

CHAPTER - IV

ZILA COUNCIL

SECTION 37: COMPOSITION OF ZILA COUNCIL.

(1) A Zila Council shall consist of all Union Nazims in the District and following members elected on the reserved seats namely:-

- (i) such number of women so as to represent thirty-three percent of the total number of the Unions in the District;
- (ii) 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
- (iii) 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; or
- (b) one-half or more, the number shall be rounded upto the next higher number.

SECTION 38: SECRETARIAT OF THE COUNCIL.

The Zila Council shall have its Secretariat under the Naib Zila Nazim and shall have a separate budget allocation ⁴⁴[with its Secretary as Drawing and Disbursing Officer and Naib Zila Nazim as the Principal Accounting Officer.]

SECTION 39: FUNCTIONS AND POWERS OF ZILA COUNCIL.

The functions and powers of a Zila Council shall be to-

- (a) approve bye-laws proposed by the District Government under this Ordinance;
- ⁴⁵[(b) approve taxes proposed by the District Government on the subjects specified in Part-1 of the Second Schedule, or in case of a City District, on subjects specified in Part-II of the Second Schedule;]
- (c) approve long term and short term development plans, annual and supplementary budgetary proposals of the District Government and, where required, intra-District fiscal transfers;
- (d) approve annual budget of the Zila Council;
- (e) elect committees of the Zila Council for monitoring the performance of the District Government;
- (f) ensure the Monitoring Committees of the Zila Council perform their functions in a non-intrusive manner without interfering in the day to day working of the relevant offices of the District Government and do not assume a command and control role;
- (g) review the Monitoring Committees' quarterly reports on the performance of the District Government;

- (h) elect an Ethics Committee (Code of Conduct Committee) which shall be responsible for enforcing the code of ethics for regulating the conduct of the members of the Zila Council;
- (i) elect an Insaf Committee which shall facilitate access of the people to the Member Inspection Team of the High Court for redressing their grievances;
- (j) elect a Sports and Culture Committee which shall promote sports and cultural events in the District and youth participation in healthy pursuits;
- (k) elect the members of the Zila Council for representation in the District Public Safety Commission;
- (l) elect a Zila Accounts Committee;
- (m) constitute Farm Produce Market Committee under relevant law;
- (n) approve the proposals of the District Government for changes in the number of posts of officials and employees of the decentralised offices of District Administration and Taluka Municipal Administration and Town Municipal Administration as part of the budget statement;
- (o) approve posts for the office staff of Zila Nazim and staff of Zila Council subject to the restriction imposed under sub-section ⁴⁶[(5)] of Section 109:

Provided that no post of advisor, special assistant, press or political secretary to the Zila Nazim shall be sanctioned or approved:

- (p) make recommendations to the District Government for enhancement of the care of disabled persons, paupers, aged, sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug dependants, abused children, needy and disadvantage persons;
- (q) authorize Zila Nazim, Naib Zila Nazim, Taluka Nazim, Naib Taluka Nazim, Town Nazim, Naib Town Nazim, Union Nazim, Naib Union Nazim and members of the Councils to receive honorarium, traveling and daily allowances from respective Local funds:

Provided that the honorarium and rates of traveling and daily allowances shall be fixed with the approval of the Government and any change thereof authorised by the Zila Council shall be applicable to the succeeding Nazims, Naib Nazims and members of the Councils:

⁴⁷*[Provided further that the Government shall accord approval within sixty days of receipt of proposals from a Zila Council failing which it shall be deemed to have been approved;]*

- (r) review the performance reports of the District Government presented by Zila Nazim;
- (s) review the audit reports of the Zila Accounts Committee;
- (t) review measures for flood relief, and storm water drainage; and
- (u) require the District Government to undertake measures for good governance and improvement in the delivery of services.

SECTION 40: FUNCTIONS OF ZILA COUNCIL IN A CITY DISTRICT.

In addition to the functions specified in Section 39, the Zila Council in a City District shall perform the following functions, namely:-

- (a) approve master plans, zoning, land use plans, including classification and reclassification of land, environment control, urban design, urban renewal and ecological balances;
- (b) review implementation of rules and bye-laws governing land use, housing, markets, zoning, environment, roads, traffic, tax, infrastructure and public utilities;
- (c) approve proposals of the District Government for public transport and mass transit systems, construction of express- ways, fly-overs, bridges, roads, under passes, and inter-Town streets;
- (d) approve development schemes for beautification of areas along rivers, beaches and sea sides; and
- (e) review development of integrated system of water reservoirs, water sources, treatment plants, drainage, liquid and solid waste disposal, sanitation and other municipal services.

