

## CHAPTER - VI

### TALUKA AND TOWN COUNCILS

#### **SECTION 65: COMPOSITION OF TALUKA AND TOWN COUNCILS.**

(1) There shall be a Taluka Council in a Taluka and a Town Council in a Town in a City District and shall consist of Naib Nazims of all Union Councils in the Taluka or Town, as the case may be, and the following members elected on reserved seats, namely:-

- (a) such number of women as represents thirty-three percent of the total number of the Unions in the Taluka or, as the case may be, the Town;
- (b) such number of peasants and workers as represent five percent of the total number of the Unions in the Taluka or, as the case may be, the Town; and
- (c) such number of persons from minority communities as represent five percent of the total number of the Unions in the Taluka or, as the case may be, the Town.

(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 a half, the number shall be rounded down to the next lower number; or
- (b) a half or more, the number shall be rounded up to the next higher number.

(3) The Naib Taluka Nazim or Naib Town Nazim shall be the Convener of the Taluka Council or, the Town Council, as the case may be.

(4) The Taluka Council and Town Council shall have their offices under the Naib Taluka Nazim or Naib Town Nazim, as the case may be, and shall have separate budget allocations <sup>78</sup>[with its Secretary as Drawing and Disbursing Officer and Naib Taluka Nazim as Principal Accounting Officer.]

#### **SECTION 66: PROVISIONS OF TALUKA COUNCIL APPLY TO TOWN COUNCIL.**

The provisions relating to Taluka Council shall, <sup>79</sup>[subject to Section 40,] *mutatis mutandis*, apply to Town Council and any reference <sup>80</sup>[XXX] in these provisions [to] Taluka Nazim, Naib Taluka Nazim or Taluka Municipal Administration shall, respectively, be read as reference to Town Nazim, Naib Town Nazim and Town Municipal Administration.

#### **SECTION 67: FUNCTIONS AND POWERS OF THE TALUKA COUNCIL.**

The functions and powers of the Taluka Council shall be -

- (i) to approve taxes, cess, rates, rents, fees, user-charges, tolls, levies, fines and penalties proposed by Taluka Municipal Administration specified in <sup>81</sup>[Part-III] of the Second Schedule;
- (ii) to approve bye-laws for delivery of municipal services;
- (iii) to approve annual budget and appropriations for the Taluka Municipal Administration;
- (iv) to approve long and short term development plans;
- (v) to approve posts of personal staff for the office of Taluka Nazim and the terms and conditions of their service:

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

- (vi) to approve land use, zoning and master plan of the Taluka development and maintenance programmes or projects proposed by the Taluka Municipal Administration;
- (vii) to elect Monitoring Committees of the Taluka Council to monitor the working of the Taluka Municipal Administration and the provision of municipal services;
- (viii) to ensure that the Monitoring Committees perform their functions in a non-intrusive manner without interfering in the day to day working of the relevant offices of the Taluka Municipal Administration and do not assume a command and control role;
- (ix) to review the reports of the Monitoring Committees and make appropriate recommendations to the Taluka Nazim;
- (x) to elect an Ethics Committee which shall be responsible for enforcing the code of ethics for regulating the conduct of the members of the Taluka Council;
- (xi) to elect an Insaaf Committee for interacting with the Insaaf Committee of the Zila Council.
- (xii) to elect Taluka Accounts Committee to review the audit reports of the accounts of Taluka Municipal Administration;
- (xiii) to review the performance of Taluka Municipal Administration presented by the Taluka Nazim;
- (xiv) to authorize the Taluka Municipal Administration, subject to applicable laws and with the prior permission of the Government through District Government, for floating municipal bonds for raising funds for financing municipal projects; and
- (xv) to require, by resolution, the Taluka Municipal Administration to undertake measures for improvement in the delivery of municipal services.

<sup>82</sup> **[SECTION 67-A: FUNCTIONS AND POWERS OF THE TOWN COUNCIL.**

The functions and powers of the Town Council shall be to:

- (a) approve taxes, cesses, rates, rents, fees, user charges, tolls, levies, fines and penalties proposed by Town Municipal Administration specified in Part-IV of the Second Schedule;
- (b) approve annual budget and appropriation for the Town Municipal Administration;
- (c) approve long and short term development plans;
- (d) approve posts of personal staff for the office of Town Nazim and the terms and conditions of their service; *provided that no post of advisor, special assistant, press or political secretary to the Town Nazim shall be sanctioned or approved;*
- (e) elect monitoring committees of the Town Council to monitor the working of the Town Municipal Administration and the provision of municipal services;
- (f) ensure that monitoring committees perform their functions in a non-intrusive manner without interfering in the day to day working of the relevant offices of the Town Municipal Administration and do not assume a command and control role;

