

CHAPTER - III

DISTRICT GOVERNMENT

SECTION 13: COMPOSITION OF DISTRICT GOVERNMENT.

- (1) The District Government shall consist of Zila Nazim and District Administration.
- (2) The 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 District Coordination Officer.

SECTION 14: DECENTRALISED OFFICES AND GROUPING OF OFFICES.

- (1) On the commencement of this Ordinance, the administrative and financial authority for the management of the offices of the Government specified in Part-A of the First Schedule set up in a District shall stand decentralised to the District Government of that District:

Provided that where there is no office of the Government in a District specified in Part-A of the First Schedule and the Government sets up an office on a subsequent date, such office shall be decentralised to the District Government from that date.

- (2) Where in a District, there is no office specified in Part-B of the First Schedule, the Government shall set up such offices and post officers and staff in such offices.

- (3) The offices decentralised to the District Government and offices set up by the Government shall be grouped in various groups specified in Part-C of the First Schedule:

Provided that the Government may, for the reason of non-existence of any office or offices specified in the First Schedule in a District, in consultation with the District Government of such District, vary or amalgamate the grouping of offices for efficiency and effectiveness by notification in the official Gazette:

Provided further that the number of groups of offices shall not exceed the number of groups specified in Part-C of the First Schedule.

- ¹⁷[(4) The Zila Nazim shall nominate a Deputy District Officer at Taluka level for the purpose of liaison between the offices of District Government, Provincial Government, Federal Government and other Local Governments for emergencies, natural calamities and extraordinary situations.]

SECTION 15: ENTRUSTMENT OF CERTAIN DECENTRALISED OFFICES TO TALUKA MUNICIPAL ADMINISTRATION.

Subject to Section 14 and Section 52, on commencement of this Ordinance, the administrative and financial management of the offices of the Local Government and Rural Development Department, Public Health Engineering Department and Housing and Physical Planning Department which were providing services at the regional, zonal, circle, divisional, District and Taluka levels shall stand entrusted to respective Taluka Municipal Administration or Town Municipal Administration, as the case may be, alongwith the employees working in such offices:

Provided that the Government may direct for retention of certain components of Housing and Physical Planning Department with the District Government alongwith the officers and members of staff working therein.

SECTION 16: AUTHORITY AND RESPONSIBILITY OF DISTRICT GOVERNMENT.

(1) The authority of the District Government shall comprise the ¹⁸[operation] management and control of offices of the departments which are decentralised to it or may be setup under this Ordinance, *provided that the District Government shall exercise such authority within the District in accordance with the general policy of the Government.*

(2) Every order in the District Government shall be expressed to be made in the name of the District Government and shall be executed by an officer or authority of the District Government duly authorized.

(3) The District Government shall be responsible to the people and the Government for improvement of governance and delivery of services within the ambit of the authority decentralised to it under this Ordinance.

SECTION 17: ZILA NAZIM.

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

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

SECTION 18: FUNCTIONS AND POWERS OF THE ZILA NAZIM.

- (1) The functions and powers of the Zila Nazim shall be to-
- (a) provide vision for the District-wide development, leadership and direction for efficient functioning of the District Government;
 - (b) develop with the assistance of the District Administration strategies and timeframe for accomplishment of the relevant goals approved by the Zila Council;
 - (c) perform functions relating to law and order in the District;
 - (d) ensure implementation of the functions decentralised to the District Government;
 - (e) oversee formulation and execution of the annual development plan, delivery of services and functioning of the District Government;
 - (f) present proposal to the Zila Council for approval of budget for the District Government, Zila Council and intra-district fiscal transfers;
 - (g) maintain administrative and financial discipline in the District Government;
 - (h) present tax proposals to the Zila Council;
 - (i) present report on the performance of the District Government in person to the Zila Council at least twice a year;
 - (j) preside over the meetings of the Zila Mushawarat Committee;
 - (k) take charge, organize and prepare for relief activities in disasters or natural calamities;
 - (l) authorize officers of the District Government to sign documents on its behalf;

- (m) initiate inspections of Taluka Municipal Administration, Town Municipal Administration and Union Administration in the District pursuant to Section 135;
- (n) establish and supervise the working of the Internal Audit Office;
- (o) issue executive orders to the District Coordination Officer and Executive District Officers for discharge of the functions decentralised to the District Government;
- (p) ¹⁹[XXX] represent District Government on public and ceremonial occasions; and
- (q) perform any other function as may be assigned to him by the Government.

