

**THE KHYBER PAKHTUNKHWA LOCAL GOVERNMENT ACT, 2013.**

**(KHYBER PAKHTUNKHWA ACT NO. XXVIII OF 2013)**

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2015

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2015

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2015

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>5</sup>Inserted vide Khyber Pakhtunkhwa Act No. XIX of 2017

<sup>6</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2015

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

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<sup>1</sup>Inserted vide Khyber Pakhtunkhwa Act No. XI of 2015

<sup>2</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXIX of 2015

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

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<sup>1</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXIX of 2015

<sup>2</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXXIV of 2017

<sup>3</sup>Added vide Khyber Pakhtunkhwa Act No. VI of 2018

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

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**THE KHYBER PAKHTUNKHWA LOCAL GOVERNMENT ACT, 2013.**

**(KHYBER PAKHTUNKHWA ACT NO. XXVIII OF 2013)**

*[First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 7<sup>th</sup> November, 2013].*

**AN  
ACT**

*to construct and regulate local government institutions in the Province of the Khyber Pakhtunkhwa and to consolidate laws relating to these institutions and to provide for matters connected therewith and ancillary thereto.*

**WHEREAS** it is expedient to encourage local government institutions composed of elected representatives and having special representation of peasants, workers, women, minorities and youth;

**AND WHEREAS** clause (i) of Article 37 of the Constitution of the Islamic Republic of Pakistan, as a principle of policy, requires decentralization of government administration so as to facilitate expeditious disposal of its business to meet the convenience and requirements of the public;

**AND WHEREAS** clause (1) of Article 140A of the Constitution of the Islamic Republic of Pakistan, provides for establishment of a local government system and devolution of political, administrative and financial responsibility and authority to the elected representatives of the local governments;

**AND WHEREAS** for the purposes aforesaid it is necessary to re-organize the local government system in the Province of the Khyber Pakhtunkhwa and consolidate laws relating to these institutions;

It is hereby enacted as follows:

**CHAPTER – I  
INTRODUCTION**

**1. Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Local Government Act, 2013.

(2) It extends to the whole of the Province of the Khyber Pakhtunkhwa except, areas notified as cantonments or any other area excluded by Government through notification in the official Gazette.

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

<sup>1</sup>[1A. **Power to exclude any provision of the Act.**- Government may by notification exempt any area or areas from all or any of the provisions of this Act.]

**2. Definitions.**---In this Act, unless the context otherwise requires,-

<sup>2</sup>[(a) “biometric” means the measurement and analysis of unique physical characteristics such as fingerprints for verifying and authenticating the personal identity of a voter;]

<sup>3</sup>[(aa)] “building” includes any shop, house, hut, out-house, 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;

(b) “building line” means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed;

(c) “cattle” includes cows, buffaloes, bulls, oxen, bullocks, calves, camels, heifers, sheep and goats;

<sup>4</sup>[(c-i) “City Local Government” means the City Local Government as provided in sub-section (5) of section 21 of this Act;]

(d) “conservancy” means the collection, treatment, removal and disposal of refuse;

<sup>5</sup>[(d-i) “Deputy Commissioner” means the Deputy Commissioner of the District concerned; and

(d-ii) “Department” means the Local Government Elections and Rural Development Department of the Government;]

<sup>6</sup>[(d-iii) “Development Authority” means and includes the Peshawar Peshawar Development Authority, the Galiyat Development Authority, the Kaghan Development Authority and any other

<sup>1</sup>Added vide Khyber Pakhtunkhwa Act No. XXXIV of 2015

<sup>2</sup>Inserted vide Khyber Pakhtunkhwa Act No. XI of 2015

<sup>3</sup>Re-numbered vide Khyber Pakhtunkhwa Act No. XI of 2015

<sup>4</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>5</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>6</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXIII of 2020

urban area development authority, established under relevant laws for the time being in force or any other local area authority, established under any law and charged with the responsibility of local area development and provision of municipal services within its respective territorial jurisdiction;

- (e) “devolution” means conferment by Government of its administrative and financial authority for the operation management and control of specified offices of Government to the local governments;
- (f) “District” means a revenue district notified under the West Pakistan Land Revenue Act, 1967 (W.P. Act No. XVII of 1967);
- <sup>1</sup>[(f-i) “District Administration” includes the Deputy Commissioner and district heads of provincial departments;]
- (g) “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;
- (h) “erect or re-erect a building” means the construction of a new building and includes such material alterations of building as enlargement of any wall, verandah, fixed platform, plinth or a part of the building, structural conversion into one or more places for human habitation of a building not originally meant for the purpose, structural conversion of two or more places of human habitation into a greater number of such places, addition of any rooms, building substance or other structure to a building, re-construction of whole or any part of the external walls of a building or the renewal of the parts of a wooden building, construction in a wall adjoining any street or land not belonging to the owner of the wall, construction of a door opening to such street or land, such alteration of the internal arrangements of a building as affects its drainage, ventilation or other sanitary arrangements or its security or stability;
- (i) “factory” means a factory as defined in “The Khyber Pakhtunkhwa Factories Act, 2013 (Act No. XVI of 2013)”;
- (j) “Government” means Government of the Khyber Pakhtunkhwa;

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<sup>1</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXV of 2019

- (k) “land” includes land which is being build up or is built up or is covered with water or is under cultivation or is fallow;
- (l) “local area” means an area specified in Chapter-II;
- <sup>1</sup>[(l-i) “Local Government” means the Local Government as provided in sub-section (1) of section 5 of this Act;]
- (m) “local council” means a <sup>2</sup>[Deleted] Tehsil Council, <sup>3</sup>[Deleted] Village Council or, as the case may be, Neighbourhood Council;
- (n) “mal-administration” means and includes-
- (i) an omission or commission, a decision, process or recommendation, which is contrary to law, rules, or regulations or is a departure from established practice or procedure or is arbitrary, biased, discriminatory, oppressive, perverse, unjust or unreasonable or is based on irrelevant grounds; or
  - (ii) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as administrative excess, bribery, favoritism, jobbery and nepotism; or
  - (iii) delay, inaction, incompetence, inefficiency, ineptitude or neglect in the administration or discharge of duties and responsibilities; or
  - (iv) repeated notices, prolonged hearings or unnecessary attendance while deciding cases; or
  - (v) voidance of disciplinary action against an officer or official whose action is held by a competent authority to be biased, capricious, patently illegal or vindictive;
- (o) “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, from time to time,

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<sup>1</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

be notified as market;

- (p) “mauza” means a revenue estate declared under the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967);
- (q) “misconduct” means transgression of prescribed code of conduct or dereliction from duty or deliberate unlawful behavior or violation of law or rules or lawful directions or orders of Government and includes-
  - (i) gross negligence in 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, robbery, favoritism, nepotism or willful diversion of the fund of the local government;
- (r) “municipal services” include intra-city network of water supply, sanitation, conservancy, removal and disposal of sullage, refuse, garbage, sewer or storm water, solid or liquid waste, drainage, public toilets, express ways bridges, flyovers, public roads, streets, foot paths, traffic signals, pavements and lighting thereof, public parks, gardens, arboriculture, landscaping, bill boards, hoardings, fire fighting, land use control, zoning, master planning, classification, declassification or reclassification of commercial or residential areas, markets, housing, urban or rural infrastructure, environment and construction, maintenance or development thereof and enforcement of any law or rule relating thereto;
- (s) “Neighbourhood” means a mohallah, a group of streets, lanes or roads, in areas with urban characteristics, designated as Neighbourhood by <sup>1</sup>[Department;]
- (t) “nuisance” includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;

(u) “peasant” means a person who is a landless farm worker or, one who during the period of five years preceding the year in which election is held, has been the owner of not more than five acres of land and depends directly on it for subsistence living;

(v) “prescribed” means prescribed by rules;

<sup>1</sup>[(v-i) “private housing scheme” means an area of land, <sup>2</sup>[in different categories as prescribed in rules], to be developed by any private promoter or developer and divided or proposed to be divided by way of sale or through lease or transfer of physical possession of plots, houses or apartment buildings for residential, commercial or industrial purposes, construction of flats in the form of group housing or for construction of integrated commercial complexes but does not include any area of abadideh of a village or land divided or proposed to be divided-

(i) for the purpose of agriculture; or

(ii) by a company, institution or factory for creation of housing for its employees; provided that there is no profit motive nor ownership of the houses is transferred to the employees and their rights to accommodation are restricted to the period of their employment with company, institution or factory;

(v-ii) “private promoter or developer” means any private individual, association of persons, registered firm, company or corporation having majority ownership or control of private individuals and may include-

(i) the owner of land, on which a private housing scheme is developed;

(ii) the builder who constructs or causes to be constructed any apartment building, consisting of apartments, or converts an existing building or apart thereof into

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<sup>1</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXIII of 2020

<sup>2</sup> Substituted vide Khyber Pakhtunkhwa Act No.XXVI of 2021

apartments, for the purpose of selling all or some of the apartments to other person, and includes his assigns;

- (iii) the developer, who develops any land into a private housing scheme, whether or not he also construct structure on any of the plots, for the purpose of selling to other person, all or some of the plots, whether open or with structures thereon;
- (iv) the property dealer or estate agent, who offers or sells apartments or plots on behalf of land owner or builder or colonizer or any other person, by whatever name he may be called;
- (v) any person, whether natural or juristic, who claims to be acting as the holder of the power of attorney from the owner of the land on which the building is constructed or a housing scheme is developed; and
- (vi) whoever styles or presents himself as a private promoter or developer or by any other name;]
- (w) “prohibited zone” means any area or areas within a district declared as prohibited zone by a public notice by the concerned <sup>1</sup> [District Administration or Tehsil Local Government, as the case may be,] for the purposes of this Act;
- (x) “Province” means the Province of the Khyber Pakhtunkhwa;
- (y) “refuse” includes rubbish, offal, night-soil, carcasses of animals, deposits of sewerage, waste and any other offensive matter;
- (z) “rent” means whatever is by law payable in money or kind by a tenant or lessee on account of the occupation of any building or land or use of any machinery, equipment or vehicle;
- (aa) “rules” means rules made under this Act;
- (bb) “schedules” mean schedules appended to this Act;
- (cc) “specify” means specified by Standing Orders of Government;

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

(dd) “street line” means a line dividing the land comprised in, and forming part of a street from the adjoining land;

(ee) “sullage” includes sewerage, polluted water, rain water and any other offensive matter carried by a drain;

(ff) “tax” includes any cess, fee, rate, toll or other charge leviable under this Act;

<sup>1</sup>[(gg) “tehsil” means a tehsil notified under the West Pakistan Land Revenue Act, 1967 (W.P. Act No. XVII of 1967) and includes any other area as declared by the Government to be a tehsil for the purposes of this Act;]

<sup>2</sup>[(gg-i) “Teshil Local Administration” means the Assistant Commissioners, Tehsil Municipal officers and heads of devolved offices;

(gg-ii) “Tehsil Local Government” means the Chairman and Tehsil Local Administration;]

(hh) <sup>3</sup>[Deleted]

(ii) “Village” means an integrated and contiguous human habitation commonly identified by a name and includes a Dhok, Chak, Kalay, Goth, Gaown, Basti or any other comparable habitation;

(jj) “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 Khyber Pakhtunkhwa Industrial Relations Act, 2010 (Act No. XVI of 2010).

**3. Local governments to work within the provincial framework.**---(1) The local governments established under this Act shall function within the Provincial framework and shall faithfully observe the federal and provincial laws.

(2) In the performance of their functions, the local governments shall not impede or prejudice the exercise of the executive authority of Government.

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019



<sup>1</sup>[(3) For the purposes of uniformity, Government shall give policy framework for devolved functions and each local government shall act in accordance with such policy frame work.]

## CHAPTER – II LOCAL AREAS AND CONSTITUTION OF LOCAL GOVERNMENTS

**4. Local areas for local governments.**--- For the purpose of this Act Village, Neighbourhood, <sup>2</sup>[and Tehsil] shall be local areas for local governments.

