

CHAPTER - V

TALUKA AND TOWN MUNICIPAL ADMINISTRATION

SECTION 49: COMPOSITION OF TALUKA MUNICIPAL ADMINISTRATION.

In every Taluka there shall be a Taluka Municipal Administration which shall be a body corporate and consist of a Taluka Nazim, Taluka Municipal Officer, Taluka Officers, Chief Officers and other officials of the Local Council Service and officials of the offices entrusted to the Taluka Municipal Administration.

SECTION 50: TOWN MUNICIPAL ADMINISTRATION.

In every Town in a City District there shall be a Town Municipal Administration which shall be a body corporate and consist of the Town Nazim, Town Municipal Officer, Town Officers, Chief Officers and other officials of the Local Council Service and officials of the offices entrusted to the ⁶¹[Town] Municipal Administration.

Explanation. For the purpose of Sections 49 and 50, the expression 'Chief Officers' refers to Chief Officers of the dissolved Local Councils established under Sindh Local Government Ordinance, 1979 (XII of 1979).

SECTION 51: PROVISIONS RELATING TO TALUKAS APPLY TO TOWNS.

The provisions relating to Taluka Municipal Administration shall, ⁶²[subject to Sections 35 & 36] *mutatis mutandis*, apply to Town Municipal Administration and, in their application to the Town in a City District shall have effect as if references therein to the Taluka Municipal Administration, Taluka Nazim, Taluka Council, Village Council and Village were references, respectively, to the Town Municipal Administration, Town Nazim, Town Council, Neighbourhood Council and Neighbourhood under this Ordinance.

SECTION 52: ENTRUSTMENT OF CERTAIN DECENTRALISED OFFICES TO TALUKA MUNICIPAL ADMINISTRATION.

On commencement of this Ordinance, the functions, administration and financial management of the offices of Local Government and Rural Development Department, Public Health Engineering Department and Housing and Physical Planning Department at the regional, zonal, circle, divisional, District, Taluka and lower levels shall stand entrusted to the Taluka Municipal Administration, alongwith the employees working in these offices:

Provided that the Government may direct for retention of a nucleus office of Housing and Physical Planning Department with the District Government for intra-District coordination of Taluka spatial plan:

Provided further that Water and Sanitation Agencies coming under the control of District Government under sub-section (3) of Section 182 functioning in a Taluka shall further be decentralized to the concerned Taluka Municipal Administration:

Provided also that Water and Sanitation Agency or similar agencies functioning in a City District and coming under the control of City District under sub-section (3) of Section 182 may further be decentralized to the City District Administration or, according to requirements of service delivery, may be decentralized to Towns in a City District.

SECTION 53: STRUCTURE OF THE TALUKA MUNICIPAL ADMINISTRATION.

- (1) The Taluka Nazim shall head the Taluka Municipal Administration.
- (2) The Taluka Municipal Administration shall include the offices and sub-offices of the Urban Local Councils established under the Sindh Local Government Ordinance, 1979 (XII of 1979), offices and sub-offices of Local Government and Rural Development Department, Public Health Engineering Department and Housing and Physical Planning Department entrusted to it under Section 52 for administrative and financial management thereof and sub-offices and other offices set-up by it under this Ordinance and grouped under the Taluka Municipal Officer.
- (3) The Taluka Municipal Officer shall act as coordinating and administrative officer in-charge of the following Taluka Officers, namely:-
 - (i) 'Taluka Officer' (Municipal Regulations) who shall be responsible for licensing, management of municipal lands, estates, properties, facilities and enterprises and enforcement of relevant municipal laws, rules and bye-laws.
 - (ii) 'Taluka Officer' (Infrastructure and Services) who shall be responsible for water, sewerage, drainage, sanitation, roads, other than Provincial and District roads, streets and street lighting, fire fighting, park services.
 - (iii) 'Taluka Officer' (Planning) who shall be responsible for spatial planning and land use control; building control; and coordination of development plans and projects with Union Administration, Village Councils and other Local Governments.
 - (iv) 'Taluka Officer' (Finance) who shall be responsible for budget, revenue and accounts.
- (4) The staff of the Taluka Officers referred to in sub-section (3) shall be appointed from amongst the officials of the decentralized offices entrusted to Taluka Municipal Administration, Local Council Service and servants of Local Councils established under the Sindh Local Government Ordinance, 1979 (XII of 1979), by the Government keeping in view the requirements of every Taluka Municipal Administration.
- (5) Notwithstanding the dissolution of Town Committees, Municipal Committees and Municipal Corporations under this Ordinance, and until any contrary order is made by the Government or the service structure of the members of Local Council Service or the servants of Local Councils is altered, the administrative setup of such Committees and Corporations shall remain in tact and continue providing municipal services and the officers and staff working therein shall come under the executive control of the Taluka Nazim through the Taluka Municipal Officer.
- (6) The officers and staff working in the dissolved Zila Councils and Union Councils shall be posted in the offices of such Local Governments as may be determined by the Government.