(2) The Zila Nazim shall not employ any advisor, special assistant or a political secretary other than support staff allocated to his office from amongst the officials available in the District;

SECTION 19: 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.

SECTION 20: 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 Ordinance or any other law for the time being in force and for any expenditure incurred without lawful authority.

SECTION 21: RESIGNATION OF THE ZILA NAZIM.

The Zila Nazim may resign from office by tendering resignation in writing addressed to the Chief Executive of the Province.

SECTION 22: VACANCY IN THE OFFICE OF ZILA NAZIM.

(1) In case the office of Zila Nazim falls vacant for reason of his death, resignation, removal ²⁰[XXX] or, where in the opinion of the Zila Council, he has become incapable to perform his functions on account of mental or physical incapacity, the Naib Zila Nazim shall act as Zila Nazim till an officiating Nazim is ²¹[elected] under sub-section (6) of Section 156 or a new Zila Nazim is elected under sub-section (5) of that Section:

²²[Provided that where the Naib Zila Nazim is absent or his office is vacant for any reason, the senior-most Presiding Officer in the panel elected under sub-section (5) of Section 42 shall act as Zila Nazim and the next senior-most Presiding Officer in the panel shall act as Naib Zila Nazim, till the election of officiating Zila Nazim under Section 48 or Naib Zila Nazim resumes his functions or, as the case may be, a new Naib Zila Nazim is elected by the Zila Council under Section 156:

Provided further that the officiating Zila Nazim shall not be a candidate in the election for Zila Nazim.]

(2) Where a Zila Nazim is unable to perform his functions for reason of his temporary absence, he may authorise Naib Zila Nazim, in writing to act on his behalf till he resumes his duties.

²³**SECTION 23: [XXX].**

SECTION 24: ²⁴[RECALL] OF A ZILA NAZIM.

(1) If in the opinion of a member of the Zila Council, there is a reason to believe that the Zila Nazim is acting against the public policy or the interest of the people or is negligent or is responsible for loss of opportunity for improvement in governance and service delivery to the people within the ambit of his responsibilities, he may, seconded by another member of the Council, give notice to move a motion in the Zila Council through the Naib Zila Nazim for recall of the Zila Nazim.

(2) On receipt of notice referred to in sub-section (1), the Naib Zila Nazim shall summon a session of Zila Council not earlier than three days but not later than seven days, if the Zila Council is not already in session.

(3) Where the Zila Council is already in session, the motion referred to in sub-section (1) shall be taken up for deliberations on the next day from its receipt by the Naib Zila Nazim.

²⁵[(4) Where the motion referred to in sub-section (1) is approved by two-third majority of the votes of the total membership of the Council, through a secret ballot to be conducted by the Returning Officer nominated by the Chief Election Commissioner, the Zila Nazim shall cease to hold office forthwith and the notification shall be issued in this behalf by the Chief Election Commissioner accordingly.]

(5) ²⁶[(XXX)]

(6) Where the motion fails in the Zila Council, the proposer and seconder of such motion shall lose their seats both as ²⁷[members of the Zila Council and Union Nazim, if any one of them is also a Union Nazim].

(7) The Zila Nazim shall have the right to appear before the Zila Council and address it in his defence before approval or rejection of motion referred to in sub-section ²⁸[(1)].

