

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

to provide for safety from and control of deadly disease of HIV/AIDS;

WHEREAS it is expedient to provide for the Control of the spread of HIV/AIDS for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the HIV/AIDS (Safety and Control) Act, 2013.

(2) It shall extend to Islamabad Capital Territory.

(3) It shall come into force at once.

SECTION A

2. **Definitions.**- In this Act, unless there is anything repugnant in the subject or context,-

(a) "AIDS" means an immune deficiency disorder of the immune system caused by infection by infection by a retro virus HIV. It is characterized by repeated infection in all the organs of the body including eyes, lungs, and brain. Repeated infections cause recurrent diarrhea which results in significant weight loss.

(b) "HIV" means human immune deficiency virus.

(c) "HIV positive person" means a person whose tests positives for HIV.

(d) "Legal guardian" means a relative or any other person who is responsible for upbringing and taking care of a child or a minor or of a mentally incapacitated persons.

(e) "Primary health care giver" means an individual who directly cares for a person because of his vocation as a health personnel in the nature of a nurse or paramedic.

(f) "Significant risk" means exposure of body to secretions/tissues containing HIV as a result of accidental contact or as a result of a co-habitation or other relationship.

Explanation: Significant risk includes transmitting of infection by exposure, accidentally or deliberately, through intercourse or bites or through exposure of wounds, skin cuts or through mucous membranes, through blood products, saliva, by use of infected needles, by transfusion of contaminated blood. It also includes an infant of infected mother who is at risk during gestation, birthing, a breast feeding.

(g) "Partner" means a spouse or a person with whom another person has a relationship in the nature of marriage.

SECTION B

3. **Testing for HIV/AIDS:** (1) HIV/AIDS tests shall be carried out free of cost at public hospitals and clinics where laboratory facilities are available. Screening of HIV/AIDS shall also be included in blood screening.

(2) HIV/AIDS test can be required by the court, by a public prosecutor or by a physician (antenatal, postnatal physicians/surgeons) which can be undertaken by a primary

health care giver, nurses, attendants, paramedics involved in care of patient. No other person shall have the right to ask any person for the test.

Provided that the authority or persons, making request for execution of such a test, as mentioned in sub-section (2), shall be informed of results in strict confidentiality.

Provided further that the person being tested upon shall also be informed of the results.

(3) A person may approach the court in order to have a person tested if he/she suspects an individual to have AIDS and as a consequence of his/her association with him/her the person can prove that he/she is at significant risk of acquiring the disease.

4. **Mandatory Testing.**- (1) The following person shall be required to undergo mandatory testing:-

(i) Persons intending to get married, prior to any marriage HIV/AIDS test shall be mandatory for couple and the test reports of both the parties shall be included in the *nikahnama* or a certificate to this effect shall be attached therewith;

(ii) Ante-natal testing of pregnant women report of whom shall be submitted to the physician/surgeon involved in antenatal, postnatal care of woman.

(2) The test shall also be mandatory in high risk groups including—

(i) Immigrant workers returning to Pakistan shall be subjected to HIV/AIDS tests at all entrance points (airport, seaport), and the results, whatever it may be, shall be communicated to the person tested. If the result is positive, the test of family members of such a person shall also be conducted.

(ii) Mandatory testing in other high risk groups including jail inmates, commercial sex traders, sex offenders, victims of crimes which have exposed them to risk of acquiring infection, habitual drug abusers and truckers.

(iii) Patients receiving repeated transfusions of blood.

5. **Consent Forms.**- (1) Before a person undergoes the test for HIV/AIDS, a consent form, to be prescribed, shall be got signed by him.

(2) In case of a minor under 16 years of age or where a person lacks the mental capacity to understand the consent form, it shall be signed by his parents or legal guardian.

(3) In case of an emergency, where a person is unconscious or is not in a position to sign the consent form, such consent shall be obtained from his relatives available at the spot.

6. **Information Sharing.**- (1) Pregnant women or couples who undergo the HIV/AIDS test, shall be informed of the results, whatever they may be. If the result is positive the relevant hospital or clinic shall be responsible for their counseling and for preparing them to live with the disease and stop transfusion of it to their relatives.

(2) Physicians can inform at risk persons partner, spouse, and shared syringe users about the positive results. Treatment facilities to be discussed follow up care and referral of positive person.

7. **Confidentiality:**

- (i) Other than stated above test results cannot be shared with relatives other than spouse, friends other than those who are partners or could otherwise be infected, associates or employers unless a written consent from the patient.
- (ii) Test results are not to be posted on internet or other electronic media.
- (iii) Hospital case papers/reports are to be kept confidential.
- (iv) Pre-marriage certificate showing AIDS test results positive can only be shared with prospective bride.
- (v) Blood tests are to be done anonymously if part of a scientific research.

8. **Conditions under which disclosure of blood results are authorized by laws.-**

- (i) Results can only be divulged to any other then specified in the previous section as specified by this law; unless public safety is at risk.
- (ii) Where there is ongoing control surveillance of disease.

9. **Punishment for breach of confidentiality.-** Any person who negligently, willfully or maliciously divulges directly or indirectly identifies an individual or individuals as having HIV/AIDS that results in economic, bodily or psychological trauma/harm to person or persons. The said person or persons shall be guilty of a misdemeanor and shall be punished by a jail period not extending beyond one year or a Rs. 50000 fine or both plus court costs to be paid to the person or persons whose confidentiality has been breached.

