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**ISLAMABAD, SATURDAY, DECEMBER 6, 2014**

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**PART III**

**Other Notifications, Orders, etc.**

**NATIONAL ASSEMBLY SECRETARIAT**

*Islamabad, the 5th December, 2014*

**No. F. 22(35)/2013-Legis.**—Pursuant to rule 235 (4) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the following report of the Standing Committee, presented to the Assembly on 5th December, 2014 is published for information:—

**REPORT OF THE STANDING COMMITTEE ON MINISTRY OF  
INTERIOR AND NARCOTICS CONTROL ON THE ISLAMABAD  
CAPITAL TERRITORY LOCAL GOVERNMENT BILL, 2014.**

I, the Chairman of the Standing Committee on Interior and Narcotics Control, have the honour to present, this Report on the Bill to rationalize and reorganize the local government system in the Federal Capital [the Islamabad Capital Territory Local Government Bill, 2014] referred to the Committee on 09-12-2013.

(2637) (1—97)

2. **The Committee comprises the following members: -**

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|-----|--|------------------------|
| 1.  | Rana Shamim Ahmad Khan   | Chairman               |
| 2.  | Syed Javed Ali Shah  | Member                 |
| 3.  | Mr. Ghalib Khan  | Member                 |
| 4.  | Dr. Ibadullah  | Member                 |
| 5.  | Sheikh Muhammad Akram  | Member                 |
| 6.  | Syed Iftikhar-ul-Hassan  | Member                 |
| 7.  | Makhdoomzada Basit Bokhari   | Member                 |
| 8.  | Ms. Tahmina Daultana   | Member                 |
| 9.  | Mian Shahid Hussain Khan Bhatti                                    | Member                 |
| 10. | Makhdoom Syed Ali Hassan Gillani                                   | Member                 |
| 11. | Mr. Nauman Islam Shaikh  | Member                 |
| 12. | Mr. Ehsan-ur-Rehman Mazari   | Member                 |
| 13. | Nawab Muhammad Yousuf Talpur                                       | Member                 |
| 14. | Ms. Naeema Kishwer Khan  | Member                 |
| 15. | Dr. Arif Alvi  | Member                 |
| 16. | Syed Asif Hasnain  | Member                 |
| 17. | Sardar Nabil Ahmed Gabol   | Member                 |
| 18. | Mr. Sher Akber Khan  | Member                 |
| 19. | Syed Essa Noori  | Member                 |
| 20. | Col. (Retd) Dr. Amir Ullah Marwat                                  | Member                 |
| 21. | Ch. Nisar Ali Khan,<br>Minister for Interior and Narcotics Control | Minister<br>-in Charge |

3. The Committee in its meeting held on 15th October, 2014 considered the Bill in detail and recommended that the Bill as introduced in the National Assembly may be passed by the National Assembly.

Sd/

(RANA SHAMIM AHMAD KHAN)

Chairman

Standing Committee on Interior and Narcotics Control

Sd/

(MOHAMMAD RIAZ)

Secretary

Islamabad, the 17th November, 2014



[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

*to rationalize and reorganize the local government system in the Federal Capital.*

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

It is hereby enacted as follows:—

## CHAPTER I

### INTRODUCTION

1. **Short title, extent and commencement.**— (1) This Act may be called the Islamabad Capital Territory Local Government Act, 2014.

(2) It extends to the Islamabad Capital Territory except any area excluded by the Government, by notification, for reasons to be recorded in writing.

(3) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for coming into force of different provisions of this Act.

2. **Definitions.**— (1) In this Act, unless there is anything repugnant in the subject or context,—

- (a) “Administration” means the Islamabad Capital Territory Administration;
- (b) “Authority” means the Capital Development Authority;
- (c) “budget” means an official statement of the income and expenditure of a local government for a financial year;
- (d) “building” includes any shop, house, hut, outhouse, shed, stable or enclosure built of any material and used for any purpose, and also includes a wall, well, verandah, platform, plinth, ramp, stair-case and steps;

