a Naib Union Nazim.”.

28. Insertion of new section 64A to N.-W.F.P. Ord. NO. XIV of 2001.---In the said Ordinance, after section 64, the following new section shall be inserted, namely:

“64A. Setting aside the order of Tehsil Nazim by the Chief Executive of the Province.---(1) Notwithstanding anything contained in section 64, where, in the opinion of the Chief Executive of the Province, an order or decision of the Tehsil Nazim is not in conformity with law or is against the interest of the people, he may, for the reasons

to be recorded and conveyed to the Nazim, suspend such order or, as the case may be, decision and refer the matter to the Provincial Local Government Commission for an enquiry to be completed not later than ninety days:

Provided that the Tehsil Nazim shall be given an opportunity of being heard by the Provincial Local Government Commission before making recommendation to the Chief Executive of the Province.

(2) On receipt of report of enquiry conducted by the Provincial Local Government Commission, the Chief Executive of the Province may take such action as deemed expedient in the light of such report, including quashment of the order or decision of the Tehsil Nazim:

Provided that, if no action is taken within ninety days of the suspension of the order or decision of the Tehsil Nazim, such order or, as the case may be, decision shall stand restored.

(3) The quashment of an order or decision referred to in sub-section (2) shall be notified by Government in the official Gazette.”

29. Amendment of section 65 of N.-W.F.P. Ord. NO. XIV of 2001.---In the said Ordinance, in section 65, in sub-section (4), after the word “allocations”, the words “with its Secretary as Drawing and Disbursing Officer and Naib Tehsil Nazim as Principal Accounting Officer” shall be added.

30. Amendment of section 68 of N.-W.F.P. Ord. NO. XIV of 2001.- In the said Ordinance, in section 68, the existing provision shall be renumbered as sub-section (1) of that section and thereafter the following new sub-section shall be added, namely:

“(2) Where the Naib Tehsil Nazim fails to convene the meeting for election of Officiating Tehsil Nazim from amongst the members of the Council within ten days, the Naib Tehsil Nazim shall be liable to misconduct, and the senior-most presiding officer shall convene the meeting of the Council for such purpose.”

31. Amendment of section 69 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 69,-

(a) in sub-section (3), the full-stop at the end shall be replaced by a colon and thereafter the following proviso shall be added, namely:

“Provided that the member presiding the meeting shall not vote except in the case of equality of votes.”;

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

“(4). In the first meeting of the Council to be convened and presided over by the Returning Officer nominated by the Chief Election Commissioner, the members of the Tehsil Council shall elect from amongst themselves a Naib Tehsil Nazim securing majority votes of total membership of the Council through a secret ballot.

(4A) The Naib Tehsil Nazim elected under sub-section (4) shall be the Convener of the Tehsil Council and shall preside its meetings and shall perform such other functions as are assigned to him by the Tehsil Nazim.”; and

- (c) for sub-section (5), the following shall be substituted, namely:

“(5) After the election of Naib Tehsil Nazim, the Tehsil Council shall, in order of precedence, elect a panel of not less than three members as presiding officers securing highest number of votes who shall, in the absence of, or in case of the suspension of, Naib Tehsil Nazim, or where a no confidence motion has been moved against him, convene and preside over the meetings of the Tehsil Council.”.

32. Insertion of new sections 70A and 70B to N.-W.F.P. Ord. No. XIV of 2001.---In the said ordinance, after section 70, the following new sections shall be inserted, namely:

“70A. Setting aside the resolution of Tehsil Council.---(1) On a motion initiated by the District Government, the Zilla Council may, by a resolution stating the grounds thereof, passed by a simple majority of its total membership, set aside a resolution of the Tehsil Council, if it considers the same to be against the interest of the people or public policy.

(2) The result of the approval of the resolution of the Zilla Council referred to in sub-section (1) shall be notified by the Zilla Council.

70B. Setting aside the resolution of Tehsil Council by the Chief Executive of the Province.---(1) Where, in the opinion of the Chief Executive of the Province, a resolution of Tehsil Council is not in conformity with law or is against the interest of the people, he may, for the reasons to be recorded and conveyed to the Tehsil Council, suspend such resolution and refer the matter to the Provincial Local Government Commission for an enquiry to be completed not later than ninety days.

(2) On receipt of report of enquiry conducted by the Provincial Local Government Commission, the Chief Executive of the Province may take such action as deemed expedient in the light of such report, including quashment of the resolution of the Tehsil Council:

Provided that, if no action is taken within ninety days of suspension of the resolution of the Tehsil Council, such resolution shall stand restored.

(3) The quashment of the resolution referred to in sub-section (2) shall be notified by Government in the official Gazette.”.

33. Amendment of section 72 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 72,--

(a) in the marginal note, for the words “Recall of a”, the words “No confidence motion against” shall be substituted;

(b) in sub-section (1),--

(i) after the words “other reason”, the words “he has lost confidence of the Council” shall be added; and

(ii) for the word “recall”, the word “removal” shall be substituted;

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

“(4) Where the motion referred to in sub-section (1) is approved by majority votes of the total membership of the Council, through a secret ballot, the Naib Tehsil Nazim shall cease to hold office forthwith and the notification shall be issued in this behalf by the Chief Election Commissioner.”;

- (d) for sub-section (5), the following shall be substituted, namely:

“(5) Where the Naib Tehsil Nazim is removed under sub-section (4), the Council shall elect a new Naib Tehsil Nazim within a period not later than ten days in the manner specified in sub-section (4) of section 69.”;

- (e) in sub-section (6), for the words “appear before the Tehsil Council and address it”, the words “address the Tehsil Council” shall be substituted; and

- (f) after sub-section (7), the following new sub-section shall be added, namely:

“(8) Where the motion referred to in sub-section (1) fails in the Tehsil Council, the proposer and seconder of such motion shall lose their seats both as members of the Tehsil Council and Naib Union Nazim, if any one of them is also a Naib Union Nazim.”.

34. Amendment of section 80 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 80, in clause (e), after the words “Union Administration”, the words “and shall record the annual Performance Evaluation Report of Union Secretaries and such report shall be countersigned by the Tehsil Municipal Officer” shall be inserted.

35. Insertion of new section 82A to N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, after section 82, the following new section shall be inserted, namely:

“82A. Setting aside the order of Union Nazim by the Chief Executive of the Province.---(1) Notwithstanding anything contained in section 82, where, in the opinion of the Chief Executive of the Province, an order or decision of the Union Nazim is not in conformity with law or is against the interest of the people, he may, for the reasons to be recorded and conveyed to the Nazim, suspend such order or, as the case may be, decision and refer the matter to the Provincial Local Government Commission for an enquiry to be completed not later than ninety days:

Provided that the Union Nazim shall be given an opportunity of being heard by the Provincial Local Government Commission before making recommendation to the Chief Executive of the Province.

(2) On receipt of report of enquiry conducted by the Provincial Local Government Commission, the Chief Executive of the Province may take such action as deemed expedient in the light of such report, including quashment of the order or decision of the Union Nazim:

Provided that, if no action is taken within ninety days of the suspension of the order or decision of the Union Nazim, such order or, as the case may be, decision shall stand restored.

(3) The quashment of an order or decision referred to in sub-section (2) shall be notified by Government in the official Gazette.”.

36. Omission of section 84 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, section 84 shall be omitted.

37. Amendment of section 85 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 85,-

- (a) in the marginal note, for the words “Internal recall”, the word “Recall” shall be substituted;
- (b) for sub-section (4), the following shall be substituted, namely:

“(4) Where the motion referred to in sub-section (1) is approved by two-third majority of the votes of the total membership of the Union Council to be conducted by the Chief Election Commissioner, through a secret ballot, the Union Nazim shall cease to hold office forthwith and the notification shall be issued in this behalf by the Chief Election Commissioner.”;

- (c) sub-section (5) shall be omitted;
- (d) in sub-section (6), for the words “appear before the Union Council and address it”, the words “address the Union Council” shall be substituted; and
- (e) after sub-section (7), the following new sub-section shall be added, namely:

“(8) Where the motion fails in the Union Council, the proposer and seconder of such motion shall lose their seats as members of the Union Council.”.

38. Amendment of section 87 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 87, in sub-section (1),-

- (a) for the word "twenty-one", the word "thirteen" shall be substituted;
- (b) in clause (a), for the word "twelve" and the word "four" the word "six" and the word "two" shall respectively be substituted;
- (c) in clause (b), for the word "six", the word "four" shall be substituted; and
- (d) for the existing proviso, the following shall be substituted, namely:

"Provided that in a Union where the population of minorities is in excess of ten per cent of the total population of the Union, reserved seats for minority communities referred to in clause (c) shall be increased by reallocating the seats specified in clauses (a) and (b) in the manner prescribed by Government."

39. Amendment of section 88 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 88, in clause (b), for the word and figure "Part-IV", the word and figure "Part-V" shall be substituted.

40. Amendment of section 89 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 89,-

- (a) in sub-section (3), the full-stop at the end shall be replaced by a colon and thereafter the following proviso shall be added, namely:

"Provided that the member presiding the meeting shall not vote except in the case of equality of votes."; and

- (b) in sub-section (7), for the word "officer", the word "official" shall be substituted.

41. Insertion of new sections 89A and 89B in N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, after section 89, the following new sections shall be inserted, namely:

“89A. Setting aside the resolution of Union Council.”---(1) On a motion initiated by the Tehsil Municipal Administration, the Tehsil Council may, by a resolution stating the grounds thereof, passed by a simple majority of its total membership, set aside a resolution of the Union Council, if it considers the same to be against the interest of the people or public policy.

(2) The result of the approval of the resolution of the Tehsil Council referred to in sub-section (1) shall be notified by the Tehsil Council.

89B. Setting aside the resolution of Union Council by the Chief Executive of the Province.---(1) Where, in the opinion of the Chief Executive of the Province, a resolution of Union Council is not in conformity with law or is against the interest of the people, he may, for the reasons to be recorded and conveyed to the Union Council, suspend such resolution and refer the matter to the Provincial Local Government Commission for an enquiry to be completed not later than ninety days.

(2) On receipt of report of enquiry conducted by the Provincial Local Government Commission, the Chief Executive of the Province may take such action as deemed expedient in the light of such report, including quashment of the resolution of the Union Council:

Provided that, if no action is taken within ninety days of suspension of the resolution of the Union Council, such resolution shall stand restored.

(3) The quashment of the resolution referred to in sub-section (2) shall be notified by Government in the official Gazette.”.

42. Amendment of section 91 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 91, for the words “Zilla Nazim”, the words “Naib Tehsil Nazim” shall be substituted.

43. Amendment of section 92 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 92,—

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

“(4) If the motion referred to in sub-section (1) is approved by two-third majority of the votes of its total membership, through a secret ballot to be conducted by

the Returning Officer nominated by the Chief Election Commissioner, the Naib Union Nazim shall cease to hold office forthwith on approval of the motion by the Union Council.”;

- (b) in sub-section (5), for the words “District Government”, the words “Chief Election Commissioner” shall be substituted;
- (c) in sub-section (6), for the words “appear before the Union Council and address it”, the words “address the Union Council” shall be substituted; and
- (d) after sub-section (7), the following new sub-sections shall be added, namely:

“(8) Where the motion fails in the Union Council, the proposer and seconder of such motion shall lose their seats as members of the Union Council.