10. **Discrimination & Victimization Law.-** No person will by publication, by advocacy or propaganda spoken or written spread prejudicial reports regarding a person or persons of AIDS/HIV in a way that would cause psychological, physical or mental trauma to that individual or individuals or result in their being victimized or discriminated against by society, by employers or prospective employers, or associates. A person advocating or discriminating against an infected person will be guilty of a misdemeanor and is liable to imprisonment or fine or both.

11. **Section B:** As in other communicable diseases Education and Information on AIDS/HIV its risks, its method of dissemination, preventive measures, and its treatment is very important. Training of health personnel is also very important.

12. **Information Dissemination:**

- (i) Through advertisement, television, radio, newspapers, pamphlets and posters.
- (ii) Hospitals should have prominent posters displayed for patient and general public information on AIDS/HIV.
- (iii) Seminars, workshops to be held regularly for knowledge dissemination.
- (iv) Local AIDS health workers to obtain training in detection, referral and advice to suspected cases.
- (v) Dissemination of information in sex trade workers through direct contact through social workers/AIDS health workers.
- (vi) HIV/AIDS counseling of pregnant women attending antenatal clinic, patients attending tuberculosis centers, hepatitis centers.

13. **Documentation:**

- (i) Entry in National Data Bank.
- (ii) In separate registration with name, address and contact details of AIDS/HIV infected person.
- (iii) Medical records with details of disease, treatment and outcome of disease.

14. **Training of health personnel:**

- (i) Health personnel should be trained as disseminators and counselors.
- (ii) Special training in handling AIDS/HIV patients to be given to health personnel with respect to stigma society attaches to the disease and sensitivity for patients and immediate relatives.

SECTION C:

This section deals with safety measures in prevention of this disease. Prevention of HIV/AIDS is very important for obvious reasons in the case of this fast spreading pandemic disease.

15. **Blood and blood products and tissue safety:** (1) Blood banks and organ banks have to follow regulations and safety measures. As also safety measures have to be followed by organ transplant units, thalassaemia, hemophilic and dialysis centers. All these facilities should be licensed.

- (2) All blood or organ donors require mandatory blood tests for HIV/AIDS.
- (3) All blood products, whole blood should be free from HIV/AIDS antibody before transfusion.
- (4) In case of blood donors are blood bank can take blood only after and when the donor consents to have HIV/AIDS test done.
- (5) Results to be shared with donors and appropriate guide lines given with information for referral and treatment.
- (6) Transfusion associated infection is to be reported and the blood bank selling contaminated blood is to be sealed until cleared after testing. Blood bank to investigate source of donor blood.
- (7) It is mandatory for all blood banks to keep records of blood and blood product donors with serial numbers on bags and with the same number in a register with reference of donor and the person transfused for future contact and referral in case of future detection of the disease.

16. **Safety and sanitation standards:** - Safety measures are to be followed in disposal of hospital waste, hypodermic needles, syringes, dressings, suture materials etc.

- (i) Hospitals, clinics and health centers must dispose needles of hypodermic syringes in sharp disposal containers.
- (ii) Hospital clinic waste to be properly disposed of/incinerated.
- (iii) All syringes, needles, drip sets etcetera to be sold on prescription by licensed pharmacies.

17. **Health personnel and safety measures:** (1) Dental professionals, surgeons, physicians paramedics are required to maintain occupational safety and standard guidelines for infection control.

(2) All hospitals where there is significant risk of acquiring HIV infection are required to take safeguards and sanitation measures to protect their employees. It is mandatory for those health personnel to be tested every five years for HIV/AIDS these include dentists, surgeons, phlebotomists, who are at significant risk of exposure.

18. **Criminal Offence & its Prosecution.**- Any person who willfully exposes another person to HIV/AIDS by not informing that person of his condition by:-

- (i) Engaging in unprotected sex.
- (ii) By sharing needles, shaving razors, scissors, tooth brushes etcetera.
- (iii) In case of dentist surgeons performing invasive procedures.
- (iv) Barbers by using contaminated scissors, razors.
- (v) Quacks using used needles, syringes, drip sets, other material instruments contaminated by the virus.

Will be treated as a criminal and will be charged with rigorous imprisonment for ten years with a penalty of not less than Rs. 100,000 and not more than Rs. 500,000 unless the victim requires otherwise.

STATEMENT OF OBJECTS AND REASONS

HIV/AIDS is a gigantic challenge for the whole of the world which is causing a large number of deaths around the globe. It spreads rapidly in developing countries like Pakistan where there is little awareness of this disease and pre-cautionary measures amongst the public at large. Therefore, there is an increasing need to create awareness in the mass about this killer disease and take appropriate measures to control its spread.

2. The Bill seeks to achieve the aforesaid objectives.

**Dr. Azra Fazal Pechohu,
Dr. Nafisa Shah
Members, National Assembly.**

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to provide for establishment of empowered local governments in Islamabad Capital Territory.

WHEREAS it is expedient to provide for empowered local governments of Federal Capital for effective delivery of services and transparent decision making through institutionalized participation of the people at grass root level;

It is hereby enacted as follows:-

**CHAPTER I
GENERAL**

1. **Short title, extend and commencement.-** (1) This Act may be called the Islamabad Capital Territory Local Government Act, 2013.

