

[AS] INTRODUCED IN THE NATIONAL ASSEMBLY

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.— (1) This Act may be called the Constitution (Amendment) Act, 2019.

(2) It shall come into force at once.

2. Insertion of Article 140B of the Constitution.— In the Constitution of the Islamic Republic of Pakistan, after Article 140A, the following new Article shall be inserted, namely: -

“140B. Local Government Empowerment.— (1) Notwithstanding anything contained in the Constitution or in any other law for the time being in force for all departments, agencies and organizations performing functions in connection with affairs of a district shall be under the administrative and financial control of the head of the Local Government of the district.

(2) The local governments shall be responsible for policing and security of citizens resident in a district.

(3) The head of the Local Governments shall have all powers to appoint persons in the Local Government service and terms and conditions of persons in such service as such terms and conditions of persons in the service:

Provided further that on the commencement of this Article the administrative control of all departments, agencies and organizations, performing functions in connection with affairs of a district shall stand transferred and shall become employees of the Local Government of the district on the same terms and conditions at the time of commencement of this Article:

Provided further that seniority of such transferred employees shall be according to their dates of regular appointments in their services under the Federal Government or Provincial Governments:

Provided that employees of the Federal Government or the Provincial Government who shall not opt for their transfer to the Local Government shall be repatriated to the respective service of the Federal or Provincial Government.

(4) The Local Governments shall legislate about all departments, agencies and organizations, etc.

(5) Notwithstanding anything contained in the Constitution or in any other law for the time being in force, the local government shall be entitled for twenty percent of taxes collected by the Federal Government and eighty percent of taxes or levies, etc., collected by the Provincial Government, from such district:

Provided that the Federal Government as well as the Provincial Government may provide grants in aid to every Local Governments according to their requirements subject to availability on the basis of equity and equality.

(6) There shall be no legislation abridging powers of the local government of the district devolved by this Article.”.

STATEMENT OF OBJECTS AND REASONS

The Constitution of the Islamic Republic of Pakistan has created three tier system of governance as under:-

- (i) Federal Government;
- (ii) Provincial Governments; and
- (iii) Local Governments.

2. However, there is no real devolution of political, administrative and financial powers and responsibilities as well as authority due to lack of clarity in Article 140A of the Constitution.

3. There is no doubt that in Pakistan there is still colonial model of civil services of the Federation and the Provinces which are model of corruption due to non-local basis as the civil servants coming from other districts or parts of country have no interest in development of a district of the local government as they have no stake or connection with that local government or district except to loot and plunder resources of such districts or local government by pigmy viceroys.

4. Similarly, there is no control of accountability with people of district or local government of civil servants of the Province or the Federation and in case of extreme corruption the maximum punishment is transfer to any other district.

5. The Local based civil servants shall have direct stake and interest with the district or local government as they have to live and die in that district or local government territory. The people of district or local government territory shall be aware about the financial and social status of each and every employee appointed in the district or local government territory shall be aware about the financial and social status of each and every employee appointed in the district or local government territory as the people of the district or local government territory will not allow such employee to loot and plunder due to well-known financial and social status of each and every employee.

6. Similarly, local based police service shall be more accountable as the people of the district or local government territory shall not tolerate their bad character and particularly financial embezzlements.

7. The Bill seeks to achieve the aforesaid objectives.

Sd/-

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