**5. Constitution of local governments.**---(1) Subject to other provisions of this Act, local governments constituted under this Act shall be:

- <sup>3</sup>(a) a City Local Government;]
- (b) <sup>4</sup>[Deleted]
- <sup>5</sup>(c) a Tehsil Local Government for a tehsil;]
- (d) <sup>6</sup>[Deleted]
- (e) a Village Council for a village in the rural areas; and
- (f) a Neighbourhood Council for a Neighbourhood in areas with urban characteristics.

(2) Government may, by notification in official Gazette, specify the name by which a local government shall be known and unless so specified, it shall be known as the local government of the place where its office is situated.

(3) Save as otherwise provided in this Act, every local government shall be competent to acquire, hold or transfer any property, movable and immovable, to enter into contract and to sue or be sued in its name, through officer designated in this regard.

(4) Government shall prescribe rules of business for local governments notifying structure and working of local government administration, groups of offices, allocation of business, appointment, posting, promotion and transfer of

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<sup>1</sup>Added vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>4</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>5</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>6</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

officers and officials, performance evaluation, channels of communication, coordination of local council business, consultation between offices and incidental matters for smooth and efficient disposal of official business.

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

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

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

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

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

Provided that, as far as may be,-

- (a) the area of a village and neighbourhood council shall be a territorial unity;
- (b) the boundaries of a village and neighbourhood council shall not cross the limits of a tehsil;
- (c) the area of a village council shall comprise a whole number of patwar circles, or a patwar circle may contain a number of whole village councils, provided that a village councils shall be delimited without distorting the boundaries of traditional villages;
- (d) the area of a neighbourhood council shall comprise a whole number of census blocks as delimited for the purpose of the

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

preceding population census or a whole number of muaziat or a combination of a whole number of census blocks and muaziat, provided that neighbourhood councils shall be delimited without affecting the unity of census blocks or the combination of census blocks and muaziat included therein; and

<sup>1</sup>[(e) the population of village council and neighbourhood council, within a district, shall range between 5000 to 15000, calculated on the basis of last preceding population census, officially published and if the results of national population census are not officially published then the village council and neighbourhood council shall be delimited in accordance with the provisional results of national population census, 2017:

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

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

**7. Delimitation of Tehsils and Districts.**---Government shall, by notification in the official Gazette, declare tehsils and districts notified under the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967), to be tehsils or, as the case may be, districts under this Act.

<sup>2</sup>**[8. Provisions of Tehsil Local Government shall apply to City Local Government.**---Save as otherwise provided in this Act, the provisions relating to Tehsil Local Government shall mutatis mutandis apply to the City Local Government and any reference in these provisions to

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

<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2020

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

## 9. Setting up of a Town.---

(1) <sup>1</sup>[Deleted]

(2) <sup>2</sup>[Deleted]

(3) <sup>3</sup>[Deleted]

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

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

<sup>5</sup> [(4A) <sup>6</sup> [The] owner of the land or building in the University Town, Peshawar, shall within the period of two years, from the commencement of the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019, apply to Government for commercialization of his property, on payment of such fee and other requirements as may be prescribed in the rules and on approval from the Government, such land or building shall be deemed to have been permissible for commercial activities.

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

<sup>7</sup> [(5) Government shall, within thirty (30) days of the commencement of the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2017, make rules

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<sup>1</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup> Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup> Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>5</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>6</sup>Substituted vide Khyber Pakhtunkhwa Act No. XLVII of 2019

<sup>7</sup>Added vide Khyber Pakhtunkhwa Act No. X of 2017

for carrying out the purposes of this section, in accordance with the parameters specified in Eight Schedule.]

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

(2) The Coordination Unit shall be responsible to-

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

<sup>2</sup>[CHAPTER –III  
Deleted]

<sup>3</sup>[CHAPTER –IV  
[Deleted]

<sup>4</sup>[CHAPTER –V  
TEHSIL LOCAL GOVERNMENT

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

<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup> Deleted vide Khyber Pakhtunkhwa Act No.XXV of 2019

<sup>3</sup> Deleted vide Khyber Pakhtunkhwa Act No.XXV of 2019

<sup>4</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Administration and the relevant provincial departments along with recommendations of tehsil council and his comments for action;

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

(2) The Chairman, Tehsil Council shall be personally responsible for loss flowing from decisions made by him personally or under his directions in violation of any provisions of this Act or any other law for the time being in force and for any expenditure incurred without lawful responsible authority.]

**<sup>1</sup>[23B. Approval of private housing schemes.---**(1) Notwithstanding and without prejudice to the generality of his powers and functions, so enumerated in section 23A, the Chairman, Tehsil Local Government, shall have the power to receive

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<sup>1</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXIII of 2020



application from a private promoter or developer for approval of any private housing scheme.

(2) The application for establishing and development of any private housing scheme shall be accompanied by such fee, documents, plans, securities and other requirements, as may be prescribed by rules.

(3) Upon receiving the application under sub-section (1), the Chairman, Tehsil Local Government, may make such local inquiries and receive such technical or other feedback from the Tehsil Municipal Administration, as he may deem necessary, in the manner and within the timelines, as may be prescribed by rules.

(4) The Chairman, Tehsil Local Government, after consultation with the Tehsil Municipal Administration, if finds the application deficient in any manner, he may either reject the application or require the private promoter or developer to meet such deficiencies within such period, as may be prescribed.

(5) Once the Chairman, Tehsil Local Government, is satisfied that the requirements for the grant of approval for establishing and development of the private housing scheme are met, he may place the application for approval before the Tehsil Council, which may approve the application with simple majority.

(6) The Tehsil Council, in case of dis-approval of the application, shall identify deficiencies or further requirements, preventing grant of approval of such application and shall send it back to Chairman with observations and a timeline to be intimated to the private promoter or developer to meet such deficiencies or other requirements.

(7) Once the Tehsil Council approves the application or the private promoter or developer meets the deficiencies or further requirements so intimated under sub-section (6) to the satisfaction of Chairman, Tehsil Local Government, he shall issue a No Objection Certificate to the private promoter or developer for establishment and development of the private housing schemes on such terms and conditions as may be specified in such No Objection Certificate and such other parameters, as may be prescribed:

(8) In case of violation of any terms and conditions as specified under sub-section (7), the No Objection Certificate so granted, shall be liable to cancellation at any time, in a manner as may be prescribed.

(9) Notwithstanding anything contained in this Act or any other law for the time being in force, prior to making an application under sub-section (1) for grant of No Objection Certificate for establishment and development of any private housing scheme, a private promoter or developer may, with intentions to undertake market research and analysis, apply for permission to undertake a local consumer survey within territorial limits of any Tehsil.

(10) Application, for market survey under sub-section (9), shall be submitted to the Chairman, Tehsil Local Government, with a detailed plan of survey, methodology to outreach the consumer base, means to employed to undertake such survey, proposed advertisement if any, proposed questionnaire for such survey and other relevant details.

(11) While processing and granting application for permission to undertake any survey under sub-section (9), the Chairman, Tehsil Local Government, shall ensure that while conducting such survey, the private promoter or developer shall in no manner holdout to the general public that he is possessing a No Objection Certificate granted under sub-section (7) or he shall, necessarily, receives such No Objection Certificate from the Tehsil Local Government for establishment of a private housing scheme:

Provided that permission to undertake a market survey under sub-section (9) shall only be granted to such private promoter or developer, who has demonstrable past experience of successfully establishing and launching private housing schemes at any other part of the country, is having substantial equity and net worth to undertake such projects demonstrable human resource capacity and meets any further requirements that the Chairman, Tehsil Local Government, at his discretion, proposes before granting such permission.

(12) In case the private promoter or developer also proposes to receive any amount on account of membership or registration fee from the consumers respondent of the survey to determine their seriousness, in furtherance of his market analysis through market survey under sub-section (9), he shall be liable to return such amounts to the respondents of the survey within a period of six months or adjust the same towards applications for allotments of such respondent consumer in case he receives an NOC under sub-section (7) for the private housing scheme and such respondent consumer is interested to seek allotment of any housing unit or plot therein:

Provided that in case of a proposal to receive any amount on account of membership or registration fee from consumers respondents of a survey under sub-section (9), the private promoter or developer shall further be obliged to furnish an unconditional bank guarantee in favor of the Chairman, Tehsil Local Government to the tune of Rupees five hundred (500) million, forfeitable for return or recovery of such amount:

Provided further that in case of failure to return any such amount to any respondent consumer or in case of any deficiency in case of encashment of the bank guarantee, the amount of fees paid by the consumers or any unpaid part thereof shall be recoverable from private promoter or developer as arrears of land revenue.

(13) It shall be the responsibility of the Tehsil Municipal Administration to oversee, supervise and exercise regulatory control upon the establishment of

development of any private housing scheme during the implementation phase, in the manner as may be prescribed.

(14) In case the proposed site of the private housing scheme to be applied for, simultaneously falls within territorial limits and jurisdiction of any Development Authority, notwithstanding anything contained in any law governing such Development Authority and the rules or regulations made there under, the application for grant of approval of such scheme shall be governed under this section:

Provided that in case the proposed site of the private housing scheme falls within the territorial limits of a Development Authority, the powers of the Chairman, Tehsil Local Government, shall be exercised by the Director General or the Chief Executive of such Development Authority by whatever name described and the powers of Tehsil Council shall be exercised by the board or the governing authority, as the case may be, of such Development Authority.]

#### <sup>1</sup>[CHAPTER – VI TEHSIL COUNCIL

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

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

- (a) approve taxes, fines and penalties proposed by Chairman, Tehsil Local Government;
- (b) approve bye-laws for delivery of services devolved to Tehsil Local Government;
- (c) approve annual budget and appropriations for Tehsil Local Government;
- (d) approve long and short term development plans proposed by Chairman, Tehsil Local Government;
- (e) elect Standing Committees of tehsil council for municipal offices and tehsil based offices and sub-offices of devolved functions to oversee matters and service delivery obligations assigned to these offices and report to the tehsil council their findings on efficiency, responsiveness, service delivery standards and performance of the respective offices for review;

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<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No.XXV of 2019

- (f) elect Finance Committee of the tehsil council for examination of tax and budget proposals;
- (g) elect Tehsil Accounts Committee to scrutinize the accounts showing appropriations of sums granted in the budget for expenditure of Tehsil Local Government, audit reports, statement of income and expenditure and such other matters as the Chairman, Tehsil Local Government may refer to it;
- (h) elect a Committee on Conduct of Business to consider matters regarding procedure and smooth conduct of business in the Tehsil Council;
- (i) elect a Code of Conduct Committee to oversee the observance of code of ethics by the members;
- (j) review the reports and recommendations of Tehsil Accounts Committee; and
- (k) review the performance reports presented by the Chairman, Tehsil Local Government.

**25A. Functions of Mayor, City Local Government and City Local Council.**---(1) In addition to the functions specified in <sup>1</sup>[sections 23A and 25A], the Mayor, City Local Government shall perform the following functions, namely:

- (a) review implementation of rules and bye-laws governing land use, housing, markets, zoning, roads, traffic, tax, infrastructure and public utilities;
- (b) approve proposals for public transport and mass transit systems, construction of express ways, fly-overs, bridges, roads, under passes, and inter-town streets;
- (c) perform the functions of approval of such macro municipal plans as may be notified by City Local Government;
- (d) sewerage tertiary and secondary network, treatment plants, and disposal;
- (e) storm water drainage network and disposal;
- (f) flood control protection and rapid response contingency plans;
- (g) industrial and hospital hazardous and toxic waste treatment and disposal;

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<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXIII of 2020

- (h) environmental control, including control of air, water, and soil pollution in accordance with federal and provincial laws and standards;
- (i) parks, play grounds, sporting, and other recreational facilities;
- (j) art galleries, libraries and community centers;
- (k) landscape, monuments, and municipal ornamentation;
- (l) urban and housing development, including urban improvement and upgrading, and urban renewal and redevelopment, with care being taken to preserve historical and cultural monuments; and
- (m) regional markets and city-wide commercial centers.

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

- <sup>1</sup>[(a) approve or return any application for grant of No Objection Certificate for establishment and development of any private housing scheme, within their respective territorial jurisdiction, in the manner applicable so applicable to the Tehsil Council mutatis mutandis under this section]
- <sup>2</sup>[(a-i)]approve master plans, zoning, land use plans, including classification and reclassification of land, environment control, urban design, urban renewal and ecological balances;]
- (b) approve development schemes for beautification of areas along rivers, canals, streams; and
- (c) review development of integrated system of water reservoirs, water sources, treatment plants, drainage, liquid and solid waste disposal, sanitation and other municipal services.]