(2) It extends to the whole of the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Definitions.-** In this Act, unless there is anything repugnant in the subject or context,-

(a) 'District' means the Islamabad City District;

(b) 'disaster' includes famine, flood, cyclone, fire, earthquake, drought, and damages caused by force majeure

(c) 'Government' means the Government of Pakistan in the Ministry of Interior;

(d) 'local government' includes the City District Government and the Zila Council in Islamabad City District; and Union Administration and Union Council in each Union;

(e) 'member' means an elected member of a Council;

(f) 'Naib Nazim' means a Naib Zila Nazim or a Naib Union Nazim;

(g) 'Nazim' means Zila Nazim or a Union Nazim;

(h) 'public place' means any building, premise or place to which the public have access;

(i) 'Union' means a local area notified under this Act;

(j) 'Union Administration' includes the Union Nazim, Naib Union Nazim, Union Secretaries, and other employees of Union Administration;

(k) 'Village' means an integrated and contiguous human habitation commonly identified by a name and includes a dhok, chak, gran, basti or any other comparable habitation;

(l) 'water' reservoir' includes a spring, well, tube well, pond, tank, water course, culvert or any channel used for supplying water; and

(m) 'worker' means a person directly engaged in work, or is dependent on personal labour, for subsistence living and includes a worker as defined in the Industrial Relations Act, 1969.

3. **Act to over-ride other laws.-** The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

4. **Local governments to function within Federal Government framework.-** (1) The local governments established under this Act shall function within the Federal Government framework and adhere to all applicable laws.

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

**CHAPTER II
LOCAL AREAS AND LOCAL GOVERNMENT**

5. **Composition of local areas.-** For the purpose of this Act, the following shall be the local areas in Islamabad Capital Territory, namely:-

(i) Unions; and

(ii) Islamabad City District

6. **Delimitation of Unions.**- A Union 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 or, in the case of an area with urban characteristics, the whole number of population census blocks as delimited for the purpose of last preceding census or a combination of whose number of census blocks and a whole number of mauziaat, notified as such by the Government:

7. **Local governments for local areas.**- There shall be a local government for each local area comprising:-
- (i) District Government to be known as the City District Government and Zila Council; and
 - (ii) Union Administration and Union Council in each Union.

CHAPTER III **CITY DISTRICT GOVERNMENT**

8. **Composition of Islamabad City District Government.**- (1) The City District Government shall consist of the Zila Nazim and the District Administration.

(2) The City District 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 the District Coordination Officer.

9. **Decentralized offices and grouping of offices.**- On the commencement of this Act, the administrative and financial authority for the management of the offices of the Federal Government set up in the District shall stand decentralized to the City District Government.

10. **Authority and responsibility of City District Government.**- The authority of the City District Government shall comprise the management and control of offices which are decentralised to it or may be set up under this Act:

11. **The Zila Nazim.**- (1) The Zila Nazim shall head the City District Government and perform such functions and exercise such powers as have been assigned to him under this Act and be assisted by the District Coordination Officer.

(2) The Zila Nazim shall ensure that the business of the City District Government is carried out in accordance with the provisions of this Act and other laws for the time being in force.

12. **Functions and powers of the Zila Nazim.**- The functions and powers of the Zila Nazim shall be to-

- (a) perform functions relating to law and order in the District;
- (b) ensure implementation of the functions decentralized to the City District Government;
- (c) oversee formulation and execution of the annual development plan, delivery of services and functioning of the City District Government;
- (d) coordinate inter-Union development plans;
- (e) present tax proposals to the Zila Council;
- (f) Present for approval to the Zila Council budget for City District Government and the Zila Council;
- (g) maintain administrative and financial discipline in the City District Government;
- (h) present report on the performance of the City District Government in person to the Zila Council at least twice a year;
- (i) take charge, organize and prepare for relief activities in disasters or natural calamities and muster resources for crisis management;
- (j) authorise officers of the City District Government to sign documents on his behalf;
- (k) initiate inspections of Union Administration in the District pursuant to section establish and supervise the working of the Internal Audit Office;
- (l) issue executive orders to the District Coordination Officer and Executive District Officers for discharge of the functions decentralised to the City District Government;
- (m) represent City District Government on public and ceremonial occasions; and
- (n) perform any other function as may be assigned to him by the Government.

13. **Right of the Zila Nazim to take part in Council's meetings.**- The Zila Nazim shall have the right to speak and otherwise take part in the proceedings of the Zila Council, but shall not be entitled to vote.

14. **Personal responsibility of the Zila Nazim.**- The Zila Nazim shall be personally responsible for any loss, financial or otherwise, flowing from the 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 authority.

15. **Resignation of Zila Nazim.**- The Zila Nazim may resign from office by tendering resignation in writing addressed to the Chief Executive of the Federal Capital.

16. **Structure of District Administration.**- The District Administration shall comprise of the district offices, including sub-offices of the departments of the Federal Government decentralised to the City District Government and grouped under the Executive District Officers and coordinated by the District Coordination Officer.

17. **District Coordination Officer.**- (1) The Federal Government shall appoint a District Coordination Officer who shall be a Federal Civil Servant, as far as possible, in Basic Scale 21.