(9) Where the motion against Naib Union Nazim is approved under sub-section (4), the Union Nazim shall cause the election of officiating Naib Union Nazim within ten days from the date of approval of the motion.”.

44. Amendment of section 93 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 93, for the words and comma “within a ninety days of the assumption of office, upon”, the word “Upon” shall be substituted.

45. Amendment of section 95 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 95,-

- (a) in sub-section (1), for the words and comma “shall, within ninety days”, the word “may” shall be substituted; and
- (b) in sub-section (3),-
 - (i) the words “within ninety days referred to in sub-section (1)” shall be omitted; and
 - (ii) for the word “shall”, the word “may” shall be substituted.

46. Amendment of section 109 of N.-W.F.P. Ord. XIV of 2001.---In the said Ordinance, in section 109,-

- (a) in sub-section (4), the full-stop at the end shall be replaced by a colon and thereafter the following proviso shall be added, namely:

Provided that the schedule of establishment shall be maintained by the local governments as may be prescribed.”;

- (b) in sub-section (5), in the proviso, the full-stop at the end shall be replaced by a colon and thereafter the following proviso shall be added, namely:

“Provided further that the amount referred to in the first proviso which remains unspent shall be credited under the same head in the following year’s budget in addition to the fresh allocation under the said proviso.”;

- (c) in sub-section (7),-

(a) for the word “may”, the word “shall” shall be substituted; and

(b) after the word “bonuses”, the words “as prescribed” shall be added; and

- (d) after sub-section (7), amended as aforesaid, the following new sub-section shall be added, namely:

“(8) Expenditure from the Fund of a local government on a new post or filling of existing vacant post or total establishment expenditures, as the case may be, in a financial year shall not increase more than ten per cent in total from the actual establishment expenditures of the previous year:

Provided that this sub-section shall not apply to a general salary increase of existing schedule of establishment prescribed by Government.”.

47. Amendment of section 111 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 111, after sub-section (7), the following new sub-section shall be added, namely:

“(8) The budget document shall be prepared in accordance with the Chart of Classification of Accounts notified by the Auditor-General from time to time.”.

48. Amendment of section 112 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 112,-

- (a) in sub-section (3), the full-stop at the end shall be replaced by a colon and thereafter the following proviso shall be added, namely:

“Provided that Government may review approved budget of a local government and, if found contrary to the budget rules, may require the concerned local government to rectify it.”;

- (b) for sub-section (5), the following sub-sections shall be substituted, namely:

“(5) In case a budget is not approved by a Council before the commencement of a financial year, the concerned local government shall spend money under various heads in accordance with the budgetary provisions of the preceding financial year for a period not exceeding thirty days on *pro-rata* basis:

Provided that a local government shall not spend funds or make commitments for any expenditure, under any Demand for Grant or Appropriation, in excess of eight per cent of the amount budgeted in the preceding year within such thirty days.

(5A) In case the budget is not passed within the thirty days referred to in sub-section (5), the budget shall be prepared, approved and authenticated by Government for the full year.”; and

- (c) in sub-section (8), for the words “The Nazim”, the words and comma “After approval by the Council, the Nazim” shall be substituted.

49. Amendment of section 113 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 113, for the word “may”, the word “shall” shall be substituted.

50. Substitution of section 114 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, for section 114, the following shall be substituted, namely:

114. Accounts.---(1) The accounts of the receipts and expenditure of local government shall be kept in such form and in accordance with such principles and methods as the Auditor-General of Pakistan may, with the approval of the President, prescribe:

Provided that the accounts of Receipts and Expenditure of Tehsil (Town) Municipal Administration and Union Administration shall be kept in such form and in accordance with such principles and methods as Government may prescribe for such period as may be determined by the Auditor-General of Pakistan.

(2) The following arrangement for maintaining of accounts shall be followed:

- (a) the District Accounts Officer or Treasury Officer, where the District Accounts Officer is not in position, shall maintain the accounts of each District Government;
- (b) the Tehsil or Town Accounts Officer and Union Accountant shall maintain the accounts of the Tehsil or Town Municipal Administration or, as the case may be, the Union Administration; and
- (c) the District Accounts Officer, Tehsil or Town Accounts Officer and the Union Accountant shall perform pre-audit of all payments from the Funds of the District, Tehsil or, as the case may be, Town and Union before approving the disbursements of monies.

(3) The accounts of the Tehsil Municipal Administration, Town Municipal Administration and Union Administration shall be maintained in the manner as may be prescribed.

(4) The District Accounts Officer shall consolidate the district accounts with the compiled accounts of the Tehsil, Town Account Office and Union Accounts Office.

(5) A statement of *monthly and annual* accounts and such other necessary statements shall be placed at a conspicuous place by the local government concerned for public inspection.

(6) The respective Accounts Committees of the Councils shall hold public hearings in which-

- (a) objections to statement of accounts referred to in sub-section (5) may be heard and, if required, appropriate action may be taken; and
- (b) internal and external audit reports will be discussed for appropriate action.”.

51. Amendment of section 115 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 115,-

- (a) in sub-section (1), in the proviso, for the words “till such time the adequate capacity is developed to conform to the national audit system notified”, the words “for such period as may be determined” shall be substituted; and
- (b) after sub-section (8), the following new sub-section shall be added, namely:

“(9) Notwithstanding anything contained in sub-sections (3), (4), (5), (6), (7) and (8) the Auditor-General may, by notification in the official Gazette, direct the Local Fund Audit Department, including the Director Local Fund Audit, to stop the audit of Tehsil, Town and Union Administration, whereafter only the Auditor-General of Pakistan shall audit such accounts.”.

52. Amendment of section 115A of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 115A, in sub-section (1), after the word “Auditor”, the words “as may be prescribed” shall be added.

53. Substitution of section 116 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, for section 116 the following shall be substituted, namely:

“116. Taxes to be levied.---(1) A Council may levy taxes, cesses, fees, rates, rents, tolls, charge, surcharge and levies specified in the Second Schedule:

Provided that Government shall vet the tax proposal prior to the approval by the concerned Council:

Provided further that the proposal shall be vetted within thirty days from the date of receipt of the proposal failing which it would be deemed to have been vetted by Government.

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

(3) A Council may, subject to provisos of sub-section (1), increase, reduce, suspend, abolish or exempt any tax.”.

54. Amendment of section 118 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 118, in sub-section (1), the colon at the end shall be replaced by a full-stop and thereafter the provisos shall be omitted.

55. Amendment of section 119 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 119,-

- (i) in sub-section (3), for the word, figures, brackets and letter “section 109(6)(a)”, appearing at the end, the words, brackets and figures “sub-section (5) of section 109” shall be substituted, and the full-stop shall be replaced by a colon and thereafter the following proviso shall be added, namely:

“Provided that any amount, which remains unspent, shall be credited under the same head in the following year’s budget in addition to the fresh allocation for that year.”;

- (ii) in sub-section (5),-
 - (a) for the word “officer”, the word “official” shall be substituted; and
 - (b) for the words, brackets and figure “pursuant to sub-section (4) above”, the words, brackets and figure “by the cut off date specified in sub-section (4)” shall be substituted;
- (iii) in sub-section (7), the word “above” shall be deleted;
- (iv) for sub-sections (8), (9) and (10) the following shall respectively be substituted, namely:

“(8) The twenty-five per cent funds for Citizen Community Boards under sub-section (6) of section 109 shall be communicated to the authorized official under sub-section (5) above by the Executive District (Finance and Planning) for a District Government and the Tehsil or Town Officer (Finance) for a Tehsil or Town Municipal Administration, as the case may be, and one of the Union Secretaries for a Union Administration.

(9) The identified schemes shall be included in the budget before submission to the concerned Council.

(10) The statement referred to in sub-section (7) above shall be approved by a simple majority of the members in the budget session of the respective Council.”; and

- (v) for sub-section (12), the following shall be substituted, namely:

“(12) Subject to sub-section (10), the Accounts Official of the respective Local Government shall release funds in the prescribed manner in accordance with the schedule of expenditure.”.

56. Amendment of section 120B of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 120B,-

- (a) for sub-section (1), the following shall be substituted, namely:

“(1) The Finance Commission shall consist of ten members, including the Chairman, as under:

- (a) four members shall be *ex-officio*, namely:

- (i) the Minister for Finance of Government, who shall be the Chairman of the Finance Commission and, in his absence for whatsoever reasons, the members may elect one of the members present to be the Chairman in the manner prescribed for the duration of his absence;

- (ii) the Secretary to Government, Local Government and Rural Development Department;
 - (iii) the Secretary to Government, Finance Department, who shall be the Secretary of the Commission; and
 - (iv) the Secretary to Government, Planning and Development Department;
- (b) three professional members from the private sector to be appointed in the manner stated in the Seventh Schedule; and
- (c) one Zilla Nazim, one Tehsil or Town Nazim and one Union Nazim.

Explanation.---For the purposes of this Chapter, "private sector person" means a person who is not in the Service of Pakistan or any statutory body or any other body which is owned or controlled by the Federal Government or the Provincial Government or a Local Government.”;

- (b) in sub-section (3), the words “out of which three years experience shall be in a related field” shall be omitted;
- (c) sub-section (4) shall be omitted; and
- (d) for sub-section (7), the following shall be substituted, namely:

“(7) The terms and conditions of service of the professional members of the Finance Commission shall be as specified in the Seventh Schedule:

Provided that no term and condition of service of the member shall be altered or varied to his prejudice during the term of his office.”.

57. **Amendment of section 120C of N.-W.F.P. Ord. No. XIV of 2001.**---In the said Ordinance, in section 120C, after the word 're-appointed', the words "for another term" shall be inserted.

58. **Substitution of section 120D of N.-W.F.P. Ord. No. XIV of 2001.**---In the said Ordinance, for section 120D, the following shall be substituted, namely:

"120D. Functions, duties and powers of the Finance Commission.---

(1) The functions, duties and powers of the Finance Commission shall be to make recommendations to the Governor for-

(a) a formula for distribution of resources including-

- (i) distribution between Government and the local governments out of the proceeds of the Provincial Consolidated Fund into a Provincial Retained Amount and a Provincial Allocable Amount, respectively;

Provided that in no case the Provincial Allocable Amount shall be so determined that it is less than the funds transferred to local governments in the financial year 2001-2002 and the establishment charges budgeted for the functions of local governments in the same year, excluding transfers in lieu of Octroi and Zilla Taxes:

Provided further that all the monies received by Government in lieu of Octroi and Zilla Taxes shall be added to the Provincial Allocable Amount separately; and

- (ii) distribution of the Provincial Allocable Amount amongst the District Governments, Tehsil and Town Municipal Administrations and the Union Administrations as shares;
- (b) the making of grants in aid by Government to the local governments from the Provincial Retained Amount; and
- (c) any other matter relating to finance for and of the local government referred to the Finance Commission by the Governor, or Government, or by a local government.