- (e) "building line" means a line beyond which the outer face or any part of an external wall of a building may not project beyond privately owned land in the direction of any street, existing or proposed;
- (f) "bye-laws" means bye-laws made under **this Act** or made under the Capital Development Authority Ordinance 1960 (**XXIII of 1960**) or the Municipal Administration Ordinance 1960;
- (g) "cattle" includes cows, buffaloes, bulls, oxen, bullocks, heifers, calves, camels, sheep, goats and others;
- (h) "Chairman" means the Chairman of a Union Council as mentioned in **section 10**;
- (i) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (j) "conservancy" means the collection, treatment, removal and disposal of refuse;
- (k) "dairy" includes any farm, cattle-shed, cow-house, milk store, milk shop or any other place from where milk or milk products are supplied;
- (l) "Deputy Mayor" means a Deputy Mayor of the Metropolitan Corporation elected under section 11;
- (m) "District" means the area specified in section 2 of the Capital of the Republic (Determination of Area) Ordinance, 1963 (Ordinance VI of 1963);
- (n) "drain" includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel or any other device for carrying sullage or rain water;
- (o) "dwelling house" means any building used substantially for human habitation;
- (p) "Election Commission" means the Election Commission constituted under Article 218 of the Constitution of the Islamic Republic of Pakistan;
- (q) "factory" means a factory as defined in the Factories Act, 1934 (XXV of 1934);
- (r) "food" includes every eatable used for food or drink by human beings but does not include drugs or water;
- (s) "Government" means Federal Government as the Rules of Business may specify.



- (t) "infectious disease" means cholera, plague, smallpox and tuberculosis, and includes such other disease as the Government may, by notification, declare to be infectious or disease for purposes of the Ordinance;
- (u) "land" includes the land which is being built up or is built up or is covered with water or is under cultivation or is fallow;
- (v) "Local Fund" means the fund of a local government established under **section 77**;
- (w) "local government" means a Union Council or the Metropolitan Corporation established under **this Act**;
- (x) "market" means a place where persons assemble for the sale and purchase of meat, fish, fruit, vegetables or any other article of food or for the sale and purchase of livestock or animals and includes any place which may be notified as a market;
- (y) "Master Plan" means the Master Plan developed, maintained and enforced by Capital Development Authority;
- (z) "Mayor" means the Mayor of the Metropolitan Corporation elected as such under section 11;
- (aa) "member" means a member of a local government;
- (bb) "Metropolitan Corporation" means the Metropolitan Corporation notified as such under section 8;
- (cc) "misconduct" means transgression of the prescribed code of conduct or dereliction of duty or deliberate unlawful behavior or violation of law or rules or lawful directions or orders of the Government and includes:
  - (i) gross negligence in the performance of duties with manifest wrongful intent or evil design; or
  - (ii) an act that results in wrongful gain to any person by wrongful application of law; or
  - (iii) making or managing appointment, promotion or transfer of an officer or official in violation of law or rules or for extraneous consideration; or
  - (iv) bribery, corruption, jobbery, favoritism, nepotism or willful diversion of the fund of the local government;
- (dd) "municipal offence" means an act or omission punishable under this Act and includes an act or omission declared as municipal offence under any other law for the time being in force in Islamabad Capital Territory;

- (ee) "notification" means notification issued by the Government under this Act and published in the Official Gazette;
- (ff) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury as may be specified, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;
- (gg) "occupier" means any person, for the time being, in actual lawful occupation of the land or building and includes an owner in actual occupation of the land or building;
- (hh) "owner" includes the person for the time being receiving the rent of land and buildings or either of them, including an agent or trustee for any person or society or for any religious of charitable purpose or who would so receive the same if land or building was let to a tenant;
- (ii) "peasant" means a landless farm worker or, a person, who during the period of five years preceding the year in which the election is held, owning less than five acres of land as sole owner for subsistence living;
- (jj) "prescribed" means prescribed by the rules as defined under clause (ss);
- (kk) "prohibited zone" means any area or areas within a local government declared as prohibited zone by a public notice for purposes of the Ordinance;
- (ll) "public road" means and includes a road or street or way maintained by the Government or by a local government or by any other local authority;
- (mm) "public place" means any building, premises or place to which the public have access;
- (nn) "rate" means and includes the charges that may be fixed and levied by the local governments for provision of any services, for which it incurs a cost, provided under this Act ;
- (oo) "refuse" includes rubbish, offal, night-soil, carcasses of animals, deposits of sewerage, waste and any other offensive matter;
- (pp) "rent" means whatever is by law payable in money or kind by a tenant or lessee on account of lawful occupation or use of any building or land;
- (qq) "revenue estate" means a revenue estate declared under the Land Revenue Act, 1967 (XVII of 1967) as adapted in the Islamabad Capital Territory;