**CHAPTER – VII**  
**VILLAGE AND NEIGHBOURHOOD**  
**COUNCILS**

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<sup>1</sup> Renumbered Added vide Khyber Pakhtunkhwa Act No. XXIII of 2020

<sup>2</sup> Renumbered and Added vide Khyber Pakhtunkhwa Act No. XXIII of 2020

<sup>1</sup>**[26. Establishment of Village Council and Neighbourhood Council.**---After delimitation of Village Council and Neighbourhood Council by Election Commission of Pakistan, Government shall by notification in the official Gazette, notify Village Council and Neighbourhood Council in all districts.]

<sup>2</sup>**[27. Composition of village council and neighbourhood Council.**---(1) Every village council and neighbourhood council, shall comprise of members as provided in Part-II of Eleventh Schedule to this Act.

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

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

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

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

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

**28. Functions and responsibilities of the** <sup>3</sup>**[Chairman], Village Council and Neighbourhood Council.**---(1) The <sup>4</sup> [Chairman] of village council and neighbourhood council shall:

(a) provide leadership for council-wide development and preparation of budget;

<sup>5</sup>[(a-i) present annual budget for approval of the village council or neighbourhood council, as the case may be;]

(b) organize management of municipal infrastructure with in the area of respective village council or neighbourhood council;

<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XI of 2015

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>5</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXV of 2019

- (c) chair panels of members constituted for amicable settlement of disputes;
- (d) report to <sup>1</sup> [District Administration and Tehsil Local Government] in respect of:
  - (i) encroachment on state and local government property;
  - (ii) violation of land use plans, building codes, rules and bye-laws;
  - (iii) sale and trade of dangerous and offensive articles;
  - (iv) adulteration of articles of food; and
  - (v) breach of public water courses with in the area of the village council or neighbourhood council, as the case may be;
- (e) prepare and send quarterly reports on the performance of functionaries of all offices located in the area including Education, Health, Public Health Engineering, Agriculture, Livestock, Police and Revenue to <sup>2</sup> [District Administration and Tehsil Local Government].

(2) The <sup>3</sup>[Chairman], village council or the <sup>4</sup>[Chairman] neighbourhood council, as the case may be, shall be responsible for any loss flowing from his decisions and directions in violation of this Act or any other law for the time being in force and for expenditures incurred without lawful authority.

(3) <sup>5</sup>[Deleted]

**<sup>6</sup>[29. Functions of the village council or neighbourhood council.]**---(1) Functions of the village council and neighbourhood Council, as the case may be, shall be to,-

- (i) implement and monitor village level development works;

<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>5</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>6</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

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

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



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

## **CHAPTER – VIII LOCAL GOVERNMENT FINANCE**

**30. Establishment of Local Funds and Public Accounts.**---(1)There shall be established a district fund, a tehsil fund, village fund and neighbourhood fund, as the case may be, for each respective local government.

(2) To the credit of respective Fund shall be placed all revenues received by a local government from the following sources:

- (a) monies transferred by another local government under this Act;
- (b) grants made or monies received from Government or other authorities in Pakistan;
- (c) the proceeds of taxes levied by a local government under this Act;
- (d) rents and profits payable or accruing to a local government from immovable property vested in or controlled or managed by it;
- (e) proceeds or any other profits howsoever known or called from bank accounts and investments of a local government;
- (f) gifts, grants or contributions by individuals or institutions;
- (g) income accruing from markets or fairs regulated by a local government;
- (h) fines imposed and recovered under this Act; and
- (i) proceeds from other sources of income which are placed at the disposal of a local government under directions of Government.

(3) To the credit of respective Public Account of the local government shall be placed all revenues received by a local government from the following sources-

- (a) receipts accruing from trusts administered or managed by it;
- (b) refundable deposits received by it; and
- (c) deferred liabilities.

(4) A local government, may and if required by Government shall establish and maintain a separate fund for any special purpose to which one or more sources of revenue mentioned in sub-section (2) or any part of these sources or any specified portion of the Fund may be assigned and which shall be administered and regulated in such manner as Fund of the local government.

**31. Custody and Operation of Local Funds and Public Account.**---(1) Monies credited to a Fund or a Public Account of a local government shall be kept in the State Bank, Government treasury, a post office or a bank in such manner as shall be specified by the Government from time to time.

(2) The Funds shall be operated in such a manner as may be prescribed.

**32. Charged expenditure.**---(1) The following expenditure shall be charged on the Fund of local government, that is to say:

- (a) such sums as are required for repayment of debt;
- (b) any sum required to satisfy any judgment, decree or award against the local government by any Court or Tribunal;
- (c) such sums as the local government may be required by Government to contribute towards the conduct of elections, the maintenance of specified group of functionaries and the auditing of accounts; and

<sup>1</sup>[(d) annual contribution for human resource development and third party monitoring of developmental schemes of local governments in the manner **to be prescribed** at the rate of two percent of the development grant.]

(2) If any expenditure is a compulsory charge on the Fund of a local government and is not paid, Government may, by order, direct the person having the custody of the Fund to pay such amount, or so much thereof as may be possible from time to time, from the balance of the Fund.

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

**33. Application of Funds.**---(1) The money credited to the Fund of a local government shall be expended in accordance with Annual Budget approved by the respective local council.

(2) No local government shall transfer monies to a higher level of Government except by way of repayment of debts or for carrying out deposit works or as provided in this Act.

(3) Where a new local government is to take over during a financial year as a result of fresh elections, the outgoing local government shall not spend funds or make commitments for any expenditure, under any demand for grant or appropriation, in excess of eight percent per mensem of the budgeted funds for remainder of its term in office.

**34. Budget Preparation.**---(1) The annual budget for each local government shall contain estimates of:

- (a) grants-in-aid from Government;
- (b) amounts available in the respective Fund;
- (c) receipts for the next year; and
- (d) expenditures to be incurred for the next year.

(2) The Government shall sufficiently, before the beginning of each financial year, notify the provisional grants, which may be credited to the Fund of a local government from the Provincial Consolidated Fund.

(3) No demand for a grant shall be made except on the recommendation of the respective <sup>1</sup>[Chairman].

(4) Conditional grants from Government or other local government will be shown separately in the budget and will be governed by conditions provided therein.

(5) Before the commencement of a financial year each local government shall, for its Fund, prepare in the prescribed manner, a budget for that year.

<sup>2</sup>(6) The budget shall include all the development projects/ schemes by name before it is tabled for approval by the Council.

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Added vide Khyber Pakhtunkhwa Act No. XXV of 2019

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

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

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

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

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

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

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

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

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

(6) At any time before the expiry of the financial year to which budget relates, a revised budget for the year may, if necessary, be prepared and sanctioned and such revised budget shall be subject to the provisions of this section.

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

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

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

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

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

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

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

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

**36. Accounts.**---(1) The accounts of receipts and expenditure of local governments shall be kept in such form and in accordance with such principles and methods as the Auditor-General of Pakistan may prescribe.

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

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

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

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

(4) Local governments shall conspicuously display annual accounts for public inspection.

(5) Accounts Committees of the respective local councils shall hold public hearings to consider audit reports, objections to statement of accounts and recommend appropriate action to the local council.

**37. Audit.**---(1) The Auditor General of Pakistan shall, on the basis of such audit as he may consider appropriate or necessary, certify the accounts compiled and prepared by the respective accounts officials of local governments for each financial year, showing annual receipts and disbursements for the purposes of each local government and shall submit certified accounts with such notes, comments or recommendations as he may consider necessary to the Government and <sup>1</sup>[Chairman] of respective local council.

(2) The <sup>2</sup>[Chairman] shall cause the audit report to be submitted to the respective local council and the local council shall refer it to its Accounts Committee for examination.

<sup>3</sup>[(3) Every Tehsil Local Government shall publish its annual audit report for information of public.]

<sup>4</sup>[(4) The Finance Department shall place sufficient human resources at the disposal of the Department to conduct Internal Audit in each tier of the Local Government.]

<sup>5</sup>[(5) The Internal Audit staff shall conduct the internal audit of the accounts of receipts and expenditures of the respective fund of every Local Government.

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

## **CHAPTER – IX LOCAL GOVERNMENT PROPERTY**

**38. Ownership of property.**---(1) Subject to any conditions imposed by Government, the property specified hereunder shall vest in the respective local government if it is-

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>5</sup>Added vide Khyber Pakhtunkhwa Act No. XXV of 2019

- (a) vested in a local government through succession;
- (b) transferred to the local government by the Government or any other authority, organization or an individual; and
- (c) constructed or acquired by a local government with its title.

<sup>1</sup>[(2) Properties of the Government in possession of the local governments established under Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No XXVII of 2013) shall pass to their successors in such manner as may be prescribed by the Department.]

(3) The local government shall, subject to policy of Government or contractual obligations, make bye-laws for the use, development, improvement, management and inspection of property which is owned by or vests in it or which is placed under its management charge.

(4) Subject to other provisions of this Act, Government shall not, except with the prior consent of the local government concerned, reallocate or in any manner divest title of properties vested in that local government under this Act.

**39. Stock taking by the <sup>2</sup> [Chairman].**---(1) Every <sup>3</sup> [Chairman] shall, on assumption of his office and thereafter, once in every year on a date fixed by him, take physical stock of movable and immovable properties of the local government and present a report to the local council.

- (2) The report shall contain-
- (a) particulars of the properties held during the preceding year;
  - (b) total value of the property and annual return there from;
  - (c) particulars of unserviceable articles and losses if any; and
  - (d) plans for utilization, development and improvement during the following year.

**40. Use and disposal of properties.**---(1) Properties of local government shall be used only for public purposes.

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

(2) Immovable properties of local government shall not be sold or permanently alienated:

Provided that such properties may be given on lease through competitive bidding in public auction for a period to be determined by the Government:

Provided further that no such property under or near a fly-over bridge shall be leased or otherwise given to any person for private, commercial or non-commercial use, and any order, licence, permission, tehbazari ticket, handcart passes or certificate issued by any authority at any time in this respect shall stand withdrawn and shall be deemed cancelled.

(3) Movable property of a local government which is required to be disposed of and all articles declared unserviceable shall be sold through competitive bidding in public auction.

**41. Personal Responsibility with regard to loss and waste.**---(1) Every official or servant of a local government, every member of a local council, and every person charged with administration and management of property of a local government shall be personally responsible for any loss or waste, financial or otherwise, of any property belonging to a local government which is a direct consequence of decisions made by him personally or under his directions in violation of this Act or any other law for the time being in force or which accrues as a result of his negligence or misconduct, and shall be liable to pay such surcharge as may be determined by the respective Accounts Committee and such amount shall be recoverable as arrears of land revenue.

(2) Any person aggrieved by the imposition of liability under sub-section (1) may prefer an appeal to Government whose decision shall be final:

Provided that no order shall be passed in appeal, except after giving the aggrieved person an opportunity of being heard.

## **CHAPTER – X LOCAL GOVERNMENT TAXATION**

**42. Imposition, notification and enforcement of Taxes.**---(1) A local government subject to the provisions of any other law may, and if directed by Government shall, levy all or any of the taxes and levies specified in the Third Schedule.

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

(3) A local government may reduce, suspend or abolish a tax.



(4) Where a tax is levied or modified, the local government shall specify the date for the enforcement thereof, and such tax or the modification shall come into force on such date.

(5) Government shall have power to direct a local government to levy any tax, increase or reduce any such tax or the assessment thereof and suspend or abolish the levy of any tax.

**43. Model Tax Schedule.**---Government may frame Model Tax Schedules and when such Schedules have been framed a local government shall be guided by them in levying a tax.

**44. Rating Areas and Property Tax.**---(1) On commencement of this Act, every tehsil shall be rating area within the meaning of the Khyber Pakhtunkhwa Urban Immovable Property Tax Act, 1958 (W.P. Act V of 1958).

(2) The rate of property tax in an area within a tehsil shall be subject to approval of respective tehsil council:

Provided that in the areas within a tehsil where rate has not been determined, the areas shall be deemed to be exempted from property tax till determination of the rate.