(2) The District Coordination Officer shall be coordinating head of the District Administration and shall-

- (a) ensure that the business of the District Coordination Group of Offices is carried out in accordance with the laws for the time being in force;
- (b) co-ordinate the activities of the groups of offices for coherent planning, synergistic development, effective and efficient functioning of the District Administration;
- (c) exercise general supervision over programmes, projects, services, and activities of the District Administration;
- (d) coordinate flow of information required by the Zila Council for performance of its functions under this Act;
- (e) act as Principal Accounting Officer of the City District Government and be responsible to the Public Accounts Committee of the National Assembly;
- (f) assist the Zila Nazim in accomplishment of administrative and financial discipline and efficiency in the discharge of the functions assigned to District Administration;
- (g) prepare a report on the implementation of development plans the City District Government for presentation to the Zila Council in its annual budget session; and
- (h) initiate the performance evaluation reports of the Executive District Officers and shall be countersigning officer of such reports of the District Officers initiated by the Executive District Officers.

18. **Functions and powers of Executive District Officer.**- The functions and powers of Executive District Officers shall be to-

- (a) ensure that the business of the group of offices under his administrative control is carried out in accordance with law and the rules and the human and material resources placed at his disposal are optimally utilised to improve governance;
- (b) co-ordinate and supervise the activities of the offices and ensure efficient service delivery by the functionaries under his administrative control;
- (c) supply information to the Monitoring Committees of the Zila Council and Union Council;
- (d) take appropriate corrective actions based on the information received from Monitoring Committees;
- (e) prepare development plans and propose budgetary allocations for their execution;
- (f) implement approved plans and policies;
- (g) authorise disbursement of performance bonuses to the employees;
- (h) prepare proposals for expenditures necessary for the proper conduct of programs, projects, services, and other activities;
- (i) propose relevant by-laws on service delivery to the District Coordination Officer; and
- (j) act as Departmental Accounting Officer for his respective group of offices and be responsible to the District Accounts Committee of the Zila Council.

19. **City district administration working.**- (1) In matters of policy and important decisions, the District Coordination Officer shall obtain approval of the Zila Nazim before communicating such matters and decisions to the Government.

(2) The Government shall appoint all officers and officials to the district offices, group of offices or other offices in the District specified in the First Schedule.

(3) The tenure of posting of an officer or official of the Government to the District Government shall, ordinarily, be three years.

20. **Rules of Business for disposal of work** - For smooth and efficient disposal of official work, the Government shall make District Government Rules of Business.

21. **Disposal of Government's work** - The District Government may, subject to provision of funds by the Government, but without recourse to additional or enhanced taxation, charge, fees or any other source of public funds and without incurring any debt undertake any of the functions of the Government as may be mutually agreed.

CHAPTER IV ZILA COUNCIL

22. **Composition of the Zila Council** - (1) The Zila Council shall consist of all Union Nazims in the City District and following members elected on the reserved seats namely:-

- (a) such number of women so as to represent thirty-three percent of the total number of the Unions in the District;
 - (b) such number of peasants and workers so as to represent five percent of the total number of the Unions in the District, subject to a minimum of one seat; and
 - (c) such number of persons from minority communities so as to represent five percent of the total number of the Unions in the District, subject to a minimum of one seat.
- (2) If, in calculating a percentage for the purposes of sub-section (1), the number of reserved seats does not come out to be a whole number and such number is-
- (a) less than one-half, the number shall be rounded down to the next lower number.
 - (b) one-half or more, the number shall be rounded up to the next higher number.

23. **Secretariat of the Council** - The Zila Council shall have its Secretariat under the Naib Zila Nazim and shall have a separate budget allocation.

24. **Functions and powers of the Zila Council** - The functions and powers of the Zila Council shall be to-

- (a) approve by-laws proposed by the District Government under this Act;
- (b) approve long term and short term development plans, annual and supplementary budgetary proposals of the District Government;
- (c) approve annual budget of the District Government and Zila Council;
- (d) elect committees of the Zila Council for monitoring the performance of the District Government;
- (e) review the Monitoring Committees' quarterly reports on the performance of the District Government;
- (f) elect an Ethics Committee which shall be responsible for enforcing the code of ethics for regulating the conduct of the members of the Zila Council;
- (g) elect an Insaaf Committee which shall facilitate access of the people to the Member Inspection Team of the Islamabad High Court for redressing their grievances;
- (h) elect a Sport and Culture Committee which shall promote sports and cultural events in the District and youth participation in healthy pursuits;
- (i) elect the members of the Zila Council for representation in the Islamabad District Public Safety Commission;
- (j) elect a Zila Accounts Committee;
- (k) constitute Farm Produce Market Committee under the relevant law;
- (l) approve posts for the office staff of the Zila Nazim and staff of the Zila Council;
- (m) approve honoraria, travelling and daily allowances of the Zila Nazim, Naib Zila Nazim, Union Nazims, Naib Union Nazims and members of the Councils;
- (n) review the performance reports of the City District Government presented by the Zila Nazim;
- (o) review the audit reports and comments thereon by the Zila Accounts Committee;
- (p) review measures for flood relief;
- (q) require the City District Government to undertake measures for good governance and improvement in the delivery of services;
- (r) review implementation of rules and by-laws;
- (s) approve development schemes for beautification of areas along rivers and dams; and

(1) review development of integrated system of water reservoirs, water sources, treatment plants, drainage, liquid and solid waste disposal, sanitation and other municipal services.

25. **Conduct of the business of the Zila Council.**- (1) The Zila Council shall regulate its business in accordance with the by-laws made by it.

(2) The Zila Council shall meet at least once in every month and shall be in session for at least fifty accumulated days in a year.

(3) Save as otherwise provided, decisions of the Zila Council shall be taken by resolutions passed by a simple majority of the members present and voting and a copy of each resolution shall be transmitted to the Federal Capital Commission.

