

CHAPTER - XVIII

MANAGING TRANSITION

SECTION 180: SUCCESSION OF THE PROPERTIES, ASSETS AND LIABILITIES.

²⁰¹ [(1) Subject to Section 123, on commencement of this Ordinance, the properties, assets and liabilities of the Local Councils, namely, Metropolitan Corporations, Municipal Corporations, District Councils, Municipal Committees, Town Committees, Union Councils under the Sindh Local Government Ordinance, 1979 (XII of 1979), shall be succeeded by the following Local Governments under this Ordinance: -

- (a) City District Government in the case of Metropolitan Corporation or Municipal Corporation in the concerned City District, as the case may be;
- (b) District Government in the case of District Council;
- (c) Taluka Municipal Administration in the case of Municipal Corporations, Municipal Committees and Town Committees in the Taluka, as the case may be; and
- (d) Union Administration in the case of Union Councils:

Provided that the liabilities of the predecessor Local Governments shall be discharged in accordance with the existing arrangements:

Provided further that the discharge of liabilities of the decentralised offices shall remain with the Government.

(2) the funds of a Metropolitan Corporation, Municipal Corporation, Zila Council, Municipal Committee, Town Committee and Union Council shall be transferred to a Local Government as its successor under sub-section (1) above.]

SECTION 181: FIRST NAZIMS AND COUNCILS.

(1) The first Local Governments under this Ordinance shall be established on the 14th day of August, 2001.

(2) The Zila Nazims shall assume the office of the head of respective District Governments under this Ordinance on the 14th day of August 2001, and the Government shall issue notification of the assumption of their office.

(3) The Taluka Nazims and Town Nazims shall assume the office of the head of Taluka Municipal Administration and Town Municipal Administration, as the case may be, under this Ordinance on the 14th day of August 2001, and the Government shall issue notification of the assumption of their offices.

(4) The Union Nazims shall assume the office of the head of the Union Administration under this Ordinance on the 14th day of August, 2001, and the Government shall issue notification of the assumption of their offices.

(5) The Government shall make arrangements of accommodation for the offices of the Local Governments and, as far as possible, for that purpose the existing infrastructure shall be utilized.

²⁰² [SECTION 181-A: INTERNAL RECALL OF NAZIMS.

Notwithstanding anything contained in Sections 24,63 and 85, an internal recall motion shall not be moved in the case of Taluka Nazim, Town Nazim or Union Nazim before the 31st December, 2002 and in the case of Zila Nazim before the 30th June, 2003.]

SECTION 182: ADMINISTRATIVE TRANSITION.

(1) On coming into force of this Ordinance, any office, authority or municipal body set up or controlled by the Government shall continue providing services without any interruption during the decentralization process or its entrustment to any Local Government under this Ordinance.

(2) All functionaries of the Metropolitan Corporations, Municipal Corporations, Zila Councils, Municipal Committees, Town Committees and Union Councils set up under the Sindh Local Government Ordinance, 1979 (XII of 1979), shall continue to perform their respective duties and responsibilities with the successor Local Government under this Ordinance, until transferred to any other Local Government.

(3) Subject to the provisions of sub-sections (1) and (2), the control of the development authorities, water and sanitation agencies and solid waste management bodies shall vest in the following Local Governments.

	<u>Authority/Agency</u>	<u>Local Government</u>
(a)	Development Authorities, Water and Sanitation Agencies or Boards, and Solid Waste Management Bodies;	City District Government
(b)	Development Authorities;	District Government
(c)	Water and Sanitation Agencies/ Boards and Solid Waste and Management Bodies.	District Government

(4) The Government shall commence closing down the operations of divisional offices and, where applicable, regional, circle and zonal offices on coming into force of this Ordinance, *provided that such offices shall cease to function on 31st day of December, 2001.*

(5) The Government shall, on the commencement of this Ordinance, decentralise administrative, financial and appellate powers of the divisional, regional and Zonal Officers to the Deputy District Officers, District Officers, Executive District Officers and District Coordination Officers, as the case may be.

