

KP 20th (4th sitting)

(As introduced in the House on 03-05-2016)

A
BILL

*further to amend the Khyber Pakhtunkhwa
Local Government Act, 2013*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2016.

(2) It shall come into force at once.

2. **Amendment of section 79 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.**--- In the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), hereinafter referred to as the said Act, in section 79, in sub-section (2), the colon at the end shall be replaced by full stop and thereafter the existing provisos thereunder shall be deleted.

3. **Amendment in section 84 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.**---In the said Act, in section 84, in sub-section (2), for the words "approve the budget", the words "approve the first budget" shall be substituted.

4. **Repeal.**--- The Khyber Pakhtunkhwa Local Government (Amendment) Ordinance, 2016 (Khyber Pakhtunkhwa Ordinance No. VIII of 2016) is hereby repealed.

MINISTER-IN-CHARGE

EXTRACT

THE KHYBER PAKHTUNKHWA LOCAL GOVERNMENT ACT, 2013

Amendment in section 79 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013,-

79. Term of office, first meeting, election of Nazim or Naib- Nazim 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.

(2) Save as otherwise provided, a local council shall in its first meeting and to the exclusion of any other business elect from its members a Nazim and Naib Nazim by open division;

“Provided that the Nazim and Naib Nazim of the District Council or Tehsil or Town Council, as the case may be, shall be elected by the votes of the majority of the total membership of the District Council or Tehsil or Town Council, as the case may be: *Deleted.*”

Provided further that if no Nazim or Naib Nazim secure such majority in the first poll, a second poll shall be held between the members who secure the two highest number of votes in the first poll and the member who secures a majority of votes of the total membership of the concerned District Council or Tehsil or Town Council shall be declared to have been elected as Nazim or Naib Nazim, as the case may be:

Provided also that if the number of votes secured by two or more members securing the highest number of votes is equal, further two sittings with interval of one week in between, shall be held and if no one of them secures a majority of votes of the total membership of the concerned District Council or Tehsil or Town Council, as the case may be, the council shall stand dissolved and matter shall be referred to the Election Commission for holding fresh elections.”;

(3) Government either itself or through its authorized officers shall notify the assumption of offices by Nazimeen, Naib-Nazimeen 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 district council shall be in session for at least forty five accumulated days in a year.

(5) Save as otherwise provided, all meetings of the local council shall be convened by the respective Nazim and shall be presided over by the Naib Nazim.

(6) Save as otherwise provided, decisions of the local 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 Government.

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

(8) Meetings of the local council shall be open to public, unless the local council, by a resolution, decides to hold any meeting in camera.

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

Provided that Assistant Director, Local Government and Rural Development in the district shall act as Secretary of the district council and shall be responsible for coordinating matters relating to secretarial functions of village and neighbourhood councils in the district.

EXTRACT

THE KHYBER PAKHTUNKHWA LOCAL GOVERNMENT ACT, 2013

Amendment of section 84 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013,-

84. Vote of no-confidence.---(1) A Nazim and Naib-Nazim, shall cease to hold office if a vote of no-confidence is passed against him in the prescribed manner by two third majority of the total number of members of the local council electing him ascertained through open division:

Provided that-

- (a) a motion of no-confidence shall not be moved before the expiry of six months of his assumption of office as Nazim and Naib- Nazim; and
- (b) where a motion of no-confidence against a Nazim and Naib- Nazim 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.

(2) Subject to this Act, in case a Nazim or Naib Nazim, District Government or Tehsil or Town Nazim or Naib Nazim fails to approve the budget of a District Council or the Tehsil or Town council, as the case may be, not less than twenty percent of the members of the concerned Council shall place requisition before the Council asking the concerned Nazim or Naib Nazim to seek fresh vote of confidence from the Council concerned and if, he fails to get the vote of confidence, then the Nazim or Naib Nazim shall cease to hold the office.

**PROPOSED AMENDMENTS IN THE KHYBER
PAKHTUNKHWA LOCAL GOVERNMENT (AMENDMENT)
BILL, 2016**

CLAUSE-2

Sahibzada Sanauallah, MPA to move that clause 2, may be deleted.