SECTION 54: FUNCTIONS AND POWERS OF THE TALUKA MUNICIPAL ADMINISTRATION.

- (1) The functions and powers of the Taluka Municipal Administration shall be to-
 - (a) prepare spatial plans for the Taluka in collaboration with Union Councils, including plans for land use, zoning and functions for which the Taluka Municipal Administration is responsible;
 - (b) seek approval of the Taluka Council to the spatial plans prepared by it after due process of dissemination and public enquiry, incorporating modifications on the basis of such inquiry;
 - (c) execute and manage development plans;

- (d) exercise control over land-use, land-subdivision, land development and zoning by public and private sectors for any purpose, including for agriculture, industry, commerce, markets, shopping and other employment centres, residential, recreation, parks, entertainment, passenger and freight transport and transit stations;
- (e) enforce all municipal laws, rules and bye-laws governing its functioning:

Provided that the Taluka Municipal Administration may, with the approval of Taluka Council, exempt any Union from application of any specific provision of the bye-laws made by the Taluka Council under this Ordinance:

Provided further that the Government may, on the recommendations of Taluka Municipal Administration through District Government, exempt any Union or a part thereof from the application of rules relating to land use, building control, tax on property or in any other matter dealing with municipal services:

Provided also that such exemption shall not extend to any organised housing schemes, zoning of industrial and commercial areas, and matters concerning environmental protection;

- (f) prevent encroachments;
- (g) regulate affixing of sign-boards and advertisements;
- (h) provide, manage, operate, maintain and improve the municipal infrastructure and services, including-
 - (i) water supply and control and development of water sources, other than systems maintained by the Union and Village Councils;
 - (ii) sewerage, sewage and sewage treatment and disposal;
 - (iii) storm water drainage;
 - (iv) sanitation and solid waste collection and sanitary disposal of solid, liquid, industrial and hospital wastes;
 - (v) roads and streets, other than roads falling under the jurisdiction of, and maintained by the District Government or Government and streets maintained by the Union Administration or Village Council;
 - (vi) traffic planning, engineering and management including traffic signaling systems, signs on roads, street markings, parking places, transport stations, stops, stands and terminals;
 - (vii) street lighting;
 - (viii) fire fighting;
 - (ix) parks, playgrounds, open spaces and arboriculture; and
 - (x) slaughter houses;
- (i) compile information provided by Union and Village Councils of prioritised projects in the Talukas;
- (j) prepare budget, long term and annual municipal development programmes in collaboration with the Union Councils, under the directions of Taluka Nazim;