(6) The District Governments shall appropriately re-organize the authorities, agencies and bodies referred to in sub-section (3) and decentralize such authorities, agencies and bodies to the Taluka Municipal Administration or, as the case may be, Town Municipal Administration in accordance with Section 52.

SECTION 183: EMPLOYEES SALARIES NOT TO BE REDUCED ON TRANSFER, ETC.

(1) On allocation, re-allocation or transfer of the employees of the Government, Metropolitan Corporations, Municipal Corporations, District Councils, Municipal Committees, Town Committees and Union Councils or any other authority, agency or body to any Local Government established under this Ordinance, the salaries, emoluments and pensions of such employees shall not be reduced on such allocation, re-allocation or transfer.

(2) The Government shall ensure the payment of salaries, emoluments and pensions of the employees referred to in sub-section (1), including the employees of the Local Council Service and the servants of Local Councils set up under the Sindh Local Government Ordinance, 1979 (XII of 1979) during the financial year 2001-2002 or till such time as Government may deem appropriate.

SECTION 184: BAR ON RECRUITMENTS.

(1) During the transition period specified in Section 187 and till the adjustment for optimal utilization of all employees of the Government, Local Council Service and Servants of Local Councils, no fresh recruitment shall be made to fill any vacancy in the Local Governments set up under this Ordinance, except with the express sanction of the Government.

(2) The Government shall make available the services of the employees placed in its surplus pool for utilization in the offices decentralised to the District Government, Taluka Municipal Administration, Town Municipal Administration and Union Administration.

(3) The Local Governments shall utilize the services of the employees of the Local Councils set up under the repealed Sindh Local Government Ordinance, 1979 (XII of 1979) for meeting the short fall in the offices of the Zila Councils, Zila Nazims, Taluka Councils, Taluka Municipal Administrations, Town Councils, Town Municipal Administrations, Taluka Nazims, Town Nazims and Union Administrations.

SECTION 185: FINANCIAL TRANSITION.

(1) All taxes, cess, fees, rates, rents, tolls and charges which were being charged, levied and collected by any office of the Government, development authority, water and sanitation agency, board or solid waste management body or any Local Council, shall continue to be charged, levied and collected under this Ordinance by the successor Local Governments and every person liable to pay such taxes, cess, fees, rates, rents, tolls, charges and accumulated arrears and receivables shall continue to make payment thereof until revised, withdrawn or varied under this Ordinance.

(2) Where any Local Council established under the repealed Sindh Local Government Ordinance, 1979 (XII of 1979), was receiving any grant or any compensation in lieu of octroi, toll tax, export tax, or any other tax, the successor Local Government under this Ordinance shall continue to receive such grant or compensation.

²⁰³ [(3) Notwithstanding anything contained in Sections 109 and 119, for the fiscal year 2001-2002, the Local Governments may not set apart fifty percent of the development budget for utilization specified therein:

Provided that the development schemes proposed by the Citizen Community Boards shall be given priority and included in the budget presented to the Councils for approval.]

SECTION 186: ELECTORAL TRANSITION.

(1) Notwithstanding anything contained herein before, the first Zila Councils, Taluka Councils, Town Councils and Union Councils constituted under this Ordinance shall be deemed to be validly constituted if sixty percent seats thereof are filled in the elections held under the Sindh Local Government Elections Ordinance, 2000 (X of 2000).

²⁰⁴ [(1-A) Where Local Council has been validly constituted under sub-section (1), but seats of Nazim and Naib Nazim of the corresponding level have not been filled, the concerned Council shall elect officiating Nazim and Naib Nazim from amongst its members until their seats are filled through by election.]

(2) In any Local Area in which this Ordinance is in force but a relevant Local Government is not validly constituted due to a natural calamity or conditions beyond human control, the Government, may empower any person or persons to perform all or any of the functions of that Local Government under this Ordinance till the elected Government assumes the charge of the office.

SECTION 187: TRANSITIONAL TIMEFRAME.

All actions required for giving effect to the provisions of this Ordinance and transition to the Local Government systems set up thereunder shall be completed by the 30th day of June, 2002.