(4) The Naib Zila Nazim shall be the Convener of the Zila Council and shall preside its meetings.

(5) In its first session, the Zila Council shall elect a panel of presiding officers, in order of precedence, of not less than three members who shall, in the absence of, or in the case where a motion for recall of the Naib Zila Nazim has been moved, preside over the meetings of the Zila Council.

(6) The quorum of the meetings of the Zila Council shall be open to public, unless the Council, by a resolution, decides to hold any meeting in camera.

(7) The meetings of the Zila Council shall be open to public, unless the Council, by a resolution, decides to hold any meeting in camera.

(8) The minutes of the meetings of the Zila Council shall be recorded and maintained by the Secretariat of the Zila Council.

26. **Address of the Zila Nazim.**- (1) At the commencement of first session of the Zila Council after its election and on commencement of first session of every year, the Zila Nazim shall address the Zila Council and shall inform the Council of his plans and programmes for the said year and, as the case may be, the performance of the City District Government during the preceding year.

27. **Joint Committee of Councils.**- The Zila Council may, with the consent of Union Councils set up joint committees of the Councils for deliberation on matters in which such Councils may be jointly interested and may delegate to such joint committees any power which may be exercised by them including the power to make by-laws for their functioning.

28. **Setting aside a resolution of the Zila Council.**- On a motion initiated by the Government, the National Assembly may, by a resolution stating the grounds thereof passed by simple majority of its total membership, set aside a resolution of the Zila Council, if it considers the same to be against the interest of the people or public policy.

29. **Resignation of the Naib Zila Nazim.**- The Naib Zila Nazim may resign from office by tendering resignation in writing addressed to the Zila Nazim.

CHAPTER V **UNION ADMINISTRATION**

30. **Composition of Union Administration.**- There shall be constituted a Union Administration for every Union which shall be a body corporate and consist of Union Nazim, Naib Union Nazim and not more than three Union Secretaries and, where required, the members of ancillary staff.

31. **Structure of Union Administration.**- (1) The Union Nazim shall be the head of the Union Administration.

(2) The Naib Union Nazim shall deputise the Union Nazim during his temporary absence.

(3) The Union Secretaries, under the supervision of the Union Nazim, shall coordinate and facilitate in community development, functioning of the Union Committees and delivery of such municipal services as may be assigned to the Union Administration:

(4) The Union Nazim may declare one of the Secretaries of the Union Administration to act as the Principal Accounting Official of the Union Administration.

32. **Functions of the Union Administration.**- The functions of Union Administration shall be-

- (a) to collect and maintain statistical information for socio-economic surveys;
- (b) to identify deficiencies in the delivery of services and make recommendations for improvement thereof to the City District Government;
- (c) to register births, deaths and marriages and issue certificates thereof;
- (d) to make proposals to the Union Council for levy of rates and fees specified in the Part-II of the Second Schedule and to collect such rates and fees within the Union;
- (e) to establish and maintain libraries;
- (f) to organize inter-Village or inter-Neighbourhood sports tournaments, fairs, shows and other cultural and recreational activities;
- (g) to disseminate information on matters of public interest;
- (h) to improve and maintain public open spaces, public gardens and playgrounds;
- (i) to arrange facilities for the handicapped, destitute and poor;
- (j) to regulate grazing areas;
- (k) to co-operate with the public, private or voluntary organizations, engaged in activities similar to those of the Union;
- (l) to assist the Village Councils or, as the case may be, Neighbourhood Councils in the Union to executive development projects.

33. The Government to prescribe powers of Union Administration.- The administrative, financial and regulatory powers of the Union Administration shall be prescribed by the Government.

34. Functions of Union Nazim.- A Union Nazim shall-

- (a) provide leadership for Union-wide development and preparation of budget and the annual development plan;
- (b) organise the management of inter-village municipal infrastructure;
- (c) assist the City District Government in spatial planning process;
- (d) constitute Musalihat Anjuman;
- (e) dispose of the business of Union Administration;

35. Resignation by Union Nazim.- The Union Nazim may resign from his office by tendering resignation in writing addressed to the Naib Zila Nazim.

CHAPTER VI UNION COUNCIL

36. Composition of the Union Council.- There shall be a Union Council in each Union comprising:

- (a) twenty-one following members elected directly;
- (b) twelve members, elected to general seats, including four reserved for women;
- (c) six members, elected to seats reserved for peasants and workers, including two reserved for women;
- (d) one member elected to a seat reserved for minority communities; and
- (e) Union Nazim and Naib Union Nazim elected as joint candidates;

37. Functions of the Union Council.- The functions of the Union Council shall be to-

- (a) approve the annual development plan and budgetary proposals of the Union Administration;
- (b) approve rates and fees specified in Part-II of the Second Schedule proposed by the Union Administration;
- (c) facilitate the formation and functioning of Citizen Community Boards;
- (d) assist the City District Government in creation of Village and Neighbourhood Councils;
- (e) facilitate the formation of co-operatives for improving economic returns and reduction of interstitial poverty;
- (f) promote plantation of trees, landscaping and beautification of public places in the Union;
- (g) assist District Administration in establishment and maintenance of burial and cremation places;
- (h) approve the terms and conditions of the employment of Village or Neighbourhood guards and oversee their functioning;
- (i) elect Monitoring Committees of the Union Council, for municipal services, finance, public safety, health, education, literacy, works and services;

- (j) elect an Ethics Committee of the Union Council which shall be responsible for enforcing the code of ethics to regulate the conduct of the members of the Council;
- (k) elect a Union Accounts Committee which shall be responsible for examination of the audit reports;
- (l) elect an Insaaf Committee which shall be responsible for the selection of the panel of Conciliators of Musalihat Anjuman for out of court amicable settlement of disputes;
- (m) review the performance of Union Administration and Union Monitoring Committees; and
- (n) review the annual statement of accounts and external or special audit reports in respect of the Union Administration.