(3) Unless varied under sub-section (2) above, the existing rates in the areas within a tehsil shall remain in force.

**Explanation.**---For the purpose of this section the “rate” shall mean the tax leviable under the Khyber Pakhtunkhwa Urban Immovable Property Tax Act, 1958 (W.P. Act V of 1958).

**45. Collection and recovery of taxes.**---(1) Failure to pay any tax and other money claimable under this Act shall be an offence.

(2) All arrears of taxes, rents and other moneys claimable by a local government under this Act shall be recoverable as arrears of land revenue.

(3) <sup>1</sup>[Department] may empower any local government to recover arrears of taxes or any other moneys claimable by the local government under this Act by distress and sale of the movable property belonging to the person concerned or by attachment and sale of the immovable property belonging to him.

(4) <sup>2</sup> [Department] may specify the officials or classes of officials by whom the power under sub-section (2) shall be exercised and prescribe the manner in which it shall be exercised.

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

**46. Liability on account of taxes.**---(1) A local government may by notification, call upon any person to furnish such information, produce such record or accounts or to present such goods or animals liable to any tax as may be necessary for the purpose of determining the liability of such person to a tax.

(2) <sup>1</sup> [An officer authorized by the Department] may after due notice, enter upon any building or premises for the purpose of assessing the liability of such building or premises to any tax, or inspecting any goods or animals therein liable to any tax.

(3) <sup>2</sup>[An officer authorized by the Department] may, in the prescribed manner, seize and dispose of any goods or animals on which any tax is due and is not paid.

**47. Deduction of taxes from salaries.**---If a local government levies a tax on professions, trades or callings, it may require the employer of the person liable to such tax to deduct the tax from the salary or wages payable to such person, and on such requisition the amount of the tax due shall be deducted from the salary or wages of the persons concerned and credited to the Fund of the local government.

**48. Petitions against valuation and assessment.**---No assessment of a tax under this Act or valuation there for, or the liability of a person to be so taxed, shall be called in question except by a petition presented to such authority, in such manner and within such period as may be prescribed.

**49. Taxation rules.**---All taxes and other charges levied by a local government shall be imposed, assessed, leased, compounded, administered and regulated in such manner as may be prescribed by rules which may, among other matters, provide for the obligation of the tax payer and the duties and powers of the officials responsible for the assessment and collection of taxes.

**50. Local governments not to incur debt.**---(1) No local government shall incur any debt.

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

(2) No monies of the local government shall be invested in securities other than those floated or approved by the Federal Government or Provincial Government.

**CHAPTER – XI**  
**PROVINCIAL FINANCE COMMISSION**  
**AND FISCAL TRANSFERS**

**51. Constitution of Provincial Finance Commission.**---Government shall constitute a Provincial Finance Commission hereinafter referred to as “Finance Commission”.

**52. Composition of the Finance Commission.**---(1) The Finance Commission shall consist of eleven members, including:

- (a) Minister for Finance Department, who shall be the Chairman of the Finance Commission;
- (b) Minister for Local Government, Elections and Rural Development Department <sup>1</sup>[who shall be the Co-Chairman of the Finance Commission];
- (c) two members of the Provincial Assembly of Khyber Pakhtunkhwa, one each nominated by the Chief Minister and Leader of Opposition in the Provincial Assembly;
- (d) Secretary to Government, Finance Department;
- (e) Secretary to Government, Planning and Development Department;
- (f) Secretary to Government, Local Government, Elections and Rural Development Department;
- (g) Secretary to Government, Law, Parliamentary Affairs and Human Rights Department; <sup>2</sup>[and]
- (h) <sup>3</sup>[Deleted]
- <sup>4</sup>(i) five Chairmen, Tehsil Local Government one each representing a Zone as detailed in Twelfth Schedule, elected

<sup>1</sup>Added vide Khyber Pakhtunkhwa Act No. XXX of 2015

<sup>2</sup>Added vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

by Chairmen, Tehsil Local Government in the respective Zone<sup>1</sup>[:]

<sup>2</sup> [Provided that if elections are not held to the office of Chairman, Tehsil Local Government, then the vacancy in the Provincial Finance Commission shall be filled by the Chief Minister.]

(2) The Finance Department shall provide secretariat support to the Finance Commission and provide annual statement on transfer of funds in accordance with recommendations of the Finance Commission.

(3) No proceedings or act of the Finance Commission shall be invalid merely on the ground of existence of a vacancy in its composition.

(4) Subject to this Act, the Finance Commission shall regulate its procedure and business.

**53. Functions of the Finance Commission.**---(1) The Finance Commission shall make recommendations to the Government on:

(a) the amount of grant for local governments out of the proceeds of Provincial Consolidated Fund in a financial year in addition to the grant<sup>3</sup>[to local councils]:

Provided that in addition to the establishment charges budgeted for the devolved functions and transfers<sup>4</sup>[to local council], the development grant for local governments shall be so determined that it is not less than thirty percent of the total development budget of the province in the respective year<sup>5</sup>[:]

<sup>6</sup> [Provided further that Government may allocate certain amount from the thirty per cent (30%) grant to a public interest fund to be administered by Government and to be used by public functionaries for the development of local governments;

<sup>7</sup>[(b) formula for distribution of the grant, as Government may direct, among local governments in the Province;]

<sup>1</sup> Replaced and added vide Khyber Pakhtunkhwa Act No. XXXI of 2020

<sup>2</sup> Added vide Khyber Pakhtunkhwa Act No. XXXI of 2020

<sup>3</sup> Substituted vide Khyber Pakhtunkhwa Act No. IX of 2016

<sup>4</sup> Substituted vide Khyber Pakhtunkhwa Act No. IX of 2016

<sup>5</sup> Replaced vide Khyber Pakhtunkhwa Act No. IX of 2017

<sup>6</sup> Added vide Khyber Pakhtunkhwa Act No. IX of 2017

<sup>7</sup> Substituted vide Khyber Pakhtunkhwa Act No. IX of 2017

- (c) the amount of special grants for local governments with modalities and conditions to access the facility;
- (d) grants in aid to local governments in need of assistance; and
- (e) matters relating to local government finance.

(2) While making recommendations, the Finance Commission shall take into account the principles of fiscal need, fiscal capacity, fiscal effort and fiscal performance of local governments.

(3) The Finance Commission shall also take into consideration poverty, population, lag in infrastructure and revenue base of local governments as factors while formulating its recommendations.

(4) The Finance Commission shall present to the Government annually a report on the analysis of fiscal transfers, the situation of own-source revenue in local governments and the reach and quality of their services and the Government shall cause the report to be laid before the Provincial Assembly.

## **CHAPTER – XII SUPERVISION OF LOCAL GOVERNMENTS**

**54. Local government Commission.**---(1) Government shall appoint a Local Government Commission, which shall consist of-

- (a) Minister for Local Government, Elections and Rural Development Department, who shall be the Chairman of the Local Government Commission;
- (b) two members of the Provincial Assembly, one each nominated by the Chief Minister and Leader of Opposition in the Provincial Assembly;
- (c) two eminently qualified and experienced technocrats including a woman selected by Government for a period of three years;
- (d) Secretary to Government, Law, Parliamentary Affairs and Human Rights Department; and
- (e) Secretary to Government, Local Government, Elections and Rural Development Department <sup>1</sup>[;]

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<sup>1</sup>Replaced vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>1</sup>[(f) a representative of the Finance Department for matters relating to budget of Local Government.]

(2) The Local Government Commission may, for any specific assignment, co-opt any other person as member; provided that, when it is seized with an inquiry against a <sup>2</sup>[Chairman], it shall be mandatory for the Local Government Commission to co-opt a disinterested <sup>3</sup> [Chairman, Tehsil Local Government] as member.

<sup>4</sup>[(3) Government shall provide separate budget for the Local Government Commission with Director General, Local Government and Rural Development as Principal Accounting Officer. The Directorate General Local Government shall be a permanent secretariat for the Local Government Commission having separate human resource and an officer authorized as such, as extended presence of the Commission in a district.]

(4) No act or proceedings of the Local Government Commission shall be invalid by reason or existence of any vacancy, or defect, in its constitution.

<sup>5</sup>**[55. Functions of the Local Government Commission.]**---(1) Functions of the Local Government Commission shall be to:

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

<sup>1</sup>Added vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>5</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

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

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

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

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

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

**56. Responsibility of the Local Government Commission.**---The Local Government Commission shall be responsible to the Chief Minister.

**57. Relations of Government with <sup>1</sup> [Local Government].**---(1) <sup>2</sup> [local government] shall carry out its functions in accordance with provisions of this Act and the rules made there under.

<sup>3</sup>[(2) Government may provide guidelines and render advice for achieving the ends of the Government policy and for promoting economic, social and environmental security of the province through District Administration who shall act in the following manner:

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

- (a) coordinate between Government departments and local governments;
- (b) coordinate among local governments in cases where more than one local government in a district are involved;
- (c) coordinate/ carryout periodic inspections to ensure that the non-devolved offices perform their functions efficiently and effectively;
- (d) dispute resolution among Tehsil Local Governments within the districts;
- (e) where required to do so by the Government or a Government department, report on the performance of the devolved offices in the district;
- (f) where required to do so by the Government, or a Government department, report and review of budget expenditure and Annual Development Program utilization; and
- (g) any other task assigned by the Government for improved service delivery.]

<sup>1</sup>[(3) The Chief Minister, may issue directives in public interest to a Chairman for implementation and if he fails to comply with the directions, the Chief Minister may require the Department or a Commissioner to take such action as the situation may necessitate.]

**58.** <sup>2</sup>[Deleted]

**59. Suspension and removal of a <sup>3</sup>[Chairman].**---(1) Where, in the opinion of the Chief Minister, a <sup>4</sup>[Chairman] is deliberately avoiding or abstaining wilfully or failing to comply with directions given under this Act, the Chief Minister may, for reasons to be recorded and conveyed in writing, suspend him for a period not exceeding thirty days and refer the matter to the Local Government Commission for enquiry.

(2) During the course of enquiry, the Local Government Commission shall provide an opportunity of personal hearing to the suspended <sup>5</sup>[Chairman] and

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<sup>1</sup>Added vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>5</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019



shall submit its report along with its recommendations which may include removal of the <sup>1</sup>[Chairman] to the Chief Minister for appropriate action in light of such recommendations.

(3) During the period of suspension of the <sup>2</sup> [the member nominated under paragraph (q) of sub-section (1) of section 23A and sub-section (4) of section 27] shall act as <sup>3</sup>[Chairman] and in case no decision is taken within thirty days from the date of suspension of the <sup>4</sup>[Chairman], he shall stand re-instated to his office.

<sup>5</sup>**[60. Setting aside an order of Chairman.---**Where, in the opinion of the Chief Minister, an order or decision of a Chairman is not in conformity with law or is against the interest of the people, he may, for reasons to be recorded and conveyed to the Chairman, suspend such order or, as the case may be, decision, refer the matter to the Local Government Commission for enquiry to be completed within sixty days and may on receipt of the report, quash the order or decision of the Chairman, if it is so recommended by the Local Government Commission. ]

<sup>6</sup>**[61. Internal controls, inspection and supervision.---**(1) Chairman, Tehsil Local Government may designate inspecting officers to objectively examine the performance of any office in local government in relation to service delivery.

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

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

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

(62) <sup>7</sup>[\*\*\*] and (63) <sup>8</sup>[\*\*\*]

<sup>9</sup>**[64. Suspension of Resolution and proceedings.---**Where in the opinion of the Chief Minister a resolution of a local council is not in conformity with law or is not

<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>5</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>6</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>7</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>8</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>9</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

in the interest of public, he for reason to be recorded may suspend the execution of such resolution and prohibit the doing of anything resolved to be done.]

**65. Conduct of members of the Local Councils.**---(1) The Code of Conduct Committee in each local council shall ensure adherence of all members of the local councils <sup>1</sup>[Chairman and convenors] to the prescribed code of ethics for promoting their honest, responsible and efficient functioning and behavior.

(2) The Code of Conduct Committee shall monitor the conduct of the elected representatives and report incidents of inefficiency and corruption to the concerned local council which may invoke proceedings of disqualification against such member.