(2) The recommendations shall be based on the principles of fiscal need, fiscal capacity, fiscal effort and performance.

(3) Before finalization of the recommendations under sub-section (1), the Finance Commission shall hold consultations with the relevant Departments of Government, local governments and, in the discretion of the Finance Commission, with any other body or persons and this process may carry on during the currency of an Order made by the Governor under sub-section (6).

(4) The Finance Commission shall forward the provisional recommendations prepared under sub-section (1) to the Cabinet which shall provide its views within two weeks failing which the Finance Commission shall make its recommendations to the Governor.

(5) The Finance Commission may review the recommendations on receiving the views of the Cabinet if any, and on finalization of its recommendations shall forward them to the Governor.

(6) As soon as may be after receiving the recommendations of the Finance Commission, the Governor shall by Order specify in accordance with the recommendations of the Finance Commission under clause (a) of sub-section (1), the Provincial Retained Amount and the Provincial Allocable Amount, and in turn the shares *inter se* of the local governments and that share shall be paid directly to the local government concerned promptly in accordance with the laid down procedure.

(7) The Governor may, by Order, make grants in aid of the revenues of the local government in need of assistance and such grants shall be an additional charged expenditure upon the Provincial Consolidated Fund after deduction of Provincial Allocable Amount.”

59. Substitution of section 120E of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, for section 120E, the following shall be substituted, namely:

“120E. Certain institutional processes of the Finance Commission.---

(1) In every financial year, at least three months before the finalization of the Provincial Budget, the Finance Commission shall require the Finance Department to submit a statement of estimated revenues and expenditures of Government for the following financial year and shall also require a statement of the Provincial Allocable Amount and its distribution prepared in the light of the Order under sub-section (6) of section 120D.

(2) The Finance Department shall provide the Finance Commission with a statement of the Provincial Allocable Amount and its distribution, prepared in accordance with the Order under sub-section (6) of section 120D, on approval of the Provincial Budget.

(3) The Finance Commission may cause any information required for making assessments and decisions on fiscal transfers to be placed before it from any organization or office of Government, or local government.

(4) The Finance Commission shall take all decisions by a majority of members present and voting:

Provided that at least a majority of the professional members are present:

Provided further that the Chairman shall have the casting vote.

(5) The Finance Commission shall present to Government and local governments an annual report on fiscal transfers and local government resources.

(6) Government shall cause a copy of the report to be laid before the Provincial Assembly and the local governments shall cause a copy of the report to be laid before the respective Councils.”.

60. Substitution of section 120F of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, for section 120F, the following shall be substituted, namely:

“120F. Provincial Allocable Amount and composite balance.---(1) The Provincial Allocable Amount reflected in the annual budget proposer of the Province shall be in accordance with the Order specified in sub-section (6) of section 120D.

(2) All local government funds in a Province, except the Union Funds, may form part of the composite cash balance of the Province only for the purpose of calculating the overdraft requirement of the Province.”.

61. Substitution of section 120H of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, for section 120H, the following shall be substituted, namely:

“120H. Formula, its application and revision.”---(1) The Provincial Allocable Amount and shares of the local governments shall be determined in accordance with the Order and shall be paid on the basis of actual monthly receipts of Government.

(2) The Order shall remain in force for a period of three years.

(3) At least six months before the expiry of the aforesaid period, the Finance Commission shall recommend the formula for the next period, in accordance with sub-section (1) of section 120D, on the basis of evaluation of impact of fiscal transfers on the local governments and other relevant matters.

(4) Any evaluation similar to the objectives of sub-section (3) carried out by an agency other than the Finance Commission may also be taken into consideration by the Finance Commission.

(5) In case the recommendation is not finalized before the expiry of the Order under section 120D, the Order in force shall continue to serve as the determinant of the Provincial Allocable Amount and the shares of the local governments, as the case may be, till such time that a new Order is made.”

62. **Amendment of section 120J of N.-W.F.P. Ord. No. XIV of 2001.**---In the said Ordinance, in section 120J, for the words “relating to flow of funds as may be prescribed”, the words “in accordance with the timeframe and methodology for the flow of funds prescribed by the Finance Commission” shall be substituted.

63. **Amendment of section 120K of N.-W.F.P. Ord. No. XIV of 2001.**---In the said Ordinance, in section 120K,-

(a) for the words “make recommendations to Government”, the words “take a decision” shall be substituted; and

(b) for the words “the recommendations”, the words “the decision” shall be substituted.

64. **Addition of section 120N to N.-W.F.P. Ord. No. XIV of 2001.**---In the said Ordinance, after section 120M, the following new section shall be added, namely:

“120N. Certification requirements for fiscal transfers.---(1) The Finance Commission in consultation with Government shall determine the requirements for certification of fiscal transfers.

(2) Certifications under sub-section (1) shall, *inter alia*, include the following-

- (a) Provincial Allocable Amount and its calculation;
- (b) transfer of funds in accordance with determined shares to the District Governments, Tehsil Municipal Administrations, Town Municipal Administrations and the Union Administrations in the Province;
- (c) transfer of funds in accordance with the decisions of the Finance Commission on references made to it from time to time; and
- (d) revenues and expenditures of Government and local governments.

(3) In cases, where the institutional processes of Government or the local governments generate data required for administration of fiscal transfers, the Finance Commission may recommend further requirements for certification.

(4) The certification required by the Finance Commission shall be furnished to the Finance Commission by Government, local governments, any relevant agency connected with Government or the Federal Government.”.

65. Amendment of section 124 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 124, in sub-section (2), in the first proviso, the words “for periods not exceeding five years at a time” shall be omitted.

66. Amendment of section 128 of N.-W.F.P. Ord. No. XIV of 2001.- In the said Ordinance, in section 128,-

- (a) for sub-section (1), the following shall be substituted, namely:

“(1) The Chief Executive of the Province may by himself or through any officer specifically authorized by him, issue directives in public interest to a Nazim for implementation.”; and

(b) in sub-section (2),-

- (i) the word "Zilla" shall be omitted;
- (ii) for the words "Inspector-General Police", the words "Provincial Police Officer" shall be substituted; and
- (iii) the full-stop at the end of sub-section (2) shall be replaced by a colon and thereafter the following provisos shall be added, namely:

"Provided that where a grave threat to law and order exists and requires immediate action and the Zilla Nazim wilfully abstains from the district, Government may authorize, in writing, the Naib Zilla Nazim or, where the Naib Zilla Nazim is also not available, the senior most Presiding Officer of the Zilla Council, to act as officiating Zilla Nazim:

Provided further that such authorization shall cease forthwith upon the return of Zilla Nazim to his office."

67. **Substitution of section 129, of N.-W.F.P. Ord. No. XIV of 2001.**---In the said Ordinance, for section 129, the following shall be substituted, namely:

"129. **Suspension of a Nazim, etc.**---(1) Where, in the opinion of the Chief Executive of the Province, a Nazim is deliberately avoiding or abstaining wilfully or failing to comply with the directions given by the Chief Executive under section 128, he may suspend the Nazim for a period not exceeding ninety days for the reasons to be recorded and conveyed to the Nazim.

(2) During the period of suspension, Government shall cause to be conducted an enquiry by the Provincial Local Government Commission which shall provide an opportunity of personal hearing to the suspended Nazim.

(3) The Provincial Local Government Commission shall submit its report of the enquiry alongwith its recommendations which may include removal of the Nazim to the Chief Executive of the Province

for appropriate action in light of such recommendations as he may deem appropriate.

(4) In case no decision is taken within ninety days from the date of suspension of the Nazim, he shall stand re-instated to his office.

(5) During the period of suspension of the Nazim, the Naib Nazim shall act as Nazim.”.

68. Amendment of section 131 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 131,-

- (a) in sub-section (4), after the words “functioning of the Commission”, the words “by establishing a separate Secretariat of the Commission with sections for each level of local government that is District, Tehsil and Union levels” shall be added;
- (b) in sub-section (6), for the word “funds”, the words “a separate budget” shall be substituted; and
- (c) after sub-section (6), the following new sub-sections shall be added, namely:

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

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

(9) The Provincial Departments shall work in aid and assistance of the Provincial Local Government Commission in performance of its functions.”.

69. Amendment of section 132 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 132,-

- (a) the existing provision shall be re-numbered as sub-section (1) of that section;
- (b) in sub-section (1), re-numbered as aforesaid,-

- (i) in clause (e), the word "and" at the end shall be omitted; and
- (ii) in clause (f), the full-stop at the end shall be replaced by a semi-colon and thereafter, the following new clauses shall be added, namely:
 - "(g) take cognizance of violations of laws and rules by a local government in performance of its functions;
 - (h) organize consultative planning meetings of National and Provincial Legislators, Zilla, Tehsil or Town Nazims of a District on a periodic basis to provide their participation in development activities of the District with regard to-
 - (i) the consultative process of the Annual Development Plan of the District;
 - (ii) formulating procedure for utilization of the legislator's development grant;
 - (iii) assessing implementation of decision of these meetings; and
 - (iv) carrying out review of development schemes; and
 - (i) facilitate the performance of provincial departmental functions of the decentralized offices relating to policy analysis, oversight, checks and balances, capacity building and coordination through the Commission."; and
- (c) after sub-section (1), the following new sub-sections shall be added, namely:

"(2) The directions and orders of the Provincial Local Government Commission arising out of its inspections and inquiries under clauses (a), (b) and (c) of sub-section (1) shall be binding on the concerned local government failing which the Commission shall report the matter with specific recommendations to the Chief Executive of the Province for decision and appropriate action.

(3) Where the Provincial Local Government Commission is of opinion that suspension of a Nazim is necessary for the fair conduct of the enquiry under clause (b) of sub-section (1) or preventing the Nazim from continuing with any unlawful activity during the pendency of enquiry, it may recommend to the Chief Executive of the Province for making appropriate order for suspension of such Nazim for a maximum period of ninety days.

(4) Where, on an inquiry under clause (b) of sub-section (1), a Nazim, Naib Nazim or a member of a Council is found guilty of misconduct by the Provincial Local Government Commission, it shall recommend appropriate action, including his removal, to the Chief Executive of the Province.

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

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

70. Insertion of new section 133A to N.-W.F.P. Ord. No. XIV of 2001.---

In the said Ordinance, after section 133, the following new section shall be inserted, namely:

“133A. Restructuring of Provincial Departments.---Administrative realignment of provincial departments shall be made in compatibility with the features of Devolution Plan ensuring the principles of good governance not later than 31st December, 2005.”.

71. Amendment of section 135 of N.-W.F.P. Ord. No. XIV of 2001.---

In the said Ordinance, in section 135, in sub-section (4), for the words and figures “initiate proceedings for recall against such Nazim as provided in sections 62 and 84”, the words “refer the matter to the Provincial Local Government Commission for appropriate action” shall be substituted.

72. Amendment of section 136 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 136, after sub-section (1), the following new sub-section shall be inserted, namely:

“(1A) Where the Zilla Nazim is not satisfied with the conduct of enquiry carried out under sub-section (1), he may arrange for an independent enquiry by an officer of the District Government.”.