- (g) review the reports of the monitoring committees and make appropriate recommendations to the Town Nazim;
- (h) elect Ethics Committee which shall be responsible for enforcing the code of conduct for regulating the conduct of the members of the Town Council;
- (i) elect an *Insaaf Committee* for interacting with the *Insaaf Committee* of the Zila Council;
- (j) elect Town Accounts Committee to review the audit reports of the accounts of Town Municipal Administration;
- (k) review the performance of Town Municipal Administration presented by the Town Nazim;
- (l) recommend by resolution to City District Government to undertake measures for improving delivery of municipal services to the Towns;
- (m) to approve bye-laws for delivery of municipal services;
- (n) to approve land use, zoning and master plan of the Town development and maintenance programmes or projects proposed by the Town Municipal Administration;
- (o) to require by resolution, the Town Municipal Administration to undertake measures for improvement in the delivery of municipal services <sup>83</sup>[.]

**SECTION 68: POWER TO APPOINT OFFICIATING TALUKA NAZIM.**

<sup>84</sup>[(1)] Where the office of Taluka Nazim falls vacant by reason of his death, resignation or removal, the Taluka Council shall, from amongst its members, elect an officiating Taluka Nazim, till a new Taluka Nazim is elected under the provisions of sub-section (5) of Section 156:

*Provided that Naib Taluka Nazim shall convene the meeting of the Taluka Council for the election of officiating Taluka Nazim within ten days from the death, resignation or removal of Taluka Nazim, as the case may be:*

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

(2) Where the Naib Taluka Nazim fails to convene the meeting for election of Officiating Taluka Nazim from amongst the members of the Council within ten days, the Naib Taluka Nazim shall be liable to misconduct, and the senior-most Presiding Officer shall convene the meeting of the Council for such purpose.]

**SECTION 69: CONDUCT OF THE BUSINESS OF TALUKA COUNCIL.**

- (1) The Taluka Council shall regulate its business in accordance with the bye-laws made by it.
- (2) The Taluka Council shall meet at least once in every month.
- (3) Save as otherwise provided, decisions of the Taluka 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 <sup>85</sup>[:]

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

<sup>86</sup>[(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 Taluka Council shall elect from amongst themselves a Naib Taluka Nazim securing majority votes of total membership of the Council through a secret ballot.

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

<sup>87</sup>[(5) After the election of Naib Taluka Nazim, the Taluka 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 Taluka Nazim, or where a no confidence motion has been moved against him, convene and preside over the meetings of the Taluka Council.]

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

(7) The meetings of the Taluka 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 Taluka Council shall be recorded and maintained by an officer authorized by the Taluka Council.

**SECTION 70: ADDRESS OF TALUKA NAZIM.**

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

(2) Notwithstanding anything contained in sub-section (1), the Taluka Nazim may address the Taluka Council whenever he deems necessary to associate the Taluka Council in functioning of the Taluka Municipal Administration.

<sup>88</sup>[**SECTION 70-A: SETTING ASIDE THE RESOLUTION OF TALUKA COUNCIL.**

(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 a resolution of the Taluka Council, 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 Zila Council.

**SECTION 70-B: SETTING ASIDE THE RESOLUTION OF TALUKA COUNCIL BY THE CHIEF EXECUTIVE OF THE PROVINCE.**

(1) Where, in the opinion of the Chief Executive of the Province, a resolution of Taluka 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 Taluka 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 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 Taluka Council:

*Provided that, if no action is taken within ninety days of suspension of the resolution of the Taluka 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 71: RESIGNATION OF NAIB TALUKA NAZIM.**

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

**SECTION 72: <sup>89</sup>[NO CONFIDENCE MOTION AGAINST] NAIB TALUKA NAZIM.**

(1) If in the opinion of a member of Taluka Council, there is a reason to believe that the Naib Taluka Nazim is acting against the public policy or the interest of the people or for any other reason <sup>90</sup>[he has lost confidence of the Council], he may, seconded by another member of the Council, give a notice to the Taluka Council for moving a motion for <sup>91</sup>[removal] of Naib Taluka 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 69 shall summon a session of 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 in the Taluka Council.

<sup>92</sup>[(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 Taluka Nazim shall cease to hold office forthwith and the notification shall be issued in this behalf by the Chief Election Commissioner.]

<sup>93</sup>[(5) Where the Naib Taluka Nazim is removed under sub-section (4), the Council shall elect a new Naib Taluka Nazim within a period not later than ten days in the manner specified in sub-section (4) of Section 69.]

(6) Where the motion fails in the Taluka Council, the proposer and seconder of such motion shall lose their seats both as <sup>94</sup>[members of the Taluka Council and Naib Union Nazim, if any one of them is also a Naib Union Nazim.]

(7) The Naib Taluka Nazim shall have the right to <sup>95</sup>[address the Taluka Council] in his defence.

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

**SECTION 73: JOINT COMMITTEES OF COUNCILS.**

The Taluka Council may, with the consent of the Zila Council or adjoining Taluka Councils or Union Councils, set up joint committees of the Councils for any purpose 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.