### **CHAPTER – XIII LOCAL GOVERNMENT RESPONSIBILITY FOR ENFORCEMENT OF LAWS**

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

- (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 fifty thousand rupees, or with both and, where an accused was directed by the Enforcement Officer 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 or fine which may extend to five thousand rupees, or with both and, where an accused was directed by the Enforcement Officer 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

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

(c) Fifth Schedule shall in the first instance, be liable to fine by issuing a ticket specified in the Sixth Schedule and, where an accused repeats the offence within a period of two months for which he was subjected to fine, he shall be liable to the same punishment as provided in clause (b).

(3) The offences specified in clause (a) of sub-section (2) shall be cognizable and information in this regard shall be reported to the respective police station for registration of a case against the accused.

(4) A Court shall take cognizance of the offences specified in clause (b) of sub-section (2) on a complaint made in writing by Enforcement Officer.

(5) The offences specified in Part II of the Fourth Schedule and Fifth Schedule shall be tried in a summary manner in accordance with the provisions of section 260 to 265 of the Code of Criminal Procedure, 1898 (Act V of 1898), but the limit of punishment mentioned in sub-section (2) of section 262 thereof shall not be applicable.

(6) Government may, by notification in the official Gazette, entrust to a local government the enforcement responsibility of any other law for the time being in force.

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

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

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

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

**68. Imposition of fine through ticketing.**---(1) Where any person, in the opinion of an Enforcement Officer, is contravening any provision of the law relating to the offences specified in Fifth Schedule, he shall charge the accused by issuing a ticket in the form specified in Sixth Schedule for payment of fine, if such offence has been committed for the first time in two months.

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

(2) The ticket 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 Enforcement Officer for record.

(3) The person to whom a ticket has been issued under this section may either contest the imposition of fine in the Court within ten days from the date of the issuance of the ticket or deposit the fine within that period and provide a copy of payment receipt to the Enforcement Officer.

(4) The fine may be deposited in the designated Bank Account of the local government within ten days from the date of imposition for credit in the Fund of the local government:

**69. Procedure for default in deposit of fine.**---(1) The Enforcement Officer shall, on daily basis, provide a scroll of all unpaid tickets to the Controlling Authority, who shall forward the same to the court having jurisdiction in the cases.

(2) The court receiving the scroll shall issue summons to the accused forthwith stating date of hearing for trial as enumerated in section 66.

(3) Where on the first date of hearing, the accused appears before the court and produces proof of deposit of fine, or unconditionally admitting his failure, deposits the fine forthwith along with the penalty which shall not be less than ten percent and not more than twenty five percent of the amount of fine as determined by the court in accordance with the procedure provided in sub-section (2) of section 388 of the Code of Criminal Procedure, 1898 (Act V of 1898) further proceedings against the accused may be dispensed with and no conviction shall be recorded against him.

(4) Upon failure of the accused to appear before the court in response to the summons, the court shall forthwith issue warrants for arrest of the accused and upon issuance of such warrants the accused will be liable to punishment under clause (b) of sub-section (2) of section 66.

(5) The fines imposed by a court for an offence specified in Fifth Schedule shall on collection be deposited in the Fund of the respective local government.

**<sup>1</sup>[70. Municipal Wardens.**---(1) Government may establish and maintain municipal wardens.

(2) Government may, notwithstanding anything contained in the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act. No II of 2017), or in any

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

other law, specify the duties which the municipal wardens may be required to perform.]

**71. General Powers of Enforcement Officers.**---(1) In case of any serious threat to the public health, safety or welfare or danger to life and property, or where violation of any rule or bye-law is being committed, the Enforcement Officer may, in his area of jurisdiction, in addition to imposition of fine or initiating prosecution under this Act-

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

(2) An Enforcement Officer shall not enter any dwelling unit without permission of the occupier or search warrant from a court competent jurisdiction.

(3) An Enforcement Officer may, in relation to the offences specified in Fourth and Fifth Schedules-

- (a) issue notices in writing on behalf of the local government;
- (b) initiate legal proceedings in the Court; and
- (c) assist in defending legal proceedings initiated against the local government.

**72. Registers, reports and enforcement Gazette.**---(1) <sup>1</sup> [Department] shall specify registers for maintaining record of cases and forms for monthly reports regarding enforcement activities.

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

**73.** <sup>2</sup>[Deleted]

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

## Chapter – XIV LOCAL COUNCIL ELECTIONS

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

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

(3) Members to fill seats reserved for women, peasants and workers, youth and minorities in the Tehsil Council shall be elected in the manner indicated in <sup>2</sup>[Part-I] of Eleventh Schedule.

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

**Explanation:** For the purpose of this section:

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

**75. Authority for Local Council Elections.**---(1) Election to the local councils shall be held by the Election Commission of Pakistan, hereinafter referred to as Election Commission.

(2) The Election Commission may require any person or authority to perform such functions or, render such assistance for the purpose of elections, including preparation of electoral rolls and disposal of election petitions and other disputes under this Act as deemed fit.

(3) The Election Commission may authorize any of its officers to exercise any of its powers and to perform any of its functions under this Act.

<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XLVII of 2019

(4) It shall be the duty of all executive authorities in the province to assist the Election Commission in the discharge of its functions.

**76. Other powers and functions of the Election Commission.**---The Election Commission shall also exercise such other powers and perform such other functions as may be prescribed.

**77. Preparation of 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 on the first day of January of the year in which an election is to be held; and
- (c) fulfils such other conditions as the Election Commission may specify.

(2) The electoral rolls for the local council elections shall be prepared by the Election Commission in the manner it may deem appropriate and the electoral rolls shall not be invalid by reason of any erroneous description therein of any person listed or of an omission of the name of any person entitled to be enrolled or of inclusion of the name of any person not so entitled.

(3) Every person whose name is entered in the electoral roll, and no person whose name is not so entered, shall be entitled to cast a vote at an election to the local council.

<sup>1</sup>**[77A. Identification of voter.**---The identity of a voter at a polling station shall be confirmed and satisfied by the concerned authorities by using biometrics machine specified and provided by the Election Commission:

Provided that where no biometric machine is provided by the Election Commission, the identity of a voter shall be confirmed and satisfied by the concerned authority by using normal procedure of identification.]

**78. Qualifications for candidates and elected members.**---(1) A person shall qualify to be elected or to hold an elective office or membership of a local council, if he-

- (a) is a citizen of Pakistan;

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<sup>1</sup>Added vide Khyber Pakhtunkhwa Act No. XI of 2015

- (b) is at least twenty one years of age;
- (c) is enrolled as a voter in the electoral rolls of the relevant ward or a council;
- (d) is of good character and is not commonly known as one who violates Islamic injunctions; has adequate knowledge of Islamic teachings and practices, obligatory duties prescribed by Islam as well as abstains from major sins; provided that these qualifications shall not apply to a person who is a non-muslim, but such a person shall have a good reputation;
- (e) has not been declared by a competent court to be of unsound mind;
- (f) is not in the service of the federal, a provincial or a local government or, any statutory body or a body which is controlled by any such government or, in which any of such governments has a controlling share or interest, except the holders of elected public office and part-time officials remunerated either by salary or fee; provided that in case of a person who has resigned or retired from such service, a period of not less than six months has elapsed since his retirement;
- (g) has not been dismissed, removed or compulsorily retired from public service on the grounds of moral turpitude, unless a period of five years has elapsed since his dismissal, removal or compulsory retirement;
- (h) does not possess assets which are inconsistent with his declaration of assets or justifiable means, whether held in his own name or of the dependents or any other person or corporate body in whose name assets are held in trust or under any other formal or informal arrangement whereby the de-facto control of such assets including their sale, transfer or pecuniary interest, is retained by him;
- (i) has not been adjudged a willful defaulter of any tax or other financial dues owed to the federal, a provincial, or a local government or any financial institution, including utility bills outstanding for six months or more;
- (j) has not been convicted by a court of competent jurisdiction on a charge of corrupt practice involving moral turpitude or misuse of power or authority under any law for the time being in force, unless a period of five years has elapsed since his released;



- (k) has not been sentenced to imprisonment for more than three months for an offence under any law and, a period of not less than five years has elapsed since his release; and in case of a member or a holder of a public office, has not been sentenced to imprisonment;
- (l) has not failed to file the required return of election expenses or is not convicted for exceeding the limits of election expenses prescribed under the electoral laws and rules;
- (m) has not been declared an un-discharged insolvent by any court;
- (n) does not engage in any transaction involving pecuniary interest with the local government of which he is a member;
- (o) does not absent himself without reasonable cause from three consecutive meetings of the council of which he is a member; provided that a member shall not be disqualified if the absence was necessitated by a national emergency or force majeure;
- (p) does not fail to attend a mandatory training course as required under this Act;
- (q) has not been and is not involved, in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people, and the good order and harmony of society; and
- (r) has not used, directly or indirectly, for his election the platform, flag, symbol, affiliation and financial or material resources or support of an ethnic or sectarian or proscribed party, formation or organization.

(2) Whoever-

- (a) is found by the Election Commission to have contravened the provisions of sub-section (1) shall stand disqualified from being a candidate for election to any office of the local governments for a period of three years; or
- (b) having been elected as a member of a local council or a holder of an elective office of the local government is found by the Election Commission to have contravened the provisions of sub-section (1) shall cease forthwith to be an elected member or to hold the office of such member and stand disqualified from being a candidate for election to a local council for a period of three years.

(3) If any question arises whether a member of a local council has become disqualified from being a member, the <sup>1</sup>[Chairman], unless he decides that no such question has arisen, shall refer the question to the Election Commission within fifteen days and should he fail to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.

(4) The Election Commission shall decide the question within ninety days from its receipt or deemed to have been received and if it is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant.

**<sup>2</sup>[78A. Disqualification on grounds of defection.---**(1) If a Chairman, Tehsil Local Government resigns from membership of his political party or joins another political party, he may be declared in writing by the Party Head to have defected from the political party, and the Party Head may forward a copy of the declaration to the Election Commission and shall similarly forward a copy thereof to the Chairman concerned:

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

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

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

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

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

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

**<sup>3</sup>[79. Term of office, first meeting and conduct of business in Local Council.---**

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

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

<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>1</sup>[(1A) Notwithstanding anything contained in sub-section (1), if Government decides that the elections shall be held separately for village council and neighbourhood council and for the Chairman, Tehsil Local Government, it may request the Election Commission of Pakistan to hold elections in two phases and the Election Commission of Pakistan shall hold the elections accordingly.

(1B) If the elections of village council and neighbourhood council are held in the first instance, under sub-section (1A), then the Tehsil Council shall be constituted whenever elections are held for Chairman, Tehsil Local Government.

Provided that the tenure of such Chairman, Tehsil Local Government shall be four years irrespective of the fact that the members of the Tehsil Council have already completed their tenure of four years in capacity of members of their respective village council or neighbourhood council.]

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

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

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

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

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

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

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

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

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

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

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<sup>1</sup> Inserted vide Khyber Pakhtunkhwa Act No.XXVI of 2021

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

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

<sup>2</sup>**[81. Casual vacancy.**---(1) If at any time, the office of a Chairman, Tehsil Local Government falls vacant by reason of death, resignation, removal or any other reason, the concerned tehsil council shall within ten (10) days, elect one of its members as officiating Chairman, Tehsil Local Government till appointment of new Chairman, Tehsil Local Government:

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

<sup>3</sup>[Provided further that if, at any time, the office of a Chairman, Tehsil Local Government falls vacant by reason of completion of his tenure, under section 79 of this Act, or by reason of his death, resignation or removal or due to any other reason, the concerned Tehsil Council does not exist to elect an officiating Chairman, Government shall appoint an officer to perform the functions of the Chairman, Tehsil Local Government till the election of new Chairman and establishment of a new local government system in accordance with this sub-section.]

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

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

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

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

<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Added vide Khyber Pakhtunkhwa Act No.XXVI of 2021

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

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

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

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

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

<sup>2</sup>[**83. Removals.**---(1) Where proceedings of disqualification have been initiated by the Election Commission against a Chairman or member, the Election Commission or any officer authorized by it may issue a notice to him, within a specified period as to why proceedings against him may not be taken for his removal.