(8) No motion for recall of Zila Nazim shall be moved during the first six months of assumption of office of Zila Nazim nor shall such motion be repeated before the expiry of twelve months from the rejection of previous motion.

²⁹[(XXX)]

³⁰[**SECTION 25: SETTING ASIDE THE ORDER OF ZILA NAZIM BY THE CHIEF EXECUTIVE OF THE PROVINCE.**]

(1) Where, in the opinion of the Chief Executive of the Province, an order or decision of the Zila Nazim is not in conformity with law or is against the interest of the people, he may, for the reasons to be recorded and conveyed to the Nazim, suspend such order or, as the case may be, decision and refer the matter to the Provincial Local Government Commission for an enquiry to be completed not later than ninety days:

Provided that the Zila Nazim shall be given an opportunity of being heard by the Provincial Local Government Commission before making recommendation to the Chief Executive of the Province.

(2) On receipt of report of enquiry conducted by the Provincial Local Government Commission, the Chief Executive of the Province may take such action as deemed expedient in the light of such report, including quashment of the order or decision of the Zila Nazim:

Provided that, if no action is taken within ninety days of suspension of the order or decision of the Zila Nazim, such order or, as the case may be, decision shall stand restored.

(3) The quashment of an order or decision referred to in sub-section (2) shall be notified by the Government in the official Gazette.]

SECTION 26: STRUCTURE OF DISTRICT ADMINISTRATION.

The District Administration shall comprise the District offices, including sub-offices of the Departments of the Government decentralised to the District Government and other offices set up by the ³¹[(XXX)] Government and grouped under the Executive District Officers and coordinated by the District Coordination Officer.

SECTION 27: HEADS OF OFFICES AND GROUPS.

- (1) The District Coordination Group of Offices shall be headed by the District Coordination Officer.
- (2) A group of offices, other than the District Coordination Group of Offices, shall be headed by an Executive District Officer.
- (3) The District Officers shall head the District offices.
- (4) The Government shall setup sub-offices of the offices decentralised to District Government in every Taluka or Town in a City District depending upon the needs of such Taluka or, as the case may be, Town for such sub-office:

Provided that where any sub-office exists or is set up in a Taluka or Town in a City District the Deputy District Officer shall head such sub-office.

SECTION 28: DISTRICT COORDINATION OFFICER.

³²[(1)] In every District, the Government shall appoint a District Coordination Officer who shall be a civil servant of the Federation or of the Province, as far as possible in Basic Scale 20:

Provided that in a City District, the District Coordination Officer may be a civil servant of the Federation or Province 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 Ordinance;
 - (e) act as Principal Accounting Officer of ³³[a ³⁴{City District Government} or, as the case may be, the District Government] and be responsible to the Public Accounts Committee of the Provincial Assembly;
 - ³⁵[(f) call for information and reports from Local Governments in the District as required by the Provincial Government or District Government through the Taluka Municipal Officer;]
 - (g) assist the Zila Nazim in accomplishment of administrative and financial discipline and efficiency in the discharge of the functions assigned to District Administration;
 - (h) prepare a report on the implementation of development plans of the District Government for presentation to the Zila Council in its annual budget session; and
 - (i) 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.

Explanation. For the purpose of this Section, the expression 'coordinating head' means the authority to call for review and assess the performance of the groups of offices, individually or collectively, and give directions for taking actions or measures for improving efficiency, service delivery and achievement of goals assigned in the approved plans of the District Government.

(3) Where in the opinion of a District Coordination Officer an order of the Zila Nazim is motivated or unlawful, he may seek recourse in writing to the Local Government Commission with a copy thereof to the Zila Nazim, and the decision of the Commission in the matter shall be final and binding.

SECTION 29: FUNCTIONS AND POWERS OF EXECUTIVE DISTRICT OFFICER.