73. Insertion of new Chapter XVA to N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, after Chapter XV, the following new Chapter shall be inserted, namely:

**“CHAPTER XVA
DISTRICT SERVICE**

140A. Creation of District Service.---Notwithstanding anything contained in any other law, rules or service contract for the time being in force, Government shall, in every district, create a District Service comprising all posts of local governments grouped into district and tehsil cadres for decentralized local government functions and groups of offices with adequate monetary benefits and incentives for promotion and performance not later than 31st December, 2005.”.

74. Substitution of Chapter XVI of N.W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, for Chapter XVI, the following shall be substituted, namely:

**‘CHAPTER XVI
LOCAL GOVERNMENT RESPONSIBILITY
FOR ENFORCEMENT OF LAWS**

141. Offences, punishments and their cognizance.---(1) The offences specified in the Fourth and Eighth Schedules shall be liable to punishment by way of imprisonment, fine, seizure, forfeiture, confiscation and impounding and such other penalties as are provided in this Ordinance.

(2) Whoever commits any of the offences specified in-

(a) Part-I of the Fourth Schedule shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to

fifteen thousand rupees, or with both and, where an accused was directed by the Inspector for immediate discontinuance of the offence, the Court may impose a further fine which may extend to one thousand rupees for every day for the period the accused has persisted in the offence from the date of its commission;

- (b) Part-II of the Fourth Schedule shall be punishable with imprisonment which may extend to six months and fine which may extend to five thousand rupees, or with both and, where an accused was directed by the Inspector for immediate discontinuance of the offence, the Court may impose a further fine which may extend to two hundred rupees for every day for the period the accused has persisted in the offence from the date of its commission; and
- (c) the Eighth Schedule shall in the first instance, be liable to fine by issuing a ticket specified in the Ninth Schedule and, where an accused repeats the offence within a period of three months for which he was subjected to fine, he shall be liable to the same punishment as provided in clause (b):

Provided that the concerned Nazim may, with the approval of the Council and by notification in the official Gazette, exempt any area from the application of this provision in respect of such offences and for such period as may be specified therein.

(3) The offences specified in clause (a) of sub-section (2) shall be cognizable and information in this regard shall be forwarded to the officer incharge of a police station by the Inspector for registration of a case against the accused in accordance with the provisions of section 154 of the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter in this Chapter referred to as the "Code".

(4) A Court shall take cognizance of the offences specified in clause (b) of sub-section (2) on a complaint made in writing by the Inspector in accordance with the provisions of section 200 of the Code.

(5) The offences specified in Part II of the Fourth Schedule and Eighth Schedule shall be tried in a summary manner in accordance with the provisions of section 260 to 265 of the Code, except sub-section (2) of section 262 thereof.

(6) The laws specified in the Tenth Schedule shall be enforced by the local governments indicated against each.

(7) The Federal Government or Provincial Government may, by notification in the official Gazette, entrust to a local government the enforcement of any other law for the time being in force.

(8) The fines collected under sub-section (6) and sub-section (7) shall be deposited under separate receipt head in the Public Account of the concerned local government.

(9) Government shall appoint one or more Magistrates of the First Class at the headquarters of a tehsil or town, who shall function exclusively under the Sessions Judge and not perform any executive function, to deal with the cases relating to local and special laws, and the offences under this Ordinance.

Explanation.- For the purpose of this Chapter, the "Court" shall mean the Court of a Magistrate of the First Class appointed under the Code.

142. Appointment and control of Inspectors.---(1) The concerned Nazim shall, on the recommendations by the officers specified in the third column of the Fourth Schedule and fourth column of the Eighth Schedule indicating the number of Inspectors required to exercise jurisdiction over the specific category or categories of offences in the assigned area designated as blocks or wards and with the approval of the concerned Council, authorize the officials of the local government as Inspectors for enforcement of the offences specified in such Schedules:

Provided that it shall not affect the appointment of the Inspectors appointed by the local governments before coming into the force of this Chapter against any sanctioned post with the express function of inspection by whatever designation may be, and such Inspectors shall be deemed to be Inspectors under this Ordinance.

(2) The officials specified against each offence in the third column of the Fourth Schedule and fourth column of the Eighth Schedule shall be the controlling authority and administrative head of the Inspectors notified for such offence and the Inspectors shall report to him only for the enforcement of provisions of this Chapter notwithstanding to which ever office of a local government they may belong:

Provided that a Tehsil or Town Municipal Administration may request the District Government for providing district officials required to conduct inspection functions specified for Tehsil or, as the case may be, Town in the third column of the Fourth Schedule and fourth column of the Eighth Schedule and District Government shall ordinarily notify such officials for conducting inspection functions:

Provided further that the Tehsil and Town officers specified in the Fourth and Eighth Schedules shall recommend the available officials of decentralized Public Health Engineering Department and Housing and Physical Planning Department for performing inspection functions in Tehsil and Town before additional requirements are requested from the District Government.

143. Imposition of fine through ticketing.---(1) Where any person, in the opinion of an Inspector, is contravening any provision of the law relating to the offences specified in the Eighth Schedule, the Inspector shall charge the accused by issuing a ticket for payment of fine specified in the Ninth Schedule, if such offence has been committed for the first time in three months.

(2) The ticket referred to in sub-section (1) shall be issued in quadruplicate by delivering three copies to the accused after obtaining his signatures or thumb impression on the fourth copy to be retained by the Inspector for record.

(3) The payment of fine may be deposited in the assigned Post Office or a branch of the National Bank of Pakistan empowered to receive local government dues by the respective local government to which the offence relates in the Eighth Schedule, or the designated local government accountant located in the area of jurisdiction of the Inspector issuing the ticket within the period of ten days from the date of imposition of fine for credit in a separate receipt head of account in the Public Account of the concerned local government:

Provided that an accused may contest the imposition of fine in the Court within such period of ten days.

(4) The Bank or Post Office or the designated local government accountant of the respective local government receiving the fine shall provide two copies of the ticket to the accused with endorsement of receipt of amount of fine and forward one copy to the concerned local Accounts Officer.

(5) The accused shall deliver one copy of duly paid ticket to the concerned Inspector within ten days.

(6) The fines imposed by a Court for the offenses specified in the Fourth Schedule shall on collection be deposited under a separate receipt head in the Public Account of the concerned local government.

144. Performance bonuses for Inspector, etc.---(1) The total amount collected on account of fines and penalties, including those imposed by the Court, shall be utilized as under:

- (a) twenty-five percent thereof shall be paid by the accountant of the respective local government as an incentive bonus to the Inspectors ratably according to the amount recovered against the fines imposed by each Inspector and as a result of prosecution or fines initiated by him:

Provided that such payments to the Inspector shall be included as an addition in the pay slip at the time of payment of pay of the month following the month in which the fines are realized;

- (b) twenty-five per cent thereof shall be set apart for improvement of the regulatory functions of the system of imposition of fines, including accounting, record-keeping, computerization, mobility, police functions and any other expenditure relating to adjudication procedure; and
- (c) out of the remaining fifty per cent thereof, expenditures shall be incurred on the compilation, printing, distribution and other incidentals required for the District Enforcement Gazette and the balance amount shall be transferred to the concerned Local Fund at the end of the financial year.

(2) The Principal Accounting Officers of the local governments with the approval of the concerned Nazim shall incur expenditure from the Public Account relating to the fines.

145. Court proceedings for default in deposit of fine, etc.---(1) The officer designated to enforce offences in the Eighth Schedule shall daily provide to the Court of competent jurisdiction a scroll of all fine tickets issued by Inspectors under his administrative control which remain unpaid on the eleventh day from the issuance of such fine ticket:

(2) The Court of competent jurisdiction receiving the scroll shall issue summons to the accused forthwith stating date of hearing for summary trial in accordance with the provisions of section 260 to 265 of the Code, except sub-section (2) of section 262 thereof.

(3) Where on the first date of hearing, the accused appears before the Court and produces the proof of deposit of fine, or unconditionally admitting his failure, deposits the fine forthwith alongwith the penalty which shall not be less than ten percent and not more than twenty five per cent of the amount of fine determined by the Court in accordance with the procedure provided in sub-section (2) of section 388 of the Code, further proceedings against the accused may be dispensed with and no conviction shall be recorded against him.

(4) Upon the failure of the accused to appear before the Court in response to summons issued by it, the Court shall forthwith issue warrants for arrest of the accused and upon the issuance of such warrant the accused will be liable to punishment under clause (b) of sub-section (2) of section 141, with or without surety.

146. Compounding of offences.---Subject to any other provision of this Ordinance, a committee comprising the concerned Nazim as its Chairman, an officer of the concerned Administration and a member of the Council to be nominated by the concerned Council as its members, may, at any time or after the commission of offence but before the conclusion of proceedings in the Court, compound any offence under this Ordinance:

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 Ordinance:

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.

146A. Appeals, etc.---The decision and orders of the Court shall be appealable and subject to revision in accordance with the provisions of the Code.

146B. Registers, monthly reports, etc.---(1) The Inspector shall maintain record of offences in which tickets were issued, the cases which were not contested or contested before the Court, complaints were filed for prosecution, the recovery of fines, punishment awarded and similar ancillary matters in Register Numbers 1 to 12 given in Form-A of the Eleventh Schedule.

(2) The Inspector shall furnish monthly reports on the fifth day of each month regarding the enforcement activities within the area of his jurisdiction on the basis of entries of the Register maintained in Form-A to the concerned Nazim, District Coordination Officer and Accounts Officer through his officer in-charge in Form-B specified in the Eleventh Schedule.

(3) The officer in-charge of the police station on the fifth day of each month shall, through the Head of District Police submit report in Form-C specified in the Eleventh Schedule in respect of cases registered in the police station on the complaint of an Inspector or a person authorized under this Ordinance and any warrants issued or arrests caused in pursuance thereof, and the punishments awarded in each case during the preceding month to the concerned Nazim and District Coordination Officer.

(4) The District Coordination Officer shall, on the basis of reports received by him under sub-sections (2) and (3), compile and cause publication of the monthly District Enforcement Gazette by twentieth day of each month.

146C. Police support to Inspectors, etc.---In addition to the Police support which may be requested by an Inspector under the provisions of Article 34 of the Police order, 2002 (Chief Executive's Order No. 22 of 2002), a local government may requisition a Police contingent on deputation or payment of charges in accordance with Article 30 of the said Order.

146D. General powers of Inspectors.---(1) In case of any serious threat to the public health, safety or welfare or danger to life and property, the Inspector may, in his area of jurisdiction, in addition to imposition of fine or initiating prosecution under this Ordinance,-

- (a) suspend any work;
- (b) seize the goods;
- (c) seal the premises;
- (d) demolish or remove work; and
- (e) issue directions for taking corrective measures in the time specified by him:

Provided that no Inspector shall enter any residential premises save with the permission of the occupier or owner or Court.