38. Conduct of the business of Union Council.- (1) The Union Council shall regulate its business in accordance with the by-laws made by it.

- (2) The Union Council shall meet at least once in every month.
- (3) All decisions of the Union Council shall be taken by resolutions passed by a simple majority of its total membership.
- (4) All meetings of the Union Council shall be presided over by Union Nazim and, in his absence, by Naib Union Nazim or, in absence of both Union Nazim and Naib Union Nazim or by a member elected by the Union Council from amongst its members present in the meeting.
- (5) The quorum of the meetings of the Union Council shall be one-third of its total membership.
- (6) The meetings of the Union Council shall be open to public, unless the Union Council, by a resolution, decides to hold any meeting in camera.
- (7) The minutes of the meetings of Union Council shall be recorded and maintained by an authorized official of the Union Council.

39. Address of Union Nazim.- (1) At the commencement of first session of the Union Council after its election and on commencement of first session of every year the Union Nazim shall address the Union Council and shall inform the Council of his plans and programmes for the said year and the performance of the Union Administration during the preceding year.

40. Resignation by Naib Union Nazim.- The Naib Nazim may resign from his office by tendering resignation in writing addressed to Union Nazim.

CHAPTER VII LOCAL GOVERNMENT FINANCE

41. Establishment of Funds and Public Accounts.- (1) There shall be established a District Fund for the City District Government and a Union Fund for each Union Administration.

(2) All revenues received by a local government shall form part of the respective local government fund including:-

- (a) moneys transferred by another local government under this Act;
- (b) grants made to, or moneys received by, a local government from the Government or other sources;
- (c) proceeds of taxes or charges levied by a local government under this Act;
- (d) rents and profits payable or accruing to a local government from property vested in, or controlled or managed by it;
- (e) proceeds or any other profits howsoever known or called from bank accounts, investments or commercial enterprises of a local government;
- (f) gifts, grants or contributions to a local government by individuals or institutions;
- (g) fines paid with respect to offences under this Act or by-laws or under any other law for the time being in force in which provision is made for the fines to be credited to the Funds established under this Act.

42. Custody of Funds and Operation of Accounts.- (1) Moneys credited to the District Fund or the Public Account of the City District Government shall be kept in separate accounts in the State Bank of Pakistan or a bank approved by the Government.

(2) Moneys credited to the Union Fund or the Public Account of a Union Administration shall be kept in separate accounts in the State Bank or a bank approved by the Government.

43. **Budget preparation.**- (1) The annual budget for each local government shall contain estimates of-
- grants-in-aid and moneys from the Government or other sources;
 - amounts available in the respective Fund;
 - expected receipts for the next financial year; and
 - expenditures to be incurred in the next financial year.
44. **Approval of Budget.**- (1) Following the presentation of the Federal Government Budget but, before the commencement of the next financial year, each Nazim shall present the budget for approval by the respective Council:
- When a local government assumes office for the first time during a financial year it shall within ten weeks, present to the respective Council the budget for the remaining part of the financial year for approval.
 - The budget of a local government shall be approved by a simple majority of the total membership of the respective Council.
 - No other business shall be taken up by a Council during the budget session.
45. **Method and Principle of Accounts.**- The accounts of the 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, with the approval of the President prescribe.
46. **Taxes to be Levied.**- A Council may levy taxes, cesses, fees, rates, rents, tolls, user charges and surcharges to be specified under this Act.
47. **Property Tax.**- (1) On the commencement of this Act, the whole of the Islamabad Capital Territory shall be subject to Property Tax.
- The Zila Council shall, with the prior approval of the Government, determine the rate of Property Tax in the Islamabad Capital Territory;
48. **Collection of Taxes.**- (1) All taxes levied under this Act shall be collected as prescribed.

CHAPTER VIII **LOCAL GOVERNMENT ELECTIONS**

49. **Franchise.**- (1) Members of a Union Council, including Union Nazim and Naib Union Nazim, shall be elected through elections based on adult franchise and on the basis of joint electorate.
- The electoral college for the election of Zila Nazim and Naib Nazim and reserved seats for women, peasants, workers and minorities in the Zila Council shall be all the members of Union Councils or returned candidates of Union Councils in the Islamabad City District, including Union Nazims and Naib Union Nazims.
50. **Manifesto.**- (1) Joint candidates for the seats of Zila Nazim and Naib Zila Nazim shall, before the election, make public a manifesto containing the policies and programmes they propose to pursue and implement, if elected.
- The manifesto prepared under sub-section (1) shall be attached to the nomination papers.
51. **Authority for local government elections.**- The election for local governments in the Islamabad City District shall be conducted by the Chief Election Commissioner.
52. **Electoral rolls.**- (1) A person shall be entitled to be enrolled as a voter if he-
- is a citizen of Pakistan;
 - 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
 - is a resident of Islamabad Capital Territory.
53. **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 government if he-
- is a citizen of Pakistan;

- (b) is not less than twenty five years of age;
- (c) is enrolled as a voter in the electoral rolls of the relevant ward;
- (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;
- (e) is not in the service of the Federal Government, Provincial Government or a local government or any statutory body or a body corporate which is controlled by any such Government or in which any of such Government has a controlling share or interest:

54. Non-party elections. - (1) Local government elections shall be held on non-party basis.

(2) No person contesting election to local government shall, directly or indirectly,-

- (a) present himself as a candidate or nominee of a political party;
- (b) claim, draw or receive any financial or other assistance from any political party for the purposes of the election;
- (c) bear, display or carry any document, sign, insignia, flag or any other thing indicating his association with, or affiliation to, a political party;
- (d) seek the votes or sympathies of the people on a party basis or on the basis of the manifesto of any political party; or
- (e) seek the votes or support of the people by attributing direct or indirect party affiliations to any of his opponents.