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

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

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

<sup>3</sup>[**84. Impeachment.**--- (1) A Chairman, Tehsil Local Government shall cease to hold office if he is impeached, on the grounds and in the manner as prescribed in rules, by two third majority of the total number of members of the local council ascertained through open division:

Provided that-

(a) a motion of impeachment shall not be moved before the expiry of six months of his assumption of office as Chairman; and

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

- (b) where a motion of impeachment against a Chairman has been moved and has failed to secure the requisite majority of votes in its favour at the meeting, no similar motion shall be moved against him before the expiry of six months from the date such motion was moved.]

**85. Bar against dual membership.**---A <sup>1</sup>[Chairman] <sup>2</sup>[Deleted] or member of a local council may contest election for any political office after resigning from his respective existing office before filing of his nomination papers.

**86. Notification of election, resignation and removal of <sup>3</sup>[Chairman], Naib-<sup>4</sup> [Chairman], members, etc.**---Every election, resignation or removal of a <sup>5</sup>[Chairman] <sup>6</sup>[Deleted], or a member, or the vacation of office by them shall be notified by the Election Commission.

**87. Election petition and Election Tribunal.**---(1) No election under this Act shall be called in question, except by an election petition made by a candidate for the election.

(2) For the hearing of an election petition the Election Commission shall, by notification, appoint an officer to be an Election Tribunal for such areas as may be specified in the notification.

(3) Subject to the provisions of this Act, every election petition shall be made and tried in such manner as may be prescribed by the Election Commission.

(4) The Election Tribunal shall have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (V of 1908) and shall be deemed to be a Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898).

**88. Corrupt practice.**---A person guilty of bribery, personating, or undue influence shall be punishable for an offence of corrupt practice with imprisonment for a term which may extend to three years, or with fine which may extend to one hundred thousand rupees, or with both.

**89. Bribery.**---A person is guilty of bribery, if he, directly or indirectly, by himself or by any other person on his behalf-

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>5</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>6</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

- (a) receives, agrees or contracts for any gratification for voting or refraining from voting or for being or refraining from being a candidate at, or withdrawing or retiring from, an election;
- (b) gives, offers or promises any gratification to any person for the purpose of-
  - (i) inducing a person to be or to refrain from being a candidate at an election; or
  - (ii) inducing a voter to vote or refrain from voting at any election; or
  - (iii) inducing a candidate to withdraw or retire from an election; or
  - (iv) rewarding a person for having been or for having refrained from being a candidate at an election; or
  - (v) rewarding a voter for having voted or refrained from voting at an election; or
  - (vi) rewarding a candidate for having withdrawn or retired from an election.

**Explanation.**-In this section, „gratification“ includes a gratification in money or estimable in money and all forms of entertainment or employment for reward.

**90. Personating.**---A person is guilty of personating, if he votes or applies for a ballot paper for voting as some other person whether that other person is living or dead or fictitious.

**91. Undue influence.**---A person is guilty of undue influence, if he-

- (a) in order to compel any person to vote, refrain from voting, or to induce or compel any person to withdraw his candidature at an election, directly or indirectly, by himself or by any other person on his behalf-
  - (i) makes or threatens to make use of any force, violence or restraint;
  - (ii) inflicts or threatens to inflict any injury, damage, harm or loss; or

- (iii) uses any official influence or governmental patronage;  
or
- (b) on account of any person having voted or refrained from voting, or having withdrawn his candidature, does any of the acts specified in clause (a); or
- (c) by abduction, duress or any fraudulent device or contrivance-
  - (i) impedes or prevents the free exercise of the franchise by a voter; or
  - (ii) compels, induces or prevails upon any voter to refrain from voting or compels any voter to vote.

**Explanation.**-In this section, „harm“ includes social ostracism or ex-communication or expulsion from any caste or community.

**92. Illegal practice.**---A person is guilty of illegal practice punishable with fine which may extend to ten thousand rupees, if he-

- (a) obtains or procures, or attempts to obtain or procure, the assistance of any officer or official of the federal government, Government or a local government or authority to further or hinder the election of a candidate;
- (b) votes or applies for a ballot paper for voting at an election knowing that he is not qualified for voting or is disqualified from voting;
- (c) votes or applies for a ballot paper for voting more than once at any polling station;
- (d) removes a ballot paper or a ballot box from a polling station or destroys, damages or tampers with the ballot-box used at a polling station;
- (e) knowingly induces or procures any person to do any of the aforesaid acts; or
- (f) fails to provide statement of election expenses as required under this Act;
- (g) makes or publishes a false statement-
  - (i) concerning the personal character of a candidate or his relation calculated to adversely affect the election of



such candidate or, for the purpose of promoting or procuring the election of another candidate, unless he proves that he had reasonable ground for believing, and did believe, the statement to be true;

- (ii) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate; or
- (iii) regarding the withdrawal of a candidate;
- (h) knowingly, in order to support or oppose a candidate, lets, lends, employs, hires, borrows or uses any vehicle or vessel for the purpose of conveying voters to or from the polling station, except when a person conveys himself or any member of the household to which he belongs, to or from the polling station; and
- (i) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting.

**93. Prohibition of canvassing.**---A person is guilty of an offence punishable with fine which may extend to ten thousand rupees, if he, on the polling day in connection with the election-

- (a) convenes, calls or organizes within a ward any meeting; or
- (b) within a radius of two hundred meters of the polling station-
  - (i) canvasses for votes;
  - (ii) solicits vote of any voter;
  - (iii) persuades any voter not to vote at the election or for a particular candidate; or
  - (iv) exhibits, except with the permission of the returning officer and at a place reserved for the candidate or his polling agent beyond the radius of one hundred meters of the polling station, any notice, sign, banner or flag designed to encourage the voters to vote, or discourage the voters from voting, for any contesting candidate.

**94. Disorderly conduct near polling station.**---A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees, or with both, if he-

- (a) uses, in such manner as to be audible within the polling station any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds; or
- (b) persistently shouts in such manner as to be audible within the polling station; or
- (c) does any act which-
  - (i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting; or
  - (ii) interferes with the performance of the duty of a presiding officer, polling officer or any other person performing any duty at a polling station; or
- (d) abets the doing of any of the aforesaid acts.

**95. Tampering with papers.**---A person is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both, if he:

- (a) fraudulently defaces or destroys any nomination paper or ballot paper;
- (b) fraudulently takes out of the polling station any ballot paper or puts into any ballot box any ballot paper other than the ballot paper he is authorized under the rules to put in;
- (c) without due authority-
  - (i) supplies any ballot paper to any person;
  - (ii) destroys, takes, opens or otherwise interferes with any ballot box or packet or ballot papers in use for the purpose of election; or
  - (iii) breaks any seal affixed in accordance with the provisions of the rules; or
  - (iv) causes any delay or interruption in the beginning, conduct or completion of the procedure required to be immediately carried out on the close of the poll; or
  - (v) fraudulently or without due authority attempts to do any of the aforesaid acts.

**96. Interference with secrecy of voting.**---A person is guilty of an offence punishable with imprisonment which may extend to six months, or with fine which may extend to ten thousand rupees, or with both, if he:

- (a) interferes or attempts to interfere with a voter when he records his vote;
- (b) in any manner obtains or attempts to obtain, in a polling station, information as to the candidate for whom a voter in that station is about to vote or has voted; or
- (c) communicates at any time any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted.

**97. Failure to maintain secrecy.**---Any candidate or polling agent attending a polling station, or any person attending the counting of votes, is guilty of an offence punishable with imprisonment which may extend to six months, or with fine which may extend to ten thousand rupees, or with both, if he-

- (a) fails to maintain or aid in maintaining the secrecy of voting; or
- (b) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

**98. Conduct of officials.**---A presiding officer, polling officer or any other officer or official performing a duty in connection with an election, or any member of a police force, is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to twenty thousand rupees, or with both, if he, during the conduct or management of an election or maintenance of order at the polling station:

- (a) persuades any person to give his vote;
- (b) dissuades any person from giving his vote;
- (c) influences in any manner the voting of any person;
- (d) does any other act calculated to further or hinder the election of a candidate;
- (e) fails to maintain or aid in maintaining the secrecy of voting;

- (f) communicates, except for any purpose authorised by any law, to any person before the poll is closed any information as to the name or number on the electoral roll of any voter who has or has not applied for a ballot paper, or has or has not voted at a polling station; and
- (g) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

**99. Breach of official duty in connection with election.**---A presiding officer, assistant presiding officer, or any other person employed by any such officer in connection with his official duties imposed by or under this Act is guilty of an offence punishable with imprisonment for a term which may extend to two years, or with fine which may extend to fifty thousand rupees, or with both, if he, willfully and without reasonable cause, commits breach of any such official duty, by act or omission.

**100. Assistance by Government servants.**---A person in the service of Government, the federal government, a local government, or a body owned or controlled by the Government, federal government or a local government is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to twenty thousand rupees, or with both if he, in any manner, gives any assistance calculated to further or hinder the election of a candidate.

**101. Summary trial.**---All offences under this Chapter except the offence of corrupt practice shall be tried summarily under the provisions of the Code of Criminal Procedure 1898 (Act V of 1898).

**102. Cognizance.**--- No court shall take cognizance of the offences relating to conduct of officials and breach of official duty except on the complaint in writing of the Returning Officer concerned.

**103. Prosecution of offences under this Chapter.**---Save as otherwise provided no court shall take cognizance of an offence under this chapter except upon a complaint in writing made by order or, or under authority from, the Election Commission.

## **CHAPTER – XV MANAGING TRANSITION**

**104. Administrative Transition.**---(1) On coming into force of this Act, any office, authority or municipal body set up or controlled by Government shall

continue providing services without any interruption during the devolution process or its entrustment to any local government under this Act.

(2) All functionaries of district councils, municipal corporation, municipal committees and union councils set up under the Khyber Pakhtunkhwa Local Government Act, 2012 (Khyber Pakhtunkhwa Act No. VIII of 2012), shall continue to perform their respective duties and responsibilities with the successor local government under this Act, until transferred to any other local government.

**105. Employees salaries not to be reduced on transfer, etc.**---(1) On allocation, re-allocation or transfer of the employees of the Government, municipal corporation, district councils, municipal committees and union councils or any other authority, agency or body to any local government established under this Act, the salaries, emoluments and pensions of such employees shall not be reduced on such allocation, re-allocation or transfer.

(2) The Government shall ensure the payment of salaries, emoluments and pensions of the employees referred to in sub-section (1), including the employees of the Local Council Service and the Servants of Local Councils set up under the Khyber Pakhtunkhwa Local Government Act, 2012 (Khyber Pakhtunkhwa Act No. VIII of 2012) till such time as Government may deem appropriate.

**106.** <sup>1</sup>[Deleted]

**107. Financial transition.**---(1) All taxes and rents which were being charged, levied and collected by any office of Government, development authority, agency or any local council, shall continue to be charged, levied and collected under this Act by the successor local governments and every person liable to pay such taxes and rents and accumulated arrears and receivables shall continue to make payment thereof until revised, withdrawn or varied under this Act.

(2) Where any local council established under the Khyber Pakhtunkhwa Local Government Act, 2012 (Khyber Pakhtunkhwa Act No. VIII of 2012), was receiving any grant or any compensation in lieu of octroi, toll tax, export tax, or any other tax, the successor local government under this Act shall continue to receive such grant or compensation.

**108.** <sup>2</sup>[Deleted]

## CHAPTER – XVI MISCELLANEOUS

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<sup>1</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

**109. Complaint Cell.**---Every <sup>1</sup> [local government] village council and neighbourhood council shall set up a complaint cell for redressal of grievances within the ambit of their responsibilities under this Act.

**110. Training.**---The <sup>2</sup>[Chairmen, the member presiding the meeting] members of the local councils and functionaries in local governments shall attend training courses for such periods and in such manner and at such places as may be prescribed by Government.

**111. Appeals.**---Any person aggrieved by any order passed by a local government or its functionaries, in pursuance of this Act or the rules or bye-laws made there under, may appeal to such authority, in such manner and within such period as may be specified.

**112. Rules.**---(1) Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the fore-going power, such rules may provide for all or any of the matters specified in Part –I of Seventh Schedule.