- (k) maintain, with the assistance of the District Government, Union and Village Councils, a comprehensive data base and information system for Taluka Municipal Administration and provide public access to it on nominal charges;
 - ⁶³[(l) propose taxes, cesses, user fees, rates, rents, tolls, charges, surcharges, levies, fines and penalties under Part-III of the Second Schedule for approval of the Taluka and notify the same after such approval;]
 - (m) collect approval taxes, cess, user fees, rates, rents, tolls, charges, fines and penalties.
 - (n) organize sports, cultural, recreational events, fairs and shows;
 - ⁶⁴[(nn) organize cattle ⁶⁵{fairs} and cattle markets;]
 - (o) co-ordinate and support municipal functions amongst Unions and Villages;
 - (p) regulate markets and services and issue licenses, permits, grant permissions and impose penalties for violation thereof as and where applicable;
 - (q) manage properties, assets and funds vested in the Taluka Municipal Administration ⁶⁶[XXX] [;]
 - (r) develop and manage schemes, including site development in collaboration with District Government and Union Administration;
 - (s) authorize an officer or officers to issue notice to a person committing any municipal offence and initiate legal proceedings for continuance of commission of such offence or for failure to comply with the directions contained in such notice;
 - (t) prosecute, sue and follow up criminal, civil and recovery proceedings against violators of municipal laws in the Courts of competent jurisdiction;
 - (u) maintain municipal records and archives; and
 - (v) prepare financial statements and present them for internal and external audit in the manner as may be prescribed.
- (2) The Taluka Municipal Administration may,-
- (a) assign or contract out, on such terms and conditions as are approved by the Taluka Council and after inviting public objections, any of its functions to any public-private, public or private organization:

Provided that responsibility for discharge of such functions shall continue to vest with the Taluka Municipal Administration.
 - (b) on such terms and conditions as are mutually agreed, transfer its functions or responsibilities with regard to providing municipal services to the Union Administration or Village Council:

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

Provided further that the responsibility to regulate and monitor such functions and services shall remain with the Taluka Municipal Administration.
 - (c) by an agreement and on such terms and conditions as may be mutually agreed, perform any function of the District Government;

- (d) with funds raised through voluntary contributions or external grant, but without recourse to additional enhanced taxation, user charges or fees or recourse to any other sources of public funds and without incurring debt of any nature, undertake any development project;
- (e) with the approval of the Government and concerned regulatory authorities of the Federal Government and Provincial Government, set-up, acquire, manage and operate any commercial activity on a self-financing basis with no liability to the public exchequer; and
- (f) set-up a corporate body to perform any of its functions, singly or jointly with other public or private bodies:

Provided that responsibility for discharge of such functions shall continue to vest with the Taluka Municipal Administration.

⁶⁷**[SECTION 54-A: FUNCTIONS AND POWERS OF THE TOWN MUNICIPAL ADMINISTRATION.**

The functions and powers of the Town Municipal Administration shall be to:

- (a) within the framework of the spatial/master plans for the City District, prepare spatial plans for the Town in collaboration with Zila and Union Councils including plans for land use, zoning and functions for which the Town Municipal Administration is responsible;
- (b) enforce, in addition to its own, all municipal laws, for and on behalf of City District Government, if required by such City District Government at the cost and expense of the latter;
- (c) execute and manage development plans for the functions which are performed by the Town Municipal Administration;
- (d) within the framework of the spatial and Master Plan for the City District, exercise control over land use, land sub-division, land development and zoning by public and private sectors for any purpose, including for agriculture, industry, commerce markets, shopping and other employment centers, residential, recreation, parks, entertainment, passenger and transport freight and transit stations;
- (e) prevent and remove encroachments;
- (f) procure and compile information provided by Union, Village Councils and Neighbourhood Councils of prioritized projects in the Towns;
- (g) prepare budget and long term and Annual Town Municipal Development Programmes in collaboration with the Union Councils, under the directions of Town Nazim;
- (h) maintain, with the assistance of the City District Government, Union, Village and Neighbourhood Councils, a comprehensive data base and information system for Town Municipal Administration and provide public access to it on nominal charges;
- (i) propose taxes, cesses, user fees, rates, rents, tolls, charges, levies fines and penalties under Part-IV of the Second Schedule for approval of the Town Council and notify the same after such approval;
- (j) collect taxes, cesses, user fees, rates, rents, tolls charges, fines and penalties;
- (k) organise local sports, cultural and recreational events, fairs and shows;