55. Term of office of local government. - (1) The term of office of a local government shall be four years commencing from the date of making oath of office by members notified by the Government.

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

(3) A Nazim or Naib Nazim, shall not hold the same office for more than two terms.

56. Oath of office. - (1) The elected Nazims, Naib Nazims and members shall make oath before assuming the charge of their respective offices as may be prescribed.

(2) A Zila Nazim, Naib Zila Nazim and the members of Zila Council shall be administered oath of office by the District and Sessions Judge of the Islamabad Capital Territory.

(3) A Union Nazim, Naib Union Nazim and members of a Union Council shall be administered oath of office by a judicial officer nominated by the District and Sessions Judge of the Islamabad Capital Territory.

57. Resignation. - (1) A member of the Council may resign from his office by writing under his hand addressed to the Naib Nazim of the concerned Council, whereupon the resignation shall deem to have been accepted and become effective forthwith.

(2) Copies of all resignations shall be forwarded to the Election Commission and the Government.

(3) Notwithstanding the resignation of a member, any proceeding for removal under section 135, if already initiated, shall not abate.

CHAPTER IX **MISCELLANEOUS**

58. Complaint Cell. - The City District Government and Union Administrations shall set up complaint cells to readdress grievances within the ambit of their responsibilities under this Act.

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

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

61. **By-laws.**- (1) The Zila Council and Union Councils may, in their ambit of responsibilities, make by-laws to carry out the purposes of this Act.
62. **Members and servants to be public servants.**- All Nazims, Naib Nazim, members of the Councils, functionaries of the local government 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).
63. **Delegation of Powers.**- A Nazim may delegate any of his powers including financial powers under this Act or rules or by laws to any of its officers fully or partly and subject to such restrictions or conditions as he may deem necessary after approval by the Council.
64. **Action taken in good faith.**- No suit, prosecution, or other legal proceedings shall be against any public servant serving in local governments for anything done in good faith under this Act.
65. **General powers of local governments.**- Notwithstanding any specific provisions, every local government, the Village Council and Neighbourhood Council shall perform functions conferred by or under this Act and in performance of such functions shall exercise such powers which are necessary and appropriate thereto.
66. **Repeal and saving.**- (1) All other legislation in this respect shall stand repealed with effect from the promulgation of this act.
67. **Removal of difficulty.**- The Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

According to the Article 32 of the constitution of Islamic Republic of Pakistan the establishment of local governments is responsibility of the State. Such institutions have representation of peasants, workers and women, hence, these institutions form a comprehensive representation of the people, for the people and by the people.

1. The superior courts of the country are pressing hard for local body elections in Islamabad which is, on the other hand, need of the time to provide for empowered local government of Federal Capital for effective delivery of services and transparent decision making through institutionalized participation of the people at grass root level.
2. The Bill seeks to achieve the aforesaid objectives.

Sd/-

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KHALID MAQBOOL SIDDIQUI
SYED ASHFAQ HASNAIN
SUFYAN YUSUF
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DR. MUHAMMAD FAROOQ SATTAR
S.A. IQBAL QUADRI
SAMAN SULTANA JAFFRI
ABDUL RASHID GODIL
SAJID AHMED,

Members, National Assembly

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A
BILL

further to amend the National Database and Registration Authority Ordinance, 2000 (Ordinance No. VIII of 2000).

WHEREAS it is expedient further to amend the Database and Registration Authority Ordinance, 2000 (Ordinance No. VIII of 2000) for the purposes hereinafter appearing;

It is hereby enacted as follows:

Short title and commencement. - (1) This Act may be called the National Database and Registration Authority (Amendment) Act, 2013.

(2) It shall come into force at once.

2. **Amendment of section 15, Ordinance VIII of 2000.** - In the National Database Registration Authority Ordinance, 2000 (Ordinance No. VIII of 2000) hereinafter referred to as the said Ordinance, in section 15 after sub-section (2); the following new sub-section (3), shall be inserted, namely: -

"(3) In case of loss/theft of CNIC, the card holder shall immediately report about its loss, theft or snatching to the nearest Police Station and submit an affidavit, duly verified by an Oath Commissioner, containing the facts about the said loss, theft or snatching and the copy of the same shall be annexed with the application made to NADRA for issuance of the duplicate CNIC.

Provided that in case such card is recovered the same shall be returned to the NADRA immediately and the valid CNIC shall only be used".