(3) The rules made under sub-section (1) shall be subject to previous publication in the official Gazette and shall meet the following considerations:-

- (a) consistency with the provisions of this Act, democratic decentralization and subsidiarity;
- (b) enhancement of welfare of the people;
- (c) fairness and clarity; and
- (d) natural justice and due process of law.

**113. Bye-laws.**---(1) A <sup>3</sup> [local council] may, in their ambit of responsibilities, make bye -laws to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the matters specified in Part-II of the Seventh Schedule:

Provided that the Government may make model bye-laws on any, some or all of relevant subjects for the sake of uniformity.

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

**114. Members and servants to be public servants.**---All <sup>1</sup> [Chairmen, the member presiding the meeting] members of the local councils, functionaries of the local governments and every other person duly authorized to act on behalf of the local governments shall be public servants within the meanings of section 21 of the Pakistan Penal Code (Act XIV of 1860) and shall be subject to the provisions of sections 161 to 169 of the said Code.

**115. Delegation of Powers.**---A <sup>2</sup>[Chairman] may delegate any of his powers, including financial powers, under this Act or the rules or bye-laws to any of the officer in the local government fully or partly and subject to such restrictions or conditions as he may deem fit, after approval by the local council.

<sup>3</sup>**[115A. Outsourcing of functions.**---Government may, by notification, exclude any of the functions assigned to the <sup>4</sup> [City Local Government or Tehsil Local Government] as the case may be, and outsource these functions to any authority, firm or company on such terms and conditions as it may determine in accordance with the existing laws or rules in force in the Province.]

<sup>5</sup>**[115B. Local areas development authority.**---Notwithstanding anything contained in this Act, the local areas development authorities, established under various laws for the time being in force, from time to time, shall continue to exercise its functions within the jurisdiction as are assigned to them under the notifications issued in this behalf.]

**116. Action taken in good faith.**---No suit, prosecution, or other legal proceedings shall lie against any public servant serving in local governments for anything done in good faith under this Act.

**Explanation:** The word “good faith” shall have the same meaning as given to it in section 52 of the Pakistan Penal Code.

**117. General powers of local governments, etc.**---(1) Every local government shall perform its functions conferred by or under this Act.

(2) Government shall specify general powers and standard procedures to guide local governments in performance of their functions.

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>3</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXIX of 2015

<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>5</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXXIV of 2017

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

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

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

<sup>2</sup> [**118A. Alternate Dispute Resolution.**---(1) In order to provide for speedy and affordable justice, there shall be a mediation council for out of court arbitration, reconciliation, mediation and amicable settlement of disputes of civil nature in each village and neighbourhood council level:

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

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

**119. Act to override other laws on the subject.**---The provisions of this Act shall have overriding effect, notwithstanding anything contained in any other law, on the subject, for the time being in force.

**120. Repeal and saving.**---(1) Soon after the commencement of this Act, the Khyber Pakhtunkhwa Local Government Act, 2012 (Khyber Pakhtunkhwa Act No. VIII of 2012) shall stand repealed and all Local Councils created under the said law shall stand dissolved.

(2) Save as otherwise specifically provided, nothing in this Act, or any repeal effected thereby shall affect or be deemed to affect anything done, action taken, investigation or proceedings commenced, order, rule, regulation, bye-laws appointment, conveyance, mortgage, deed, document or agreement and contract

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Inserted vide Khyber Pakhtunkhwa Act No. XXV of 2019



made or saved, fee levied, tax imposed or assessed, scheme prepared or executed, resolution passed, direction given, proceedings taken or instrument executed or issued, under or in pursuance of any law repealed or amended by this Act and any such thing, action, investigation, proceedings, order, rule, regulation, bye-laws appointment, conveyance, mortgage, deed, document, agreement, contract fee, tax, resolution, direction, proceedings or instrument suits, right or claims shall, if in force at the commencement of this Act and not inconsistent with any of the provisions of this Act, continue to be in force, and have effect as if it were respectively done, taken, commenced, made, directed, passed, given, executed instituted, acquired or issued under this Act.

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

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

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

**121. Succession.**---(1) On commencement of this Act, the following local governments shall succeed the rights, assets and liabilities of the local councils established or continued under the Khyber Pakhtunkhwa Local Government Act, 2012 (Khyber Pakhtunkhwa Act. No. VIII of 2012):

- (a) in the case of municipal corporation, municipal committee, university town and district council in Peshawar district by the city district government, Peshawar;
- (b) in the case of district councils in districts other than Peshawar, by the respective district governments;
- (c) in the case of municipal committees for urban areas in districts other than Peshawar by the respective tehsil municipal administration;

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<sup>1</sup>Added vide Khyber Pakhtunkhwa Act No. XXV of 2019

- (d) in case of union councils in rural areas of the province by village councils to the extent of functions assigned to them within their area of responsibility; and
- (e) in case of union councils in areas with urban characteristics by the neighbourhood councils to the extent of functions assigned to them within their area of responsibility.

(2) The Local Government Elections and Rural Development Department, Government of Khyber Pakhtunkhwa shall retain and continue to exercise administrative control over Local Area Development Authorities in the province <sup>1</sup> [except Galiyat Development Authority and Kaghan Development Authority.]

(3) Government or an officer designated by Government shall, within one hundred and eighty days of the commencement of this Act, divide rights, assets and liabilities of the local councils including adjustment of the staff amongst the local governments and the decision of Government or of the designated officer shall be final.

<sup>2</sup>**[121A.Successors-in-interest.---**(1) On commencement of the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019 the new local governments to be established thereunder shall succeed the functions, rights, assets and liabilities of the local councils established before the commencement of Khyber Pakhtunkhwa Local Government (Amendment) Act, 2019, in the following manner:

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

<sup>1</sup>Added vide Khyber Pakhtunkhwa Act No. XLVII of 2019

<sup>2</sup>Added vide Khyber Pakhtunkhwa Act No. XXV of 2019

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

**122. Certain matters to be prescribed.**---Where this Act makes any provision for anything to be done but no provision or no sufficient provision has been made as respects the authority by whom, or the manner in which it shall be done, then it shall be done by such authority and in such manner as may be specified.

**123. Removal of difficulty.**--- <sup>1</sup>[The Chief Minister on the recommendation of the Department] may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

**124.** <sup>2</sup>[Deleted]

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup> Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

**<sup>1</sup>[FIRST SCHEDULE**

[See section 22]

**Devolved Offices**

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

**[SECOND SCHEDULE** <sup>2</sup>[Deleted]

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

<sup>2</sup>Deleted vide Khyber Pakhtunkhwa Act No. XXV of 2019

**<sup>1</sup>[THIRD SCHEDULE**

[See section 42]

**Part - I****TEHSIL LOCAL GOVERNMENT**

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

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

**Part-II****VILLAGE & NEIGHBOURHOOD COUNCILS**

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

**FOURTH SCHEDULE**

[See section 66]

**LIST OF OFFENCES WITH ENFORCEMENT JURISDICTION REQUIRING  
COURT TRIAL  
PART-I**

S.#	Offence
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.
2.	Preparing or using counterfeit or proscribed Forms of the local government.
3.	Wilfully obstructing any officer or servant of a local government or any person authorized to exercise powers under this Act.
4.	Failure to deliver back possession of property to the local government on cancellation and expiration of lease.

5.	Doing an act without license or permission when the doing of such act requires a license or permission under this Actor the rules or bye-laws made under it.
6.	Evasion of payment of tax or other impost lawfully levied by a local government.
7.	Contravention of the prohibition or attempt or abetment of any of the offences in this Part
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 the local 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.
9.	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.
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.
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.
12.	<sup>1</sup> [Subject to sub-sections (4) and (5) of section 9] violation of the prohibitions provided in the Master Plan, the sanctioned Site Development Schemes under this Act or any other law for the time being in force including plans and schemes
13.	Adulteration of any eatable or drinkable or consumable item sold or supplied to the public.
14.	Manufacturing, trading, storing or supplying any eatable or drinkable item and other items unsafe for human consumption or public health.
15.	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.

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<sup>1</sup>Added vide Khyber Pakhtunkhwa Act No. X of 2017

16.	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.
17.	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 or using such space for any purpose which is not approved.
18.	Changing or converting into any other use any portion of a commercial building or area specified or earmarked for public parking.
19.	Failure to demolish or otherwise secure a building declared by the local government to be dangerous.
20.	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.
21.	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 proximity.
22.	Erection or re-erection of a building without the sanction required under this Act or using a building for a purpose which may endanger the security of people.
23.	Dyeing or tanning skins within such distance of any commercial or residential areas as may be specified by the local government.
<sup>1</sup> [24.	Obstructing or tampering with any main pipe, meter or any apparatus or appliance for the supply of water supply or sewerage system.]

**PART-II**

S.#	Offence
24.	Contravention of the prohibition or attempt or abetment of any of the offences in this Part.
25.	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.

<sup>1</sup>Added vide Khyber Pakhtunkhwa Act No. VI of 2018



26.	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.
27.	Establishing any cattle market without permission of the local government.
28.	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.
29.	Establishing or running any restaurant or vending stalls for eatables on any road, street, footpath, public place, over a drain, or any other property vested in or managed or controlled or maintained by a local government without its permission.
30.	Establishing a brick kiln and lime kiln within such distance of a residential area as may be specified by the local government.
31.	Cutting down of any tree, or erection or demolition of any building or part of a building where such action is declared under this Act to be a cause of danger or annoyance to the public.

**<sup>1</sup>[FIFTH SCHEDULE**

[See section 66 & 68]

**OFFENCES WHERE TICKET CAN BE ISSUED**

<b>S.#</b>	<b>Offence</b>	<b>Amount of Fine</b>
1.	Neglect in safe storage of eatable, drinkable and other consumable items sold or supplied to the public.	Rs. 5,000
2.	a. Fixing of wooden khokhas, and temporary shops or extension thereof on footpaths or beyond the street line. b. Plying of handcarts for the sale of goods without permission.	Rs. 15,000 Rs.2,000
3.	Failure by the owner or occupier of any land to clear away and remove any vegetation declared by a local government to be injurious to health or offensive to	Rs.1500

<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No. XXV of 2019

	neighbourhoods.	
4.	Slaughtering of animals for the sale of meat at a place other than the place set apart for the purpose.	Rs. 12,000
5.	Without the permission of the local government causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, or drain or to be put upon any street, or public place, or into irrigation channel or any sewer or drain not set apart for the purpose.	a. Rs. 6,000 in case of commercial concerns.  b. Rs. 4000 for others
6.	Keeping or maintaining any cattle in any part of the prohibited zone or failure to remove the cattle from the prohibited zone within the specified time when an order to this effect has been made.	Rs. 2000
7.	Keeping ferocious dogs or other animals in residential areas or taking such animals to public places or the areas specified by the local government, without leash or chain and without being muzzled or to set at large any animal or dog infected with rabies or any other infectious disease.	Rs. 2,000
8.	Obstructing or tampering with any road, street, drain or pavement.	Rs.25,000
9.	Obstructing or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or sewerage system.	Rs. 50,000
10.	Without previous sanction of the local government-laying out a drain or altering any drain in a street or road; connecting any house drain with a drain in a public street; and drawing off, diverting or taking any water.	Rs. 7,000
11.	Excavation of earth, stone or any other material within such distance of the residential area as specified by the local government.	Rs. 10,000
12.	Burying or burning a dead body at a place which is not a public or registered burial or burning place, except with the sanction of the local government.	Rs. 3,000
13.	Failure to furnish, on requisition, information in respect of any matter which a local government is authorized to call for under any of the provisions of the Act, rules or	Rs. 3000

	bye-laws or furnishing wrong information.	
14.	Obstructing lawful seizure of animals liable to be impounded on the ground of violations of rules or by-laws governing the picketing, tethering, keeping, milching or slaughter of animals or their trespass of private or public property.	Rs. 2000
15.	Picketing, parking animals or collecting carts or vehicles on any street, using any street as a halting place for vehicle or animals or as a place for encampment without permission of the local government.	Rs. 2000
16.	Causing or permitting animals to stray or keeping, tethering, stalling, feeding or gazing any cattle on any road, street or thoroughfare or in any public place or damaging or causing or permitting to be damaged any road, street or thoroughfare by allowing cattle to move thereon.	Rs. 2000
17.	Disposal of carcasses of animals within prohibited distance.	Rs. 1500
18.	Failure to dispose of offal, fat or any organ or part of a dead animal in a place set apart for the purpose by the local government.	Rs. 1500
19.	Throwing or placing any refuse, litter or garbage on any street, or in any place, not provided or appointed for the purpose by a local government.	Rs. 5000
20.	Failure to provide for disposal of litter or garbage inside or outside a shop by its owner.	Rs. 5000
21.	Failure to maintain clean premises of the area in front of a shop, office or factory up to the public street or road serving this facility.	Rs. 5000
22.	Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.	Rs. 1500
23.	Steeping hemp, jute or any other plant in or near a pond or any other excavation within such distance of the residential area as may be specified by a local government.	Rs. 3,000