SECTION 41: ZILA COUNCIL TO APPROVE CERTAIN PLANS FOR TOWNS.

In the case of a Town in a City District, the Zila Council shall perform the functions of approval of such macro municipal plans as may be notified by the City District Government.

SECTION 42: CONDUCT OF THE BUSINESS OF ZILA COUNCIL.

- (1) The Zila Council shall regulate its business in accordance with the bye-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 Local Government Commission ⁴⁸[:

Provided that the member presiding the meeting shall not vote except in the case of equality of votes.]

- ⁴⁹[(4) In the first meeting of the Council to be convened and presided over by the Returning Officer nominated by the Chief Election Commissioner, the members of the Zila Council shall elect from amongst themselves a Naib Zila Nazim securing majority votes of total membership of the Council through a secret ballot.

(4A) The Naib Zila Nazim elected under sub-section (4) shall be the Convener of the Zila Council and shall preside its meetings and shall perform such other functions as are assigned to him by the Zila Nazim.]

- ⁵⁰[(5) After the election of Naib Zila Nazim, the Zila Council shall, in order of precedence elect a panel of not less than three members as Presiding Officers securing highest number of votes who shall, in the absence of, or in case of the suspension of, Naib Zila Nazim, or where a no confidence motion has been moved against him, convene and preside over the meetings of the Zila Council.]

(6) The quorum of the meetings of the Zila Council shall be fifty-one percent of its total membership.

(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 Zila Council shall be recorded and maintained by the Secretariat of the Zila Council.

SECTION 43: ADDRESS OF 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 District Government during the preceding year.

(2) Notwithstanding anything contained in sub-section (1), the Zila Nazim may address the Zila Council, whenever he may deem necessary, to associate the Zila Council in the functioning of the District Government.

SECTION 44: JOINT COMMITTEES OF COUNCILS.

The Zila Council may, with the consent of Taluka Councils or Union Councils set up joint committees of the Councils for deliberation of 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 bye-laws for their functioning.

⁵¹**SECTION 45: SETTING ASIDE THE RESOLUTION OF ZILA COUNCIL BY THE CHIEF EXECUTIVE OF THE PROVINCE.**

(1) Where, in the opinion of the Chief Executive of the Province, a resolution of Zila Council 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 Council, suspend such resolution and refer the matter to the Provincial Local Government Commission for an enquiry to be completed not later than ninety days.

(2) On receipt of report of the 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 resolution of the Zila Council:

Provided that, if no action is taken within ninety days of suspension of the resolution of the Zila Council, such resolution shall stand restored.

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

SECTION 46: RESIGNATION OF NAIB ZILA NAZIM.

The Naib Zila Nazim may resign from office by tendering resignation in writing addressed to the Zila Nazim.

SECTION 47: ⁵²[NO CONFIDENCE MOTION AGAINST] NAIB ZILA NAZIM.

(1) If in the opinion of a member of Zila Council, there is a reason to believe that the Naib Zila Nazim is acting against the public policy or the interest of the people, or for any other reason ⁵³[he has lost confidence of the Council], he may, seconded by another member of the Council, give a notice to move a motion in the Zila Council through its senior-most Presiding Officer for ⁵⁴[removal] of Naib Zila Nazim.

(2) On receipt of notice referred to in sub section (1), the senior-most Presiding Officer in the panel referred to in sub-section (5) of Section 42 shall summon a session of Zila Council not earlier than three days or 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 in the Zila Council Secretariat.

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

⁵⁶[(5) Where the Naib Zila Nazim is removed under sub-section (4), the Council shall elect a new Naib Zila Nazim within a period not later than ten days in the manner specified in sub-section (4) of Section 42.]

(6) Where the motion fails in the Zila Council, the proposer and seconder of such motion shall lose their seats both as ⁵⁷[members of the Zila Council and Union Nazim, if any one of them is also a Union Nazim.]

(7) The Naib Zila Nazim shall have the right to ⁵⁸[address the Zila Council] in his defence.

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

SECTION 48: POWER OF ZILA COUNCIL TO ELECT OFFICIATING ZILA NAZIM.

⁵⁹[(XXX)] In case the office of Zila Nazim falls vacant by reason of his death, resignation or removal, the Zila Council shall elect one of its members to be the officiating Zila Nazim till a new Zila Nazim is elected under the provisions of Section 156:

⁶⁰*[Provided that, where the Naib Zila Nazim fails to convene the meeting for election of officiating Zila Nazim from amongst the members of the Council within ten days, the Naib Zila Nazim shall be liable to misconduct, and the senior-most Presiding Officer shall convene the meeting of the Council for such purpose:]*

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