- (rr) "road" includes a road or a street or way which is not a thoroughfare;
- (ss) "rules" means rules made under the Ordinance or deemed to have been made under this Act;
- (tt) "Schedule" means a Schedule appended to this Act;
- (uu) "streets line" means a line dividing the land comprised in, and forming part of, a road or street from the adjoining land;
- (vv) "tax" includes any cess, rate, fee, toll or other charge levied under this Act;
- (ww) "technocrat" means a person who is the holder of a degree requiring conclusion of at least sixteen years of education recognized by the Higher Education Commission and at least five years of experience in the relevant field;
- (xx) "Union Council" Means an area notified as a Union Council under section 6;
- (yy) "vehicle" means a wheeled conveyance capable of being used on a road or street;
- (zz) "Vice Chairman" means the Vice Chairman of a Union Council as mentioned in section 10;
- (aaa) "village" means an integrated and contiguous human habitation commonly identified by a name and includes a dhok, chak, gaown, basti or any other comparable habitation within a revenue estate;
- (bbb) "voter" means a person, whose name for the time being appears on the electoral rolls prepared or adapted for the purposes of the election under the Ordinance;
- (ccc) "worker" means a person directly engaged in work or is dependent on personal labour for subsistence living and includes a worker as defined in the Industrial Relations Act 2012 (X of 2012);
- (ddd) "youth" means a person who is enrolled as a voter in the respective Union Council and is less than twenty-five years of age on last day fixed for filing of nomination papers; and
- (eee) "Zoning Regulation" means the Islamabad Capital Territory Zoning Regulations 1992

(2) The expressions, not defined in sub-section(1), shall have the same meaning as defined in any other **relevant** law or generally used.

**3. Local governments to work within the existing framework.--**

(1) The local governments established under this Act shall faithfully observe all laws applicable in Islamabad Capital Territory.

(2) In the performance of their functions, the local governments shall not impede or prejudice the exercise of the executive authority of the Government or any office performing functions of the Provincial Government in the Islamabad Capital Territory.

(3) The development, planning and overall maintenance of the Master plan within the specified area of Islamabad Capital Territory will continue to vest with Capital Development Authority and thus the overall Master Plan shall apply and no action by any authority, body or corporation shall be initiated in violation of the Capital Development Authority Ordinance, 1960 and the Zoning regulations duly approved by the Government. All powers to be exercised and rules to be enforced shall be subject to the planning framework already set in the aforementioned laws, rules and regulations.

(4) This legal framework shall without derogation to the existing laws and regulations of the Islamabad Capital Territory and Capital Development Authority and segments not covered by the prevalent law shall be covered by the respective local Government, as determined by the Government. Wherever there is a clash between the existing law and provisions of this Act, the existing law shall prevail unless clearly specified or repealed.

## CHAPTER II

### LOCAL AREAS

**4. Local areas.--** (1) For purposes of this Act, the Government shall, by notification, specify the local area within Islamabad Capital Territory as Union Councils and for the Metropolitan Corporation, as the case may be;

(2) The Government may, by notification, after inviting public objections and suggestions, alter the limits of a local area and declare that any area shall cease to be a Union Council.

(3) Any two or more adjoining Union Councils within Islamabad Capital Territory may, after inviting public objections through a resolution passed by two-third majority of the total membership of each of the Union Councils, make a proposal to the Government for a change in their respective boundaries subject to the condition that no revenue estate shall be divided and the size of population in the relevant Union Council shall, as far as possible, be close to the average population of similar Union Councils in Islamabad Capital Territory.



5. **Division and reconstitution of a local government.**— (1) The Government may, by notification, divide a local government into two or more local governments or alter the limits of a local government and may specify in the notification the consequences which shall ensue upon the publication of such notification.