24.	Failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal drain, cesspool or other receptacle for filth, sullage, water or refuse by an owner of a house, shop, office, industry or premises.	Rs. 10,000 for commercial concerns Rs. 2000
25.	Failure to clean the premises, houses, shops and cultivated lands of the plastic bags and other non-perishable materials.	Rs. 2000
26.	Damaging or polluting physical environment, inside or outside private or public premises, in a manner to endanger public health.	Rs. 6,000 for public premises Rs. 1500 for private premises
27.	Failure by the owner or occupier of any land to cut or trim the hedges growing thereon which overhang any well, tank or other source from which water is derived for public use.	Rs. 1500
28.	Failure by the owner or occupier of any land or building to clean, repair, cover, fill up or drain off any private well, tank or other source of water supply, which is declared under this Act to be injurious to health or offensive to the neighbourhood.	Rs. 3,000
29.	Failure to stop leakages of water pipes, faucets and sanitary fittings resulting in dirty water pools affecting physical environment and breeding of mosquitoes.	Rs. 3,000
30.	Failure of an owner or occupier of any building or land to put up and keep in good condition troughs and pipes for receiving or carrying water or sullage water.	Rs. 3,000
31.	Feeding or allowing to be fed an animal meant for dairy or meat purposes, on deleterious substance, filth or refuse of any kind which is dangerous to health of consumers.	Rs. 5,000
32.	<sup>1</sup> [***]	
33.	<sup>2</sup> [***]	

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<sup>1</sup>Deleted vide Khyber Pakhtunkhwa Act No. XLVII of 2019

<sup>2</sup>Deleted vide Khyber Pakhtunkhwa Act No. XLVII of 2019

34.	<sup>1</sup> [***]	
35.	Loud playing of music or radio, beating of drum or tom-tom, blowing a horn or beating or sounding any brass or other instruments or utensils in contravention of any general or special prohibition issued by a local government or a hospital or an educational institution.	Rs. 3,000
36.	Loud shouting in abusive language causing distress to the inhabitants of a neighbourhood or village or any other public place.	Rs. 3,000
37.	Using or allowing the use for human habitation of a building declared by a local government to be unfit for human habitation.	Rs. 10,000
38.	Failure to lime-wash or repair a building, if so required by local government.	Rs. 5,000
39.	Begging importunately for alms by exposing any deformity or disease or any offensive sore or wound to solicit charity.	Rs. 2000
40.	Causing or permitting to be caused by any owner or keeper of an animal who through neglect or otherwise damage any land or crop or produce of land, or any public road, by allowing such animal to trespass thereon.	Rs. 3,000
41.	Selling cattle and animals in contravention of any law, rule or by-laws of a local government.	Rs. 50,000
42.	Kite flying in contravention of any general or specific prohibition issued by local governments.	Rs. 1500
43.	Keeping pigeon or other birds in a manner causing danger to air traffic.	Rs. 5000
44.	Digging of public land without the permission in writing of local government.	Rs. 10,000
45.	Contravention of the prohibition or direction of the local government issued under the Act.	Rs. 1500
46	Non-disposal of building materials/ debris.	Rs.25,000/-

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<sup>1</sup>Deleted vide Khyber Pakhtunkhwa Act No. XLVII of 2019

47	Construction of Illegal speed breaker on public roads/ streets.	Rs.20,000/-
48.	Attempt or abetment of any of the offences in this Schedule.	Same as for the offences specified in the schedule.]

**SIXTH SCHEDULE**

**[ See section 68]**

**FORM OF TICKET**

<p>Name &amp; Address of the Offender: _____</p> <p>NIC No. _____</p> <p>Particulars of Offence: (Section of Law with details of offences): _____</p> <p>_Date of commission of Offence: _____</p> <p>Amount of Fine: Rs. _____ (in letters)</p> <p>Date by which the Fine is to be paid _____</p> <p><i>(Note: The amount of fines shall be deposited in Bank)</i></p> <p>Corrective actions ordered: _____</p> <p>Name of the Court having jurisdiction: _____</p> <p>Signature or Thumb Impression of the Offender: _____</p>	<p>Name &amp; Address of the Offender: _____</p> <p>NIC No. _____</p> <p>Particulars of Offence: (Section of Law with details of offences): _____</p> <p>Date of commission of Offence: _____</p> <p>Amount of Fine: Rs. _____ (in letters)</p> <p>Date by which the Fine is to be paid _____</p> <p><i>(Note: The amount of fines shall be deposited in Bank)</i></p> <p>Corrective actions ordered: _____</p> <p>Name of the Court having jurisdiction: _____</p> <p>Signature or Thumb Impression of the Offender: _____</p>	<p>Name &amp; Address of the Offender: _____</p> <p>NIC No. _____</p> <p>Particulars of Offence: (Section of Law with details of offences): _____</p> <p>Date of commission of Offence: Amount of Fine: Rs. _____ (in letters)</p> <p>Date by which the Fine is to be paid _____</p> <p><i>(Note: The amount of fines shall be deposited in Bank)</i></p> <p>Corrective actions ordered: _____</p> <p>Name of the Court having jurisdiction: _____</p> <p>Signature or Thumb Impression of the Offender: _____</p>	<p>Name &amp; Address of the Offender: _____</p> <p>NIC No. _____</p> <p>Particulars of Offence: (Section of Law with details of offences): _____</p> <p>Date of commission of Offence: Amount of Fine: Rs. _____ (in letters)</p> <p>Date by which the Fine is to be paid _____</p> <p><i>(Note: The amount of fines shall be deposited in Bank)</i></p> <p>Corrective actions ordered: _____</p> <p>Name of the Court having jurisdiction: _____</p> <p>_____ Signature or Thumb Impression of the Offender:</p>
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**<sup>1</sup>[SEVENTH SCHEDULE**

**Part - I**

**Rules**

1. Local Government (Conduct of Elections);
2. Local Government (Taxation);
3. Local Government (Servants);
4. Local Government (Planning, Development, Budget and Accounts);
5. Local Government (Contracts);
6. Local Government (Works & Services);
7. Local Government (Development Authorities);
8. Local Government (Regulation of Site Development Schemes);
9. Local Government (Monitoring & Supervision);
10. Local Government (Provision of Information and Transparency);
11. Local Government (Internal Audit);
12. Local Government (Public Private Partnership);
13. Local Government (Conduct of Inspections).
14. Local Government (Elected Officials Conduct);
15. Local Government (Procurement);
16. Local Government (Fiscal Transfers);
17. Local Government (Elected officials“ remuneration and allowances);
18. Local Government (Prevention of adulteration of foodstuffs);
19. Local Government (Animal husbandry and milk supply);
20. Local Government (Prevention and abatement of nuisances);
21. Local Government (Forests and plantations);
22. Local Government (Property Management);
23. Local Government (Registration of births, deaths, marriages and divorces; and
24. Any other set of rules necessary for implementation of this Act.

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<sup>1</sup>Substituted vide Khyber Pakhtunkhwa Act No.XXV of 2019



**Part – II**  
**Bye-laws**

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

27. <sup>1</sup>[\*\*\*]
28. Fixing of wooden khokhas, plying of handcarts for the sale of goods, and temporary or permanent shops or extensions thereof on footpaths or beyond the street line.
29. Watering cattle or animals, or bathing or washing at, or, near a well or other source of drinking water for the public.
30. Other matters as in the opinion of the Tehsil Council are necessary or expedient to be provided for in the bye-laws.]

## <sup>2</sup>[EIGHTH SCHEDULE

[see section 9(4)(5)]

### Land Use Rules

1. Change or conversion in use of land from the one originally provided in an approved scheme, site development plan or master plan to commercial, educational, Government or semi-Government offices, diplomatic mission offices, financial institutions, guest houses, clinical and mix use except industrial use and its classifications.
2. Procedure for application and entire process of conversion in use of land from one originally provided in an approved scheme, site development plan or master plan to other classification of land use.
3. Non-conversion of public parks and land used for public amenities.
4. Procedure for clarification on ambiguity in classification of land use.
5. Strict compliance with relevant provisions of law regarding environment, including environment impact assessment or initial environmental examination.
6. Mode of payment of fee for conversion for use of land from the one originally provided in an approved scheme, site development plan or master plan to other classification.

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<sup>1</sup>Deleted vide Khyber Pakhtunkhwa Act No. XLVII of 2019

<sup>2</sup>Added vide Khyber Pakhtunkhwa Act No. X of 2017

7. Procedure for declassification of conversion of land use to the one originally provided in an approved scheme, site development plan or master plan by the Government in case of non-compliance of conditions made under the rules or on the application of the owner of the land.
8. Procedure for appeal in case of refusal of conversion of land use.]

**<sup>1</sup>[Ninth Schedule**

**(See Section 10)**

(Number of village and neighbourhood councils in every district)

S#	District	Councils		Total
		Village	Neighbourhood	
1	Abbottabad	195	14	209
2	Bajuar	120	7	127
3	Bannu	111	5	116
4	Battagram	79	11	90
5	Buner	105	0	105
6	Charsadda	126	20	146
7	Chitral Upper	39	0	39
8	Chitral Lower	56	5	61
9	Dera Ismail Khan	150	36	186
10	Hangu	50	12	62
11	Haripur	155	25	180
12	Karak	57	4	61
13	Khyber	130	17	147
14	Kohat	84	23	107
15	Kohistan	62	1	63
16	Kohistan Lower	47	0	47
17	Kolai Palas Kohistan	52	0	52
18	Kurram	67	14	81
19	Lakki Marwat	94	7	101
20	Lower Dir	182	16	198
21	Malakand	67	15	82
22	Mansehra	174	20	194
23	Mardan	178	53	231

<sup>1</sup>Added vide Khyber Pakhtunkhwa Act No. XXV of 2019

24	Mohmand	58	7	65
25	North Waziristan	75	6	81
26	Nowshera	129	24	153
27	Orakzai	42	4	46
28	Peshawar	227	130	357
29	Shangla	105	0	105
30	South Wazistan	<sup>1</sup> [91]	15	<sup>2</sup> [106]
31	Swabi	133	27	160
32	Swat	170	44	214
33	Tank	67	11	78
34	Torghar	39	1	40
35	Upper Dir	117	5	122
<b>Total</b>		<sup>3</sup> [3633]	<b>579</b>	<sup>4</sup> [4212]

**Tenth Schedule**

**(See Section 21)**

**Tehsil/City Local Administration**

<b>Municipal Services</b>	<b>Social Services</b>
1. Regulations	1. Primary & Secondary Education
2. Finance/Accounts	2. Social Welfare
3. Infrastructure/Services	3. Sports and Youth Affairs
4. Municipal Services including water and sanitation	4. Agriculture ( Extension, Livestock, OFWM, Soil Conservations, Fisheries)
	5. Population Welfare
	6. Rural Development
	7. Public Health Engineering
	8. Coordination, Human Resource

<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2020

<sup>2</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2020

<sup>3</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2020

<sup>4</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXXI of 2020

	<p>Management, Planning, Development, Finance and Budgeting functions for the devolved offices.</p> <p>9. Any other office.</p>
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**Eleventh Schedule  
(See Section 24 & 27)**

Composition of Local Councils

**PART-I  
(Tehsil Council)**

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

**PART-II**  
**(Village and neighbourhood Council)**

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

**Twelfth Schedule**  
**(See Section 52)**

**Zones of Districts for Representation in Provincial Finance Commission**

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