(2) An Inspector authorized under section 142 shall have the powers in relation to the offences specified in the Fourth Schedule to-

- (a) issue notices in writing on behalf of the respective local government served, either personally or through registered post with acknowledgement due or by any official of the local government, in order to restrain violations or commission of any offence forthwith;
- (b) initiate legal proceedings in the competent Court where any person fails to comply with the directions contained in the notice issued under clause (a); and
- (c) assist in defending any legal proceedings initiated against the local government.

146E. Application of the Code.---The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall, *mutatis mutandis*, apply to all proceedings under this Chapter particularly in matters relating to issuing of summons, warrants and other processes for securing attendance of the accused, bail, trial, appeals, revisions and execution of the decision of the Court.

147. Rights of citizen not affected.---Nothing contained in this Chapter shall restrict or limit the right of the citizens or residents of a local area to bring any suit or other legal proceeding against any local government, its officers or other functionaries violating his rights available to him under any law for the time being in force or to claim damages or such remedy through a suit under the provisions of the Code of Civil Procedure, 1908 (Act V of 1908)."

75. Substitution of section 148 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, for section 148, the following shall be substituted, namely:

"148. Franchise.---(1) Members of a Union Council, including Union Nazim and Naib Union Nazim shall be elected through direct elections based on adult franchise and on the basis of joint electorate.

(2) The electoral college for the election of Zilla Nazim and reserved seats of women, peasants and workers, and minorities in the Zilla Council shall be all the members of Union Councils in the District, including Union Nazims and Naib Union Nazims.

(3) The electoral college for the election of a Tehsil Nazim, Town Nazim and reserved seats of women, peasants and workers, and minorities in the Tehsil Council and Town Council shall be all the members of the Union Councils in the Tehsil or, as the case may be, Town, including Union Nazims and Naib Union Nazims:

Provided that for the election for reserved seats for women in Zilla Council proportionately divided among Tehsils or Towns shall be all members of the Union Councils in a Tehsil or, as the case may be, Town.

Explanation.---For the purpose of this section, all members of Union Councils notified as returned candidates in the elections held under this Ordinance shall be deemed to be members of the electoral college."

76. Amendment of section 150 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 150,-

- (a) in sub-section (2), after the words "electoral rolls", the words "and disposal of election petitions and other disputes" shall be added; and
- (b) in sub-section (4), for the word "three", the word "four" shall be substituted.

77. **Substitution of section 151 of N.-W.F.P. Ord. No. XIV of 2001.**---In the said Ordinance, for section 151, the following shall be substituted, namely:

"151. Delimitation of electoral wards.---(1) The electoral ward for the election of a Zilla Nazim shall be a District, for a Tehsil Nazim, a Tehsil, for a Town Nazim, a Town, and for a Union Nazim and a Naib Union Nazim, a Union.

(2) The electoral ward for the election of a Naib Zilla Nazim, Naib Tehsil Nazim and Naib Town Nazim shall be the respective Council.

(3) The Union shall be a multi-member ward for election of members of a Union Council."

78. **Substitution of section 154 of N.-W.F.P. Ord. No. XIV of 2001.**---In the said Ordinance, for section 154, the following shall be substituted, namely:

"154. Elections of Nazims, etc.---(1) A candidate for the office of Zilla Nazim and a Tehsil Nazim or a Town Nazim securing highest number of votes in their respective wards against other candidates shall be declared elected.

(2) A Union Nazim and Naib Union Nazim as joint candidates securing highest number of votes in their electoral ward against other joint candidates shall be declared elected."

79. **Amendment of section 156 of N.-W.F.P. Ord. No. XIV of 2001.**---In the said Ordinance, in section 156,-

- (a) in sub-section (3), after the words "by-elections", the words "for the vacant seats of members of Councils" shall be inserted;
- (b) for sub-section (5), the following shall be substituted namely:

“(5) A vacancy of Zilla Nazim, Tehsil Nazim or Town Nazim, as the case may be, shall be filled through by-election within one hundred and twenty days of the occurrence of vacancy as provided in sub-sections (2) and (3) of section 148.”;

- (c) for sub-section (7), the following shall be substituted, namely:

“(7) When the office of a Union Nazim or Naib Union Nazim falls vacant, the members of concerned Council shall, by a majority vote, elect an officiating Union Nazim or, as the case may be, Naib Union Nazim from amongst its members and the person so elected shall continue to retain his office as a member as well:

Provided that the officiating Nazim or the Naib Nazim shall not be a candidate in the by-election to be held for the Union Nazim or, as the case may be, Naib Union Nazim.”; and

- (d) after sub-section (7), the following new sub-section shall be added, namely:

“(8) A vacancy of Naib Zilla Nazim, Naib Tehsil Nazim or Naib Town Nazim, as the case may be, shall be filled in within ten days from the date of occurrence of the vacancy.”.

80. Amendment of section 158 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, in section 158,-

- (a) the existing provision shall be re-numbered as sub-section (1) of that section; and
- (b) after sub-section (1), re-numbered as aforesaid, the following new sub-section shall be added, namely:-

“(2) Nothing in sub-section (1) shall apply to a Union Nazim or Naib Union Nazim, becoming members of the Zilla Council or Tehsil Council, or the members elected against reserved seats in the Zilla Council or Tehsil Council, or being elected as Naib Zilla Nazim or, as the case may be, Naib Tehsil Nazim.”.

81. Substitution of section 159 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, for section 159, the following shall be substituted, namely:

“159. Term of office.---(1) The term of office of local governments in a district shall be four years commencing from the date of the notification of assumption of office by respective Councils.

Provided that a local government, notwithstanding the expiry of its term of office, shall continue to hold office until the successor local government assumes office.

(2) The Government shall notify the assumption of offices by Nazims, Naib Nazims and members of the Councils.

(3) A Zilla Nazim, Tehsil Nazim, Town Nazim, Union Nazim and Naib Union Nazim shall not hold the same office for more than two consecutive terms.”.

82. Omission of section 163 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, section 163 shall be omitted.

83. Insertion of new section 179A to N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, after section 179, the following new section shall be inserted, namely:

“179A. Conduct of elections.---(1) Notwithstanding anything contained in this Ordinance, for the elections to be held in the year two thousand and five immediately on notification of the Schedule for Elections in a district or districts by the Chief Election Commissioner, the Zilla Council, Tehsil Councils, Town Councils and Union Councils in such district or districts shall stand dissolved and all Nazims, Naib Nazims and members of the Councils shall cease to hold their respective offices.

(2) Within twenty-four hours of the announcement of the Schedule for local government elections by the Chief Election Commissioner, the Provincial Chief Secretary shall appoint government officers as care-takers to perform the functions and exercise the powers of the Nazims of the respective local governments till the newly elected Nazims take oath of their offices.

(3) The elected members of Zilla Council, Tehsil Councils, Town Councils, Union Councils and Zilla Nazim, Tehsil Nazims, Town Nazims and Union Nazims shall assume the charge of their respective offices within seven days of the Notification of the result of district and tehsil level elections by the Chief Election Commissioner under section 164 of this Ordinance.

(4) During the election period the care-takers provided in sub-section (2) are looking after the affairs of the local governments, no new development scheme shall be initiated nor shall Government or the care-takers or any other officer of a local government make posting and transfer of any officer or official of the local government without the prior approval of the Chief Election Commissioner.

(5) This section shall only be for the local government elections held in the year two thousands and five and shall cease to have any effect and be deemed to be omitted from this Ordinance forthwith on the completion of assumption of offices referred to in sub-section (3)."

84. Amendment of section 195 of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, for section 195, the following shall be substituted, namely:

"195. General powers of local governments, etc.---Notwithstanding any specific provision of this Ordinance, every local government, Village Council and Neighbourhood Council shall perform their functions conferred by or under this Ordinance and in performance of their respective functions shall exercise such powers and follow such procedures as are enumerated in the Sixth Schedule."

85. Addition of new section 198 to N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, after section 197, the following new section shall be added, namely:

"198. Amendment of Schedules.---Government may, by notification in the official Gazette, amend or vary the fines specified in the Eighth Schedule or add or exclude any offence from the Fourth and Eighth Schedules."

86. Substitution of Fourth Schedule of N.-W.F.P. Ord. No. XIV of 2001.---In the said Ordinance, for the Fourth Schedule the following shall be substituted, namely:

“FOURTH SCHEDULE

[See sections 141, 142, 143 and 146-D].

**LIST OF OFFENCES WITH ENFORCEMENT JURISDICTION
REQUIRING COURT TRIAL**

PART - I

A. ALL LOCAL GOVERNMENTS

SR No.	Offence	Responsibility of Enforcement
1.	Overcharging or illegally charging any tax, fee, fine, charge or rate by an employee of a local government or a contractor or his staff without the authority of a local government.	Executive District Officer (Revenue) for the Part-I and Part II of the Second Schedule. Tehsil/Town Officer (Finance) for the Part-III and IV of Second Schedule. Secretary Union Administration for the Part- of Second Schedule. Officers mentioned against each offence in the Eighth Schedule.
2.	Preparing or using counterfeit or proscribed Forms of the local government.	Executive District Officer (Finance). Tehsil/Town Officer (Finance) Secretary Union Administration
3.	Wilfully obstructing any officer or servant of a local government or any person authorized to exercise power conferred under this Ordinance.	Concerned Executive District Officer. Tehsil /Town Officer (Municipal Regulations) Secretary Union Administration. Officer mentioned against offence in the Eighth Schedule

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| 4. Failure to deliver back possession of property to the local government on cancellation and expiration of lease. | Executive District Officer (Revenue).

Tehsil/Town Officer (Municipal Regulations).

Secretary Union Administration. |
| 5. Doing an act without license or permission when the doing of such act requires a license or permission under any of the provisions of the Ordinance or the rules or bye-laws. | Executive District Officer concerned.

Tehsil/Town Officer (Municipal Regulations).

Secretary Union Administration. |
| 6. Evasion of payment of tax or other impost lawfully levied by a local council. | Executive District Officer (Revenue).

Tehsil/Town Officer (Finance).

Secretary Union Administration. |
| 7. Contravention of the prohibition or attempt or abetment of any of the offences in this Part. | Concerned Officers specified against each offence as in this Part. |

B. CITY DISTRICT GOVERNMENT

SR No.	Offence	Responsibility of Enforcement
8.	Discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain, or sewer, public water course or public land vested in or managed, maintained or controlled by City District Government in such manner as causes or is likely to cause danger to persons passing by or living or working in neighbourhood, or risk or injury to property.	Executive District Officer (District Municipal Offices) where established under Part of First Schedule otherwise Town Officer (Municipal Regulations).
9.	Failure of industrial or commercial concerns to provide adequate and safe disposal of effluent or prevention of their mixing up with the water supply or sewerage system.	Executive District Officer (District Municipal Offices) where established under Part of First Schedule otherwise Town Officer (Municipal Regulations).
10.	Supplying or marketing drinking water for human consumption in any form, from any source which is contaminated or suspected to be dangerous to public health, or its use has been prohibited by a local government on the ground of being unsafe for human consumption, or whose quality and suitability for human consumption has not been ascertained and certified by a laboratory authorized by the Government.	Executive District Officer (District Municipal Offices) where established under Part of First Schedule otherwise Town Officer (Municipal Regulations).
11.	Cultivation of agriculture produce or crop, for supply or sale to public using such manure, or irrigating it with sewer water or any such liquid as may be injurious to public health or offensive to the neighbourhood.	Executive District Officer(Agriculture).
12.	Violation of the prohibitions provided in the Master Plan, the sanctioned Site Development Schemes under this Ordinance, Cities Acts, or any other law for the time being in force including the plans and schemes sanctioned under the repealed enactments.	Executive District Officer (Works and Services).