- (l) organise cattle fairs and cattle markets;
- (m) regulate markets and services and issue licenses, permits, grant permissions and impose penalties for violations thereof as and where applicable;
- (n) manage properties, assets and funds vested in the Town Municipal Administration;
- (o) develop and manage schemes, including site development in collaboration with City District Government and Union Administration;
- (p) provide, manage, operate, maintain and improve the municipal infrastructure and services, including:
 - (i) water supply distribution other than integrated systems maintained by or on behalf of the City District;
 - (ii) sewerage system other than an integrated system maintained by or on behalf of City District excluding sewerage treatment and disposal;
 - (iii) solid waste collection and conveyance to transfer stations designated by the Town but excluding treatment and disposal of waste;
 - (iv) street lighting;
 - (v) fire fighting; and
 - (vi) parks, playgrounds, open spaces and arboriculture, other than major facility maintained by the City District;
 - (vii) slaughter houses.
- (q) authorize an officer or officers to issue notice to a person committing any municipal offence and initiate legal proceedings for continuance of commission of such offence or for failure to comply with the directions contained in such notice;
- (r) prosecute, sue and follow criminal, civil and recovery proceedings against violations of municipal laws;
- (s) maintain Town municipal records and archives; and
- (t) prepare financial statements and present them for internal and external audit in the manner as may be prescribed.]

SECTION 55: FISCAL TRANSFERS FOR TALUKA MUNICIPAL ADMINISTRATION.

The Taluka Municipal Administration shall receive fiscal transfers from the ⁶⁸[XXX] Government in the manner as may be prescribed.

SECTION 56: TALUKA NAZIM.

- (1) The Taluka Nazim shall head the Taluka Municipal Administration and shall exercise such functions and powers as have been assigned to him under this Ordinance.
- (2) The Taluka Nazim shall be assisted by Taluka Municipal Officer.
- (3) The Taluka Nazim shall be responsible to ensure that the business of the Taluka Municipal Administration is carried out in accordance with the provisions of this Ordinance and the laws relating to the municipal services for the time being in force.

SECTION 57: FUNCTIONS OF TALUKA NAZIM.

The functions of Taluka Nazim shall be-

- (a) to provide vision and direction for efficient functioning of the municipal administration;
- (b) to formulate strategies for development of municipal infrastructure and improvement of delivery of the municipal services of the Taluka;
- (c) to oversee formulation and implementation of long term and Annual Municipal Development Programmes;
- (d) to oversee the delivery of services by the Taluka Municipal Administration and implementation of the laws governing the municipal services;
- (e) to present the budget proposal to the Taluka Council for approval;
- (f) to present a report in person on the performance to the Taluka Council at least once in six months;
- (g) to supervise the utilisation of the funds allocated to the Taluka Municipal Administration and to ensure their proper accounting;
- (h) to establish and supervise the working of the Internal Audit Office; and
- (i) to represent Taluka Municipal Administration on public and ceremonial occasions.

SECTION 58: TALUKA MUNICIPAL OFFICER.

(1) The Government shall appoint the Taluka Municipal Officer who shall be the Principal Accounting Officer of the Taluka Municipal Administration and shall be the focal person-

- (a) for redressing public complaints relating to Taluka Municipal Administration; and
- (b) for liaising with the District Government and the Local Government Commission, through the District Government, for resolution of disputes relating to Taluka Municipal Administration.