The functions and powers of the Executive District Officer 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 Councils;
- (d) take appropriate corrective actions based on the information received from Monitoring Committees;
- (e) enforce relevant Federal, Provincial Laws and rules, including tax laws;
- (f) prepare development plans and propose budgetary allocations for their execution;
- (g) implement approved plans and policies;
- (h) authorize disbursement of performance bonuses to the employees;
- (i) prepare proposals for expenditures necessary for the proper conduct of programmes, projects, services, and other activities;
- (j) propose relevant bye laws on service delivery to the District Coordination Officer; and
- (k) act as Departmental Accounting Officer for his respective group of offices and be responsible to the District Accounts Committee of the Zila Council.

SECTION 30: DISTRICT ADMINISTRATION WORKING.

(1) In matters of policy and important decisions, the District Coordination Officer shall obtain approval of Zila Nazim before communicating such matters and decisions to the Government.

(2) The Government shall appoint ³⁶[such] officers and officials to the District offices, groups of offices or other offices in the District specified in the First Schedule ³⁷[as may be prescribed].

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

(4) Where the performance of a District Coordination Officer is not satisfactory, the Zila Nazim may request the Government for his transfer in writing, with a copy to the District Coordination Officer, stating reasons therefor and the Government ³⁸[may] accede to the request of the Zila Nazim ³⁹[XXX].

(5) ⁴⁰[XXX].

(6) Where the performance of an Executive District Officer is not satisfactory, the Zila Nazim may, in consultation with the District Coordination Officer, request the Government to transfer such officer from the District stating reasons therefor.

41[SECTION 30A. DISCIPLINARY POWERS OF NAZIMS AND NAIB NAZIMS.

The Nazims and Naib Nazims shall be empowered to take disciplinary action against Local Government functionaries of their respective establishments and shall be responsible to the Government for effective implementation of all efficiency and disciplinary rules as prescribed not later than the 31st December, 2005.

SECTION 30B. DISTRICT OFFICER (REVENUE) TO ACT AS COLLECTOR.

The District Officer (Revenue) shall act and perform the functions of Collector under the provisions of Sections 54, 68, 70(2), 71, 72, 92, 93, Rule 18 of Order XXI, Order XL and similar other provisions of the Code of Civil Procedure, 1908 (Act V of 1908).]

SECTION 31: RULES OF BUSINESS FOR DISPOSAL OF WORK.

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

SECTION 32: ASSIGNMENTS OF WORK TO TALUKA MUNICIPAL ADMINISTRATION.

A District Government may assign any of its functions to a Taluka Municipal Administration or Union Administration, on such terms and conditions as may mutually be agreed:

Provided that ⁴²[primary] responsibility for discharge of such function shall continue to vest with the [District Government]:

Provided further that no function or responsibility shall be transferred without allocation of corresponding resources and funds.

SECTION 33: 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.

SECTION 34: PERFORMANCE EVALUATION.

The annual performance reports of the officers posted in the District shall be initiated by-

(a) the Zila Nazim in respect of the District Coordination Officer:

Provided that the first countersigning officer shall be the Chief Secretary, and the Chief Minister shall be the second countersigning authority;

(b) ⁴³[XXX]

(c) the District Coordination Officer in respect of the Executive District Officers and Zila Nazim shall be the countersigning officer;

(d) the Executive District Officer in respect of the District Officers:

Provided that the District Coordination Officer shall be the countersigning officer and head of the concerned department of the Government shall be the Technical Reporting Officer; and

- (e) the District Officer in respect of the Deputy District Officers and the Executive District Officers shall be the countersigning officer.

SECTION 35: OFFICES OF THE CITY DISTRICT.

Subject to any variation, the Government may, in addition to the offices specified in Section 14, set up other offices and groups of offices specified in Part-D of the First Schedule in a City District.

SECTION 36: INTEGRATED MANAGEMENT OF SERVICES IN CITY DISTRICT.

On creation of a City District under Section 8, the organizations and authorities providing municipal services and facilities and the offices decentralised or set up in a Taluka or Talukas or Districts notified to be City District shall come under the administrative and financial control of the City District Government.