3. **Amendment of section 19, Ordinance VIII of 2000.** - In the said Ordinance, in section 19, after sub-section (2) the following new sub-section (3), shall be inserted and subsequent sub-section shall be re-numbered accordingly. Namely,-

"(3) Whenever a proof of identity of a citizen, who has attained the age of eighteen years, and possesses a Computerized National Identity Card, is required, he shall produce original CNIC for inspection. Photocopy of CNIC shall not be made, produced and utilized for any purpose of identity, nor any authority, organization (public/private) shall demand copy thereof. Photocopy of CNIC shall not be a valid document for the purpose of identification of any person".

STATEMENT OF OBJECTS AND REASONS

It is a common practice that public and private organizations require the photocopy of CNIC with or without certain other documents as a proof of identity. The copies are ultimately being misused for various criminal or illegal activities. The main purpose of an identity card is identity of a citizen. This purpose is served as and when the original card is produced. The practice of demanding/producing copy of CNIC should be stopped and exclusive use of original CNIC should be encouraged.

2. The Bill seeks to achieve the aforesaid objectives.

Sd/-
SHAIKH SALAHUDDIN
MR. S. A. IQBAL QUADRI
Members, National Assembly

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

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further to amend the Political Parties Order, 2002 to enhance women's meaningful representation in political process within the Political Parties, Parliament, Provincial Assemblies and Local Government.

WHEREAS It is expedient further to amend the Political Parties Order, 2002 (Chief Executive's Order No. XVIII of 2002) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement** - (1) This Act may be called the Political Parties Order (Amendment) Bill, 2013.

(2) It shall come into force at once.

2. **Insertion of new Article 8A, Order, XVIII of 2002**.- In the Political Parties Order, 2002 (Chief Executive's Order No. XVIII of 2002), hereinafter referred to as the said Order, after Article 8, the following new Article shall be inserted, namely:-

"8-A. Nomination of Women as Candidates: Every political party shall make a selection of a minimum of ten-percent women candidates for elective offices for general seats."

3. **Amendment of Article 10, Order, XVIII of 2002**.- In the said Order, in Article 10, after sub-Article (1), the following new sub-Article shall be inserted, namely and the existing sub-Article shall be re-numbered as sub-Article (3) and (4):

"(2) Every Political Party shall have a minimum of 33 percent quota for women in the Party's elected general council and in any associated party committee and forum at the Federal, Provincial and Local levels of the party, wherever applicable, and to whatever names these may be referred to."

4. **Amendment of Article 11, Order, XVIII of 2002**.- In the said Order, in Article 11, in sub-Article (1), after the proviso, the following new proviso shall be inserted, namely:-

"Provided further that women members shall be elected to a minimum of 10 percent of these elected offices."

STATEMENT OF OBJECTS AND REASONS

1. The National and International Commitments of Government of Pakistan including the Constitution, the National Policy for the Development and Empowerment of Women (NPDEW) 2002, Convention on Elimination of All kinds of discrimination Against Women (CEDAW) Article 23, and International Covenant of Civil and Political Rights (ICCPR) underscore attainment of non-discriminatory and equal opportunities for women in the public and political spheres as inextricably linked to human right, democracy and inclusive sustainable development and human security.

2. The Bill seeks to protect and strengthen women's representation in the political and legislative process.

Sd/-

Dr. Nafisa Shah
Dr. Azra Fazal Pechuho,
Members, National Assembly

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Publication of the Holy Quran (Elimination of Printing and Recording Errors) Act, 1973.

WHEREAS It is expedient further to amend the Publication of the Holy Quran (Elimination of Printing and Recording Errors) Act, 1973 (Act LIV of 1973) for the purposes hereinafter appearing.

1. **Short title and Commencement.**- (1) This Act shall be called the Publication of the Holy Quran (Elimination of Printing and Recording Errors) (Amendment) Act, 2013.

(2) It shall come into force at once.

2. **Amendment in section 2, Act LIV of 1973.**- In the Publication of the Holy Quran (Elimination of Printing and Recording Errors) Act, 1973 (Act LIV of 1973), hereinafter referred to as the said Act.-

(a) In section 2, after paragraph (aa), the following new paragraph shall be added, namely.-

“(aaa) “disposing of” means to put printed holy writing in the sea or a river or in clean water stream or to bury it in a proper manner or to recycle it for reuse.”

(b) after paragraph (ddd), the following new paragraph shall be added, namely:-

“(dddd) “martyred or damaged” means worn out pages, illegal writing and sub-standard binding of the copies of the Holy Quran.”

3. **Amendment in section 4, Act LIV of 1973.**- In the said Act, in section 4, after sub-section (3), the following new sub-section, shall be added, namely.-

“(4) The recording company will have Infrastructural facilities for the disposal of martyred or damaged pages or copies of the Holy Quran.”

4. **Amendment in section 5, Act LIV of 1973.**- In the said Act, in section 5, for sub-section (2), the following shall be substituted, namely:-

“(2) The Federal Government shall introduce a “Fine Quran Paper” for the publication of the Holy Quran and shall take measures to prohibit recording companies from improper placement, in any manner, of the Holy Quran or its Ayah. The recording company shall not use any paper except fine Quran Paper for the publication of the Holy Quran or its Ayah.”

STATEMENT OF OBJECTS AND REASONS

It is vital to introduce a Bill to ensure error free publication of the Holy Quran on fine quality papers and proper disposal of martyred/damaged Holy Pages and copies of the Holy Quran.

Sd/-

Major (Retd) Tahir Iqbal
Malik Shakir Bashir Awan
Ms. Nighat Perveen Mlr,

Chaudhary Hamid Hameed
Mr. Abdul Majeed Khan Khanan Khali
Members, National Assembly