

COMPARISON OF LOCAL GOVERNMENT ACTS IN PAKISTAN: A CONSUMER PERSPECTIVE



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Rights of citizens as consumers and as customers of essential services are protected by the local government laws in Pakistan. Local bodies, in majority of the provinces, have been entrusted with the tasks of regulation of services along with delivery of civic services i.e. social services like education and health, and municipal services like water supply and solid waste management. Laws on local government were enacted by all the provincial governments after the insertion of Article 140A in the Constitution of Pakistan by the Eighteenth Amendment Act 2010. In order to fill the constitutional requirement, each province enacted laws on local government in the time period ranging from 2010 to 2013. Citizens as consumers and customers of civic / municipal services, irrespective of being residents of urban or rural areas, ought to have information about the governmental organizations responsible for the provision and regulation of these services. Avenues of citizens' participation in affairs of governance, right to information, taxation, monitoring committees, dispute resolution, and use of properties of local government are areas of concern for citizens with respect to local governance. Consumer Rights Commission of Pakistan (CRCP), under its agenda to promote interests and rights of citizens, has developed the following matrix to give a basic understanding of the common and distinguishing features of LG Laws with respect to different subjects. It is expected that informed citizens will strive better to secure their rights in the legal space provided by the state.

Subject	The Punjab LG Act 2013	The Sindh LG Act 2013	The KP LG Act 2013	The Balochistan LG Act 2010	The ICT LG Act 2013
Drinking Water	<p>a. The Union Council, under Section 72, has been entrusted with the responsibility to provide and maintain rural water supply schemes and public sources of drinking water.</p> <p>b. The District Council is required to assist Union Council in provision and maintenance of rural water supply schemes. (Section 77)</p> <p>c. Section 81 of the Act requires Municipal Committees to provide, manage, operate, maintain, and improve the municipal infrastructure and services including water</p>	<p>a. Schedule 11 of the Act: A Corporation, Municipal Committee or town Committee shall, within the limits of the funds at its disposal provide or cause to be provided, a supply of wholesome water sufficient for public and private purpose.</p> <p>b. All private sources of water supply within the Local Area concerned shall be subject to control, regulation and inspection by the Corporation, Municipal Committee or Town Committee.</p> <p>c. Optional Function: No new well, water-pump</p>	<p>a. Section 29 of the Act states that one of the functions of the Village / neighborhood Council shall be to improve water supply sources, maintain water supply distribution system and take measures to prevent contamination of water.</p> <p>b. The District Council, under Section 19, is required to review development of integrated system of water reservoirs, water sources, treatment plants, drainage, liquid and solid waste disposal, sanitation and other municipal services.</p>	<p>a. The Act requires regulation, through bye-laws, of contamination of water reserved for drinking purposes.</p> <p>b. the Fourth Schedule requires local governments to make bye-laws for regulation of water supply</p>	<p>a. Second Schedule of the Act, makes Union Councils responsible for maintenance of rural water supply schemes and public sources of drinking water.</p> <p>b. The Third Schedule requires Metropolitan Corporation to develop integrated system of water reservoirs and water source.</p> <ul style="list-style-type: none"> - Water supply and control and development of water sources. <p>c. No new well, water pump or any other source of water for drinking purposes shall</p>

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	<p>supply and control and development of water sources.</p> <p>d. Similar function has been entrusted to Metropolitan and Municipal Corporations (Section 87).</p> <p>e. Eight Schedule, Section 103: All private sources of water supply within the area of the local government shall be subject to control, regulation, and inspection by the local government.</p> <p>No new well, water-pump or any other source of water for drinking purposes, shall be dug, constructed or provided except with the sanction of the local government.</p>	<p>or any other sources of water for drinking purposes shall be dug, constructed, or provided except with the sanction of the Council, concerned</p>	<p>c. Tehsil Municipal Administration is also required by the Act, under Section 22, to provide, manage, operate, maintain, and improve municipal services (water supply has been declared a municipal service by the Act)</p>		<p>be dug, constructed or provided except with the sanction of the local government. (Ninth Schedule, Section 70)</p>
Health	<ul style="list-style-type: none"> - District Health Authority will be created under the Act and Section 2(v) declares an Authority as a local government. - Composition of the District Health Authority is to be determined by the provincial government. 	<ul style="list-style-type: none"> - Schedule 3, part 1, of the Act, defines compulsory functions of the District Council as: responsibility for the identification of projects and appraisal and approval of projects prepared and to 	<ul style="list-style-type: none"> - Health Department has been devolved to the District Government under the Act (Section 12). Mother and Child Healthcare Centers, Basic Health Units, Rural Health Centers, 	<ul style="list-style-type: none"> - The Act, under Section 90, empowers Town Improvement Committee to undertake development schemes for health measures of citizens. - Optional functions of the Union Councils 	<ul style="list-style-type: none"> - The Chairman of a Union Council, under Section 69(3) of the Act, shall report to the concerned authorities in respect of environmental and health hazards, and adulteration of articles of food.