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| 13. | Adulteration of any eatable or drinkable or consumable item sold or supplied to the public. | Executive District Officer (Health). |
| 14. | Manufacturing, trading, storing or supplying any eatable or drinkable item and other items unsafe for human consumption or public health. | Executive District Officer (Health). |

C. DISTRICT GOVERNMENT

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| 15. | Cultivation of agriculture produce or crop, for supply or sale to public using such manure, or irrigating it with sewer water or any such liquid as may be injurious to public health or offensive to the neighbourhood. | Executive District Officer (Agriculture). |
| 16. | Violation of the prohibitions provided in the Master Plan, the sanctioned Site Development Schemes under this Ordinance, Cities Acts, or any other law for the time being in force including the plans and schemes sanctioned under the repealed enactments. | Executive District Officer (Works and Services). |
| 17. | Adulteration of any eatable or drinkable or consumable item sold or supplied to the public. | Executive District Officer (Health). |
| 18. | Manufacturing, trading, storing or supplying any eatable or drinkable item and other items unsafe for human consumption or public health. | Executive District Officer (Health). |

D. TEHSIL / TOWN MUNICIPAL ADMINISTRATION

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No. | Offence | Responsibility of Enforcement |
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| 19. | Without license from relevant authority manufacturing, storing, trading or carrying fire crackers, fire balloons or detonators or any dangerous chemical, inflammable, hazardous or offensive article or material. | Tehsil/Town Officer (Municipal Regulations) |

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| 20. Immovable encroachment in or on or under any property or any open space or land vested in or managed, maintained or controlled by a local government. | Tehsil/Town Officer
(Municipal Regulations) |
| 21. Discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain, or sewer public water course or public land vested in or managed, maintained or controlled by Tehsil Municipal Administration or District Government in such manner as causes or is likely to cause danger to persons passing by or living or working in neighbourhood, or risk or injury to property. | Tehsil Officer
(Municipal Regulations) |
| 22. Erection or re-erection of building over set back area or parking area or building line area required to be left open under the rules for using such space for any purpose which is not approved. | Tehsil/Town Officer
(Municipal Regulations) |
| 23. Changing or converting into any other use any portion of a commercial building or area specified or earmarked for public parking. | Tehsil/Town Officer
(Municipal Regulations) |
| 24. Failure to demolish or otherwise secure a building declared by the local government to be dangerous building. | Tehsil/Town Officer
(Municipal Regulations) |
| 25. Failure of industrial or commercial concerns to provide adequate and safe disposal of affluent or prevention of their mixing up with the water supply or sewerage system. | Tehsil Officer
(Municipal Regulations) |
| 26. Establishing any parking stand on any property or on any open space and public park or land vested in or managed, maintained or controlled by a local government on or under a street, road, graveyard or a drain without the sanction of the relevant local government. | Tehsil/Town Officer
(Municipal Regulations) |

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| 27. Supplying or marketing drinking water for human consumption in any form, from any source which is contaminated or suspected to be dangerous to public health, or its use has been prohibited by a local government on the ground of being unsafe for human consumption, or whose quality and suitability for human consumption has not been ascertained and certified by a laboratory authorized by the Government. | Tehsil Officer
(Municipal Regulations) |
| 28. Quarrying, blasting, cutting timber or carrying building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood. | Tehsil/Town Officer
(Municipal Regulations) |
| 29. Erection or re-erection of a building without the sanction required under this Ordinance or using a building for a purpose which may endanger the security of people. | Tehsil/Town Officer
(Municipal Regulations) |
| 30. Dyeing or tanning skins within such distance of any commercial or residential areas as may be specified by the local government. | Tehsil/Town Officer
(Municipal Regulations) |

PART - II

A. ALL LOCAL GOVERNMENTS

SR No.	Offence	Responsibility of Enforcement
31.	Contravention of the prohibition or attempt or abetment of any of the offences in this Part.	Concerned Officers specified against each offence in this Part.

B. CITY DISTRICT GOVERNMENT

SR No.	Offence	Responsibility of Enforcement
32.	Manufacturing, keeping, storing or selling wire thread or any other material meant for kite flying or in the manner causing danger to the human life or the electric installations or disruption in electric supply.	District Coordination Office
33.	Preparation and sale of article or articles of food or drink by a person apparently suffering from any infectious or contagious disease that may endanger the health of people.	Executive District Officer (Health)

C. DISTRICT GOVERNMENT

SR No.	Offence	Responsibility of Enforcement
34.	Manufacturing, keeping, storing or selling wire thread or any other material meant for kite flying or in the manner causing danger to the human life or the electric installations or disruption in electric supply.	District Coordination Office
35.	Preparation and sale of article or articles of food or drink by a person apparently suffering from any infectious or contagious disease that may endanger the health of people.	Executive District Officer (Health).

D. TEHSIL/TOWN MUNICIPAL ADMINISTRATION

SR No.	Offence	Responsibility of Enforcement
36.	Establishing any cattle market or <i>bakar mandi</i> without permission of the local government.	Tehsil/Town Officer (Municipal Regulations)
37.	Establishing any bus, wagon, taxi or other commercial motorized or non-motorized vehicle stand for the purpose of plying them on different routes on any road, street, footpath, public place or any other property vested or managed or controlled or maintained by a local government without its permission.	Tehsil/Town Officer (Municipal Regulations)
38.	Establishing or running any restaurant or vending stalls for eatables on any road, street, footpath, public place, over a drain, or any other property vesting in or managed or controlled or maintained by a local government without its permission.	Tehsil/Town Officer (Municipal Regulations)
39.	Establishing a brick kiln and lime kiln within such distance of a residential area as may be specified by the local government.	Tehsil/Town Officer (Municipal Regulations)
40.	Cutting down of any tree, or erection or demolition of any building or part of a building where such action is declared under this Ordinance to be a cause of danger or annoyance to the public.	Tehsil/Town Officer (Municipal Regulations)
41.	Stocking or collecting timber, wood, dry grass, straw or other inflammable material or fuels, adjacent to commercial buildings or residential houses.	Tehsil/Town Officer (Municipal Regulations)

87. Amendment of Sixth Schedule to N.-W.F.P. Ord. No. XIV of 2001.--

In the said Ordinance, in the Sixth Schedule,-

(a) in paragraph (9),-

(i) in sub-paragraph (3), in clause (b), for the full-stop at the end, a semi-colon and the word “; and” shall be substituted and thereafter the following new clause shall be added, namely:-

“(c) require the owner or person in-charge of any dog-

(i) to restrain it so that it is not set at large in any street without being muzzled, leashed or chained; and

(ii) to provide immediate information, if the dog belonging to him has been bitten by any animal suffering or reasonably suspected to be suffering from rabies or any other infectious disease.”; and

(ii) sub-paragraphs (5) and (6) shall be omitted;

(b) for paragraph 22, the following shall be substituted, namely:

“22. Digging of Public Land.---No person shall without the permission in writing of the concerned local government dig up the surface of any open space which is not a private property or take out earth therefrom.”;

(c) in paragraph 31,-

(i) for the words and comma “Whoever begins, continues or completes”, the words and comma “No person shall begin, continue or complete” shall be substituted; and

(ii) the words “shall be punishable with fine as prescribed” shall be omitted;

(d) in paragraph 34, in sub-paragraph (6), the words, commas and full-stop “Any person who fails, without reasonable cause, to comply with a requisition made upon him under this paragraph shall be punishable with such fine as may be prescribed by the concerned local government and in the case of a continuing offence, to an additional fine for every day after the first during which the failure has continued.” shall be omitted;

- (e) in paragraph 53, sub-paragraph (3) shall be omitted;
- (f) in paragraph 55,-
 - (i) in the marginal heading for the words "Penalty for" the words "Prohibition of" shall be substituted; and
 - (ii) in sub-paragraph (1),-
 - (a) for the words "Any person who keeps" the words "No person shall keep" shall be substituted; and
 - (b) the commas and words " , shall be punishable with fine as prescribed and, in the case of a continuing offence, with an additional fine for every day after the first during which the offence is continued" shall be omitted;
- (g) in paragraph 56,-
 - (i) in the marginal heading for the words "Penalty for" the words "Prohibition of" shall be substituted;
 - (ii) for the word "Whoever" the words "No person shall" shall be substituted;
 - (iii) for the words "sells or exposes" the words "sell or expose" shall be substituted; and
 - (iv) the commas and words " , shall be punishable with fine as prescribed and in the case of a continuing offence, with an additional fine for every day after the first during which the offence is continued" shall be omitted;
- (h) for paragraph 62, the following shall be substituted, namely:

"62. Feeding animals on dirt, etc.---No person shall feed or allow to be fed on filthy or deleterious substances any animal, which is kept for the purpose of supplying milk to, or which is intended to be used for human consumption or allow it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the local government."
- (i) in paragraph 63, sub-paragraph (4) shall be omitted;

(j) for paragraph 66 the following shall be substituted, namely:

“66. Carrying on trade, etc., without licence or in contravention of paragraph 65.”---No person shall carry on any trade, calling or occupation for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, or, after receiving a notice under paragraph 65, use or allow to be used any building or place in contravention thereof.”; and

(k) in paragraph 88, sub-paragraph (3) shall be omitted.”.

88. Substitution of Seventh Schedule to N.-W.F.P. Ord. No. XIV of 2001. In the said Ordinance, for the Seventh Schedule the following shall be substituted:

“Seventh Schedule
[See section 120B(7)]

Terms of Office of the Professional Members of the Finance Commission.

1. A member of the Finance Commission shall hold office for a minimum term of three years from the date of his entering upon office.
2. A member may resign his office under his hand addressed to the Governor.
3. No member shall be removed before the expiry of his term except as provided in this Ordinance.
4. Before entering upon office a member shall take oath in the form set out in a notification before the Governor.
5. On declaration of a vacancy in the Finance Commission by the Chairman, the Governor shall appoint a member within sixty days.
6. The remuneration of the professional members shall be in accordance with their status and experience and may be in the form of honoraria.
7. A member shall be provided all necessary support staff, resources and equipment for carrying out his functions.”.

89. Addition of new Eighth, Ninth, Tenth and Eleventh Schedules to N.-W.F.P. Ord. No. XIV of 2001.-In the said Ordinance, after the Seventh Schedule, the following new Schedules shall be added, namely:

90. Repeal.-The North-West Frontier Province Local Government (Amendment) Ordinance, 2005 (N.-W.F.P. Ord: No. II of 2005) is hereby repealed.