(2) The Taluka Municipal Officer shall-

- (a) ensure that the business of the Taluka Municipal Administration is carried out in accordance with this Ordinance and any other law relating to municipal services for the time being in force;
- (b) co-ordinate the municipal activities of the Taluka Municipal Administration and Union Administrations within the Taluka for coherent planning and development of municipal infrastructure and for effective and efficient functioning of the Taluka Municipal Administration;
- (c) exercise general supervision over programmes, projects, services, and activities of the Taluka Municipal Administration; and
- (d) provide information required by the Taluka Council for the performance of their functions:

Provided that while dealing with the Government, District Government and Local Government Commission, the Taluka Municipal Officer shall not by pass the Taluka Nazim

⁶⁹ **[SECTION 58-A: TOWN OR TALUKA OFFICER.**

The functions and powers of the Town or Taluka Officer (TO) of the Town or Taluka Municipal Administration shall be to:

- (a) ensure that the business of the office 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 utilized to improve governance;
- (b) co-ordinate and supervise the activities of the office and ensure efficient service delivery by the functionaries under his administrative control;
- (c) supply information to the Monitoring Committees of the Town or Taluka Council and Union Councils;
- (d) take appropriate corrective actions based on the information received from Monitoring Committees;
- (e) enforce relevant Federal, Provincial and municipal laws and rules;
- (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 Town or Taluka Municipal Officer; and
- (k) act as Departmental Accounting Officer for his respective office and be responsible to the Accounts Committee of the Town or Taluka Council.]

⁷⁰ **[SECTION 58-B. PERFORMANCE EVALUATION OF OFFICERS OF TALUKA.**

The annual performance report of the officers posted in the Taluka Municipal Administration shall be initiated by-

- (a) the Taluka Nazim in respect of Taluka Municipal Officer and the Zila Nazim shall be the first countersigning officer, while the Secretary, Local Government Department shall be the second countersigning officer:

Provided that the District Coordination Officer shall record in a separate part of the Performance Evaluation Report his evaluation about the Taluka Municipal Officer's ability to collect and compile information; and

- (b) the Taluka Municipal Officer in respect of Taluka Officers:

Provided that the Taluka Nazim shall be the countersigning officer.]

SECTION 59: PERSONAL RESPONSIBILITY OF TALUKA NAZIM.

The Taluka 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 60: RESIGNATION OF TALUKA NAZIM.

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

SECTION 61: VACANCY OF THE OFFICE OF TALUKA NAZIM.

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

⁷¹*[Provided that where the Naib Taluka 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 69 shall act as Taluka Nazim and the next senior-most Presiding Officer in the panel shall act as Naib Taluka Nazim till the election of officiating Taluka Nazim under Section 68 or Naib Taluka Nazim resumes his functions or, as the case may be, a new Naib Taluka Nazim is elected by the Taluka Council under Section 156:*

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

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

SECTION 62: ⁷²[XXX]

SECTION 63: ⁷³[RECALL] OF A TALUKA NAZIM.

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

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

(3) Where the Taluka 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 Taluka Nazim.

⁷⁴(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 Taluka Nazim shall cease to hold office forthwith and the notification shall be issued in this behalf by the Chief Election Commissioner accordingly.

(5) ⁷⁵[XXX]

(6) Where the motion fails in the Taluka Council, the proposer and seconder of such motion shall lose their seats both as ⁷⁶[members of the Taluka Council and Naib Union Nazim, if any one of them is also a Naib Union Nazim.]

(7) The Taluka Nazim shall have the right to appear before the Taluka Council and address it in his defence.

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

SECTION 64: SETTING ASIDE AN ORDER OF TALUKA NAZIM.

(1) On a motion initiated by the District Government, the Zila Council may, by a resolution stating the grounds thereof, passed by a simple majority of its total membership, set aside an order or decision of general application taken by Taluka Nazim, if it considers the same to be against the interest of the people or public policy.

(2) The result of the approval of the resolution of the Zila Council referred to in sub-section (1) shall be notified by the District Government.

⁷⁷**[SECTION 64-A. SETTING ASIDE THE ORDER OF TALUKA NAZIM BY THE CHIEF EXECUTIVE OF THE PROVINCE.**

(1) Notwithstanding anything contained in Section 64, where, in the opinion of the Chief Executive of the Province, an order or decision of the Taluka 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 Taluka 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 Taluka Nazim:

Provided that, if no action is taken within ninety days of the suspension of the order or decision of the Taluka 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.]