(2) When, as a result of such division or reconstitution, any new local government is constituted, in accordance with the provisions of this Act in the manner specified in the notification:

- (a) the existing members of any local government so divided or reconstituted shall become the members of such local government as the Government may, by notification, specify as if each such member had been elected to that local government; and
- (b) such local government shall, to the extent and in the manner specified in the notification, be the successor of the local government so divided or reconstituted.

6. **Delimitation of Union Councils.**— (1) A Union Council shall be an area consisting of one or more revenue estates or, in the case of an area where revision of settlement under the law has not taken place, one or more census villages or, in the case of an urban area, a census block or blocks as delimited for purposes of the last preceding census or a census block and a revenue estate, notified as such by the Government.

(2) As far as possible:

- (a) the area of a Union Council shall be a territorial unity;
- (b) the boundaries of a Union Council shall not cross the limits of the Metropolitan Corporation; and
- (c) the population of Union Councils within the Metropolitan Corporation shall be uniform.

7. **Waiver of conditions.**—The Government may, in a specific case and for reasons to be recorded in writing, waive the conditions of delimitation mentioned in Section 6.

### CHAPTER III

#### CONSTITUTION OF LOCAL GOVERNMENTS

8. **Constitution of Local Governments.**— (1) Subject to sub-section (2), the local governments constituted under this Act shall be:

- (a) Metropolitan Corporation for Islamabad Capital Territory and

(b) Union Councils for Islamabad Capital Territory as the Government may notify.

(2) The Government may, by notification, declare any area in Islamabad Capital Territory to be a Union Council.

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

#### CHAPTER IV

##### COMPOSITION OF LOCAL GOVERNMENTS

9. **Local Governments.**—(1) Local governments shall consist of Union Councils and Metropolitan Corporation as given in section 10 and section 11, respectively.

(2) If there are more than one member in any category of seats in a local government, the election shall be held on the basis of proportional representation.

10. **Union Council.**—A Union Council shall consist of the following members elected under Chapter V:

- (i) Chairman and Vice Chairman, as joint candidates;
- (ii) Six general members;
- (iii) two women;
- (iv) one peasant or worker;
- (v) one youth member; and
- (vi) one non-Muslim where there are at least two hundred non-Muslim voters registered in the Union Council.

11. **Metropolitan Corporation.**— (1) The Metropolitan Corporation shall consist of the following members elected under Chapter V:

- (i) Mayor and Deputy Mayor, as joint candidates;
- (ii) Chairmen of all Union Councils;
- (iii) women;
- (iv) peasants/workers;
- (v) technocrats;
- (vi) youth members; and
- (vii) non-Muslims



(2) The number of women, peasants/workers, technocrats, youth and non-Muslim members shall be determined by the Government through a notification issued from time to time;

(3) The Mayor and the Deputy Mayor shall be elected as joint candidates, in the first session of the Metropolitan Corporation, from amongst the members mentioned at serial number (ii) to (vii) of sub-section (1), by majority of the members mentioned at serial number (ii) to (vii) of sub-section (1) present and voting.

12. **Saving.**—Nothing contained in this Chapter shall be construed to prevent a woman, peasant, worker, technocrat or a non-Muslim from being a candidate or elected to a general seat in any local government.

## CHAPTER V

### LOCAL GOVERNMENT ELECTIONS

13. **Franchise.**— Save as otherwise provided, election of members of all local Governments shall be held through secret ballot on the basis of adult franchise in such manner as may be prescribed.

14. **Election of the members of the Union Councils.**— Members of each Union Councils Shall be directly elected by the voters registered in the concerned Union Council.

15. **Election of the members of the Metropolitan Corporation.**— Members of Metropolitan Corporation, mentioned at serial number (iii) to (vii) of sub-section (1) of Section 11, shall be elected by the members of the Union Councils present and voting.

16. **Election Commission to conduct elections.**— (1) The Election Commission shall conduct the local government elections.

(2) The Election Commission may, by order in the Official Gazette, make provisions for the conduct of local government elections if no provisions or no sufficient provisions have been made under this Act or the rules.

17. **Executive Authority to assist the Election Commission.**—It shall be the duty of all executive authorities in the Islamabad Capital Territory to assist the Election Commission in the discharge of its functions.

18. **Electoral rolls.**— (1) A person shall be entitled to be enrolled as a voter if he:

- (a) is a citizen of Pakistan;
- (b) is not less than eighteen years of age; and