"EIGHTH SCHEDULE"

[See sections 141, 142, 143 and 145]

OFFENCES WHERE TICKET CAN BE ISSUED

SR. No	Offence	Amount of Fine	Responsibility of Enforcement
1.	Neglect in safe storage of eatable, drinkable and other consumable items sold or supplied to the public	Rs. 500 Rs. 3,000 in case of large restaurants, hotels and shops	Executive District Officer (Health).
2.	a. Fixing of wooden <i>khokhas</i> , and temporary shops or extension thereof on footpaths or beyond the street line.	Rs.1,000	Tehsil/Town Officer (Municipal Regulations)
	b. Plying of handcarts for the sale of goods without permission.	Rs.200	
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. 500	Tehsil/Town Officer (Municipal Regulations)
4.	Slaughtering of animals for the sale of meat at a place other than the place set apart for the purpose.	Rs. 500	Tehsil/Town Officer (Municipal Regulations)
5.	Without the permission of the local governments 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. 2,000 in case of commercial concerns. b. Rs.500 for others.	Tehsil/Town Officer (Municipal Regulations)

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| 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 under section 65. | Rs. 500 | Tehsil/Town Officer
(Municipal Regulations) |
| 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. 200 | Tehsil/Town Officer
(Municipal Regulations) |
| 8. | Obstructing or tampering with any road, street, drain or pavement. | Rs. 1,000 | Tehsil/Town Officer
(Municipal Regulations) |
| 9. | Obstructing or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or sewerage system. | Rs. 1,000 | Tehsil/Town Officer
(Municipal Regulations) |
| 10. | Without the previous sanction of Tehsil Municipal Administration or, in a City District, the City District Government,-- | Rs. 1,000 | Tehsil/Town Officer
(Municipal Regulations) |
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- (i) laying out a drain or altering any drain in a street or road;
 - (ii) connecting any house drain with a drain in a public street;
 - (iii) Drawing off, diverting or taking any water except with the permission required under this Ordinance.

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| 11. Excavation of earth, stone or any other material within such distance of the residential area as specified by the Tehsil Municipal Administration or as the case may be Town Municipal Administration. | Rs. 1,000 | Tehsil/Town Officer
(Municipal Regulations) |
| 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. 1,000 | Tehsil/Town Officer
(Municipal Regulations) |
| 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 Ordinance, rules or bye-laws or furnishing wrong information. | Rs. 300 | Concerned Executive
District Officer,
Tehsil/Town Municipal
Officer and
Secretary Union
Administration |
| 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. 500 | Secretary Union
Administration |
| 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 encampment without the permission of the local council concerned. | Rs. 500 | Tehsil/Town Officer
(Municipal Regulations) |
| 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. 500 | Tehsil/Town Officer
(Municipal Regulations) |

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| 17. Disposal of carcasses of animals within prohibited distance. | Rs. 500 | Tehsil/Town Officer
(Municipal Regulations) |
| 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. 500 | Tehsil/Town Officer
(Municipal Regulations) |
| 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. 500 | Tehsil/Town Officer
(Municipal Regulations) |
| 20. Failure to provide for disposal of litter or garbage inside or outside a shop by its owner. | Rs. 500 | Tehsil/Town Officer
(Municipal Regulations) |
| 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. 1000 | Tehsil/Town Officer
(Municipal Regulations) |
| 22. Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public. | Rs. 500 | Tehsil/Town Officer
(Municipal Regulations) |
| 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. 1,000 | Tehsil/Town Officer
(Municipal Regulations) |
| 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. 2,000 for commercial concerns
Rs. 500 for house | Tehsil/Town Officer
(Municipal Regulations) |
| 25. Failure to clean the premises, houses, shops and cultivated lands of the plastic bags and other non perishable materials. | Rs. 500 | Tehsil/Town Officer
(Municipal Regulations) |

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| 26. | Damaging or polluting physical environment, inside or outside private or public premises, in a manner to endanger public health. | Rs. 2,000 for public premises
Rs. 500 for private premises | Executive District Officer (Health) |
| 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. 500 | Tehsil/Town Officer (Municipal Regulations) |
| 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 Ordinance to be injurious to health or offensive to the neighbourhood. | Rs. 1,000 | Tehsil/Town Officer (Municipal Regulation) |
| 29. | Failure to stop leakages of water pipes, faucets and sanitary fittings resulting in dirty water pools affecting physical environments and breeding of mosquitoes. | Rs. 1,000 | Tehsil/Town Officer (Municipal Regulation) |
| 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. 1,000 | Tehsil/Town Officer (Municipal Regulation) |
| 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. 1,000 | Tehsil/Town Office (Municipal Regulation) |
| 32. | Defacing or disturbing any direction-post, lamp post or lamp extinguishing or any light arranged by a local government without due authority. | Rs. 1,000 | Tehsil/Town Office (Municipal Regulation) |

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| 33. Fixing any bill, notice, play card, poster or other paper or means of advertisement against or upon any private or public building or place other than the places fixed for the purpose by a local government. | Rs. 1,000 | Tehsil/Town Officer
(Municipal Regulations) |
| 34. Exhibiting any obscene advertisement. | Rs. 1,000 | Tehsil/Town Officer
(Municipal Regulations) |
| 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. 1,000 | Tehsil/Town Officer
(Municipal Regulations) |
| 36. Loud shouting in abusive language causing distress to the inhabitants of a neighbourhood or village or any other public place. | Rs. 1,000 | Tehsil/Town Officer
(Municipal Regulations) |
| 37. Using or allowing the use for human habitation of a building declared by a local government to be unfit for human habitation. | Rs. 1,000 | Tehsil/Town Officer
(Municipal Regulations) |
| 38. Failure to lime-wash or repair a building, if so required by local government. | Rs. 1,000 | Tehsil/Town Officer
(Municipal Regulations) |
| 39. Begging importunately for alms by exposing any deformity or disease or any offensive sore or wound to solicit charity. | Rs. 500 | Tehsil/Town Officer
(Municipal Regulations) |
| 40. Failure of the head of family to report the birth or death to a local government or a person appoint in this behalf within a reasonable time. | Rs. 500 | Secretary Union
Administration |

41. Causing or permitting to be caused by any owner or keeper of an animal who through neglect or other wise damage any land or crop or produce of land, or any public road, by allowing such animal to trespass thereon.	Rs. 1,000	Tehsil/Town Officer (Municipal Regulations)
42. Selling cattle and animals in contravention of any law, rule or by-laws of a local government.	Rs. 1,000	Tehsil/Town Officer (Municipal Regulations)
43. Kite flying in contravention of any general or specific prohibition issued by local governments.	Rs. 300	District Coordination Officer
44. Keeping pigeon or other birds in a manner causing danger to air traffic.	Rs. 500	Tehsil/Town Officer (Municipal Regulations)
45. Digging of public land without the permission in writing of Tehsil/Town Municipal Officer.	Rs. 1,000	Tehsil/Town Officer (Municipal Regulations)
46. Contravention of the prohibition or direction of the local government issued under the Ordinance.	Rs. 500	District Coordination Officer, Tehsil/Town Officer (Municipal Regulations) and Secretary Union Administration
47. Attempt or abetment of any of the offences in this Schedule.	Same as for the offence specified in the Schedule	District Coordination Officer, Tehsil/Town Officer (Municipal Regulations) and Secretary Union Administration

NINTH SCHEDULE

[See sections 141 and 143]

FORM OF TICKET

Name & Address of the Offender: _____	Name & Address of the Offender: _____	Name & Address of the Offender: _____	Name & Address of the Offender: _____
NIC No. _____	NIC No. _____	NIC No. _____	NIC No. _____
Particulars of Offence: (Section of Law with details of offences: _____)	Particulars of Offence: (Section of Law with details of offences: _____)	Particulars of Offence: (Section of Law with details of offences: _____)	Particulars of Offence: (Section of Law with details of offences: _____)
Date of commission of Offence: _____ Amount of Fine: Rs. _____ (in letters) _____	Date of commission of Offence: _____ Amount of Fine: Rs. _____ (in letters) _____	Date of commission of Offence: _____ Amount of Fine: Rs. _____ (in letters) _____	Date of commission of Offence: _____ Amount of Fine: Rs. _____ (in letters) _____
Date by which the Fine is to be paid _____ (Note: The amount of fine shall be deposited in Post Office / Branch of National Bank of Pakistan or Government Treasury)	Date by which the Fine is to be paid _____ (Note: The amount of fine shall be deposited in Post Office / Branch of National Bank of Pakistan or Government Treasury)	Date by which the Fine is to be paid _____ (Note: The amount of fine shall be deposited in Post Office / Branch of National Bank of Pakistan or Government Treasury)	Date by which the Fine is to be paid _____ (Note: The amount of fine shall be deposited in Post Office / Branch of National Bank of Pakistan or Government Treasury)
Corrective actions ordered: _____	Corrective actions ordered: _____	Corrective actions ordered: _____	Corrective actions ordered: _____
Name of the Court having jurisdiction: _____	Name of the Court having jurisdiction: _____	Name of the Court having jurisdiction: _____	Name of the Court having jurisdiction: _____
Signature or Thumb Impression of the Offender: _____	Signature or Thumb Impression of the Offender: _____	Signature or Thumb Impression of the Offender: _____	Signature or Thumb Impression of the Offender: _____
Signatures of Inspector/ Seal _____	Signatures of Inspector/ Seal _____	Signatures of Inspector/ Seal _____	Signatures of Inspector/ Seal _____
<u>Copy-1</u> (To be retained by Inspector)	<u>Copy-2</u> (To be retained by Offender on payment of fine)	<u>Copy-3</u> (To be returned to Inspector by offender after payment within ten days)	<u>Copy-4</u> (To be sent by the Bank/Post Office/Government Treasury to the concerned local Accounts Officer)

TENTH SCHEDULE

[see section 141(6)]

SR	Laws	Enforcement Responsibility
1.	The Cattle-trespass Act, 1871 (Act I of 1871)	Union Administration
2.	The Dramatic Performances Act, 1876 (Act XIX of 1876)	City District Government / District Government
3.	The West Pakistan Food Stuffs (Control), Act, 1958 (W.P. Act XX of 1958)	City District Government / District Government
4.	The West Pakistan Pure Food Ordinance, 1960 (W.P. Ordinance VII of 1960)	City District Government / District Government
5.	The West Pakistan Animal Slaughter Control Act, 1961 (W.P. Act III of 1963)	Tehsil/Town Municipal Administration
6.	The West Pakistan Regulation and Control of Loudspeakers and Sound Amplifiers Ordinance, 1965 (W.P. Ordinance II of 1965)	City District Government / District Government

ELEVENTH SCHEDULE

[see section 146B]

LOCAL GOVERNMENT ENFORCEMENT SYSTEM DISTRICT ENFORCEMENT GAZETTE

FORM A – REGISTERS TO BE MAINTAINED BY INSPECTORS

1. NON-CONTESTED TICKETS

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	TICKET NO	DATE TICKET ISSUED	DATE FINE DUE	ISSUED TO & ADDRESS	OFFENCE (EIGHTH SCHEDULE)	FINE AMOUNT	AMOUNT PAID	DATE PAID	CORRECTIVE MEASURES WITH DUE DATE	DATE RECTIFIED

2. CONTESTED TICKETS

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	TICKET NO	DATE TICKET ISSUED	DATE FINE DUE	ISSUED TO & ADDRESS	OFFENCE (EIGHTH SCHEDULE)	FINE AMOUNT	DATE COMPLAINT SENT TO COURT	DATE (S) OF HEARING	FINAL COURT DECISION	FINE AMT. AND DATE DUE	PENALTIES AND OTHER CHARGES & DATE DUE	FINE AGAINST LOCAL GOVT. & DATE DUE	DATE PAID	AMT. PAID

3. UNCONTESTED UNPAID FINES AND UNRECTIFIED ACTIONS IMPOSED BY INSPECTOR

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	TICKET REFERENCE NO.	DATE COMPLAINT SENT TO COURT	DATE SUMMONS ISSUED BY COURT	DATE OF HEARING	COURT DECISION	FINE AMOUNT & DATE DUE	PENALTIES & OTHER CHARGES & DATE DUE	DATE PAID	AMOUNT PAID	IMPRISONMENT PERIOD

4. NOTICES FOR OFFENCES UNDER FOURTH SCHEDULE PART I ISSUED BY INSPECTOR

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	NOTICE NO	ISSUED TO AND ADDRESS	OFFENCE (FOURTH SCHEDULE)	DATE NOTICE ISSUED	DATE COMPLIANCE DUE	DATE COMPLIED

5. NON-COMPLIANCE OF NOTICES ISSUED BY INSPECTOR UNDER FOURTH SCHEDULE PART I

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	NOTICE REFERENCE NO	DATE COMPLAINT SENT TO POLICE STATION BY INSPECTOR	DATE FIR REGISTERED AND NUMBER	DATE CASE SENT TO COURT	COURT DECISION	FINE AMOUNT AND DATE DUE	PENALTIES AND OTHER CHARGES & DATE DUE	DATE PAID	AMOUNT PAID	IMPRISONMENT PERIOD	DATE IF COMPOUNDED

6. NOTICES FOR OFFENCES UNDER FOURTH SCHEDULE PART II ISSUED BY INSPECTOR

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	NOTICE NO	ISSUED TO AND ADDRESS	OFFENCE (FOURTH SCHEDULE)	DATE NOTICE ISSUED	DATE COMPLIANCE DUE	DATE COMPLIED

7. NON-COMPLIANCE OF NOTICES ISSUED BY INSPECTOR UNDER FOURTH SCHEDULE PART II

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

NOTICE REFERENCE NO	DATE COMPLAINT SENT TO COURT	DATE SUMMONS ISSUED BY COURT	DATE OF HEARING	COURT DECISION	FINE AMOUNT AND DATE DUE	PENALTIES AND OTHER CHARGES & DATE DUE	DATE PAID	AMOUNT PAID	IMPRISONMENT PERIOD	DATE IF COMPOUNDED

8. GOODS SEIZED, IMPOUNDED, CONFISCATED ETC. BY INSPECTORS

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

TICKET / NOTICE REFERENCE NO	DATE ACTION TAKEN	TYPE OF ACTION TAKEN	DETAILS OF GOODS IMPOUNDED, SEIZED, DESTROYED CONFISCATED ETC, AND PREMISES SEALED BY INSPECTOR	DATE AND DETAILS OF GOODS ETC RELEASED

9. COMPOUNDING

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	REFERENCE NO	DATE OF COMPOUNDING	PERSONS PRESENT IN COMPOUNDING COMMITTEE	DETAILS OF OFFENCE	FINE IMPOSED	AMOUNT AFTER COMPOUNDING RS.

10. SEARCH WARRANTS FOR ENTRY INTO RESIDENTIAL PREMISES

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	REFERENCE NO	DATE REQUESTED	NAME OF MAGISTRATE	DATE WARRANT ISSUED	FINDINGS	FURTHER ACTION NOTICE OR TICKET NO.

11. COMPLAINTS REGISTERED BY CITIZENS

NAME OF OFFICE / OFFICIAL WHERE COMPLAINT REGISTERED _____

SR	REFERENCE NO	DATE OF COMPLAINT	NAME OF COMPLAINANT	DETAILS OF COMPLAINT	DETAILS OF OFFENCE	JURISDICTION OF INSPECTOR	AREA OF INSPECTOR	DETAILS OF ACTION TAKEN	DATE CASE REGISTERED IN COURT BY COMPLAINANT DUE TO INACTION

12. INCENTIVES PROVIDED TO INSPECTORS

NAME OF LOCAL GOVERNMENT _____

SR	NAME OF INSPECTOR	DATE INCENTIVE RECEIVED	AMOUNT RECEIVED RS.

**FORM B – MONTHLY REPORTS TO BE SENT BY INSPECTORS
TO CONCERNED NAZIM, ACCOUNTS OFFICER AND DCO**

1. NON-CONTESTED TICKETS

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	OFFENCE EIGHTH SCHEDULE	NUMBER OF TICKET ISSUED DURING THE MONTH	FINE AMOUNT	AMOUNT PAID
	TOTAL			

2. CONTESTED TICKETS

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	OFFENCE EIGHTH SCHEDULE	NUMBER OF TICKETS ISSUED	FINE AMOUNT TO BE RECOVERED	NUMBER OF CASES COMPLAINT SENT TO COURT	NO OF CASES DISPOSED BY THE COURT	TOTAL FINE IMPOSED BY COURT	NO OF CASES IN WHICH PUNISHMENT AWARDED	FINAL AMOUNT RECOVERED

3. CORRECTIVE MEASURES

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	OFFENCE	NUMBER OF CASES IN WHICH CORRECTIVE MEASURES DIRECTED	NO OF CASES IN WHICH CORRECTIVE ACTION TAKEN WITHIN THE SPECIFIED TIME	NO OF CASES IN WHICH CORRECTIVE ACTION NOT TAKEN WITHIN THE SPECIFIED TIME	NO OF CASES OF NON-COMPLIANCE OF CORRECTIVE MEASURES SENT TO COURT
	TOTAL				

4. UNCONTESTED FINES NOT PAID AND UNRECTIFIED ACTIONS OF EIGHTH SCHEDULE

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	OFFENCE	NO OF CASES OF UNPAID TICKET	NO OF COMPLAINTS OF UNPAID TICKETS SENT TO COURT	NO OF CASES DISPOSED BY THE COURT	TOTAL FINE AMOUNT DUE	TOTAL AMOUNT RECOVERED	NO OF CASES IN WHICH PUNISHMENT AWARDED

5. NOTICES FOR OFFENCES UNDER FOURTH SCHEDULE PART I ISSUED BY INSPECTOR

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	OFFENCES	NO OF CASES IN WHICH NOTICE ISSUED	NO OF CASES IN WHICH COMPLIANCE OBTAINED	NO OF CASES IN WHICH COMPLIANCE NOT OBTAINED

6. NON-COMPLIANCE OF NOTICES ISSUED BY INSPECTOR UNDER FOURTH SCHEDULE PART I

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	OFFENCE	NO OF CASES SENT TO POLICE STATION BY INSPECTOR	NO OF FIR REGISTERED	NO OF CASES SENT TO THE COURT	NO OF CASES DISPOSED BY THE COURT	TOTAL FINE AMOUNT	TOTAL FINE RECOVERED	NO OF CASES IN WHICH PUNISHMENT AWARDED.

7. NOTICES FOR OFFENCES UNDER FOURTH SCHEDULE PART II ISSUED BY INSPECTOR

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	OFFENCES	NO OF CASES IN WHICH NOTICE ISSUED	NO OF CASES IN WHICH COMPLIANCE OBTAINED	NO OF CASES IN WHICH COMPLIANCE NOT OBTAINED

8. NON-COMPLIANCE OF NOTICES ISSUED BY INSPECTOR UNDER FOURTH SCHEDULE PART II

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	OFFENCE	NO OF CASES SENT TO COURT	NO OF CASES DISPOSED BY THE COURT	TOTAL FINE AMOUNT	TOTAL FINE RECOVERED	NO OF CASES IN WHICH PUNISHMENT AWARDED.	NO OF CASES COMPOUNDED.

9. GOODS SEIZED, IMPOUNDED, CONFISCATED ETC. BY INSPECTORS

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	OFFENCE	NO OF CASES IN WHICH GOODS SEIZED	NO OF CASES IN WHICH GOODS RELEASED

10. COMPOUNDING

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	OFFENCE	NO OF CASES IN WHICH OFFENCE COMPOUNDED	TOTAL FINE IMPOSED RS.	TOTAL FINE AMOUNT AFTER COMPOUNDING RS.	TOTAL FINE AMOUNT COLLECTED RS.

11. SEARCH WARRANTS FOR ENTRY INTO RESIDENTIAL PREMISES

NAME OF INSPECTOR _____ AREA _____ NAME OF LOCAL GOVERNMENT _____

SR	OFFENCE	NO OF CASES OF ENTRY INTO RESIDENTIAL PREMISES

12. COMPLAINTS REGISTERED BY CITIZENS

NAME OF OFFICE / OFFICIAL WHERE COMPLAINT REGISTERED _____

SR	OFFENCE	NO OF COMPLAINTS LODGED BY THE CITIZENS WITH LOCAL GOVERNMENT	NO OF CASES ON WHICH ACTION TAKEN BY THE LOCAL GOVERNMENT	NO OF CASES REGISTERED IN COURT BY CITIZENS DUE TO INACTION	NO OF CASES IN WHICH DECISION TAKEN BY COURT

13. INCENTIVES PROVIDED TO INSPECTORS

NAME OF LOCAL GOVERNMENT _____

NO OF INSPECTOR PROVIDED INCENTIVES	AMOUNT OF INCENTIVE

**FORM C – REPORT TO BE SENT BY OFFICER INCHARGE OF POLICE STATION
THROUGH HEAD OF DISTRICT POLICE TO CONCERNED NAZIM AND DCO**

1. INFORMATION RELATING TO COMPLAINTS SENT BY INSPECTORS TO OFFICER INCHARGE OF POLICE STATION

NAME OF POLICE STATION _____ NAME OF LOCAL GOVERNMENT _____

SR	INSPECTORS REFERENCE NO.	DATE RECEIVED	OFFENCE (FOURTH SCHEDULE PART-I)	FIR NUMBER AND DATE	NAME / DATE PERSON ARRESTED	DATE PERSON PRODUCED BEFORE COURT	NO OF DAYS IN POLICE CUSTODY	DATE CHALLAN SUBMITTED TO THE COURT	COURT DECISION

2. INFORMATION RELATING TO WARRANTS OF ARRESTS ISSUED BY COURTS TO OFFICER INCHARGE OF POLICE STATION

NAME OF POLICE STATION _____ NAME OF LOCAL GOVERNMENT _____

SR	INSPECTORS REFERENCE NO.	DATE RECEIVED FROM COURT	OFFENCE	NAME / DATE PERSON ARRESTED	DATE PERSON PRODUCED BEFORE COURT	COURT DECISION."

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF
NORTH-WEST FRONTIER PROVINCE.

NAZIR AHMAD
Secretary
Provincial Assembly of N.-W.F.P.

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