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	<p>(Section 17)</p> <ul style="list-style-type: none"> - Elected members of the Authority will be in majority. - Chairman, Vice Chairman, and Chief Executive Officer of the Authority will be appointed by the provincial government. They shall serve during the pleasure of the government. - The Act, under Section 72, also requires the Union Councils to take measures to promote health of the inhabitants. - The Authority, under Section 94 of the Act, shall: <ul style="list-style-type: none"> Establish, manage and supervise primary and secondary health care facilities and institutions; Provide stewardship, ownership and oversight of health service delivery at primary and secondary levels within the policy framework given by the Government; Coordinate planning and allocate finances for provision of service delivery at District level; 	<p>be constructed by Union Councils in the following sub-section:-</p> <p>Rural Health Centers, Basic Health Units, Family Welfare Clinics</p> <ul style="list-style-type: none"> - Union Councils, under Schedule IV of the Act, act as construction agency for Rural Health Centers, Family Welfare Clinics, Basic Health Units. <p>Procurement and distribution of equipment and materials for Health Centers.</p> <ul style="list-style-type: none"> - The Act, under Optional Functions, states that a Corporation, Municipal Committee or Town Committee may: <ul style="list-style-type: none"> Establish, manage, maintain, or contribute towards the maintenance of health centers, maternity centers, and centers for the welfare of women, infants and children; Adopt such other matters as may be necessary to promote the health and welfare of women, infants and children. - A Corporation, Municipal Committee or Town 	<p>However, the authority of district government shall comprise the operation, management and control of offices devolved to it provided that the authority is exercised in accordance with general policy of government (Section 13).</p> <ul style="list-style-type: none"> - Section 29 of the Act requires the Village Council or Neighborhood Council to monitor and supervise the performance of functionaries of Health Department along with other offices. 	<p>include formulation of ADP and act as construction and maintenance agency for: Rural health clinics, Family welfare clinics, Basic health units.</p> <ul style="list-style-type: none"> - Functions of the District Councils also include establishment, maintenance, and management of hospitals and rural health centers. 	

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	<p>Develop linkages between private and public health sectors for enhancing access and coverage of health care facilities to the general public and improving quality of these services.</p>	<p>Committee may, and if so required by Government shall, establish and maintain such number of hospitals and dispensaries as may be necessary for the medical relief of the inhabitants of the Local Area and the people visiting it.</p>			
<p>Education</p>	<ul style="list-style-type: none"> - District Education Authority will be created under the Act and Section 2(v) declares an Authority as a local government. - Composition of the District Education Authority is to be determined by the provincial government. (Section 17) - Elected members of the Authority will be in majority. - Chairman, Vice Chairman, and Chief Executive Officer of the Authority will be appointed by the provincial government. They shall serve during the pleasure of the government. - The Act, under Section 93, requires a District Education Authority to: <p>Establish, manage and</p>	<ul style="list-style-type: none"> - Schedule 3, part 1, of the Act, defines compulsory functions of the District Council as: <p>responsibility for the identification of projects and appraisal and approval of projects prepared and to be constructed by Union Councils in the following sub-section:-</p> <p>Primary, Middle and Secondary Schools</p> <ul style="list-style-type: none"> - The Union Councils will also do procurement and distribution of equipment and materials for Schools (Schedule IV) 	<ul style="list-style-type: none"> - Education is one of the Offices devolved to the District Government under Section 12 of the Act. First Schedule gives a list of the Education offices as: <p>Primary and Secondary Education Vocational Education Special Education Adult Education and Literacy</p> <ul style="list-style-type: none"> - The Act, under Section 28(e) requires Nazim, Village Council or Neighborhood Council to prepare and send quarterly reports on the performance of functionaries of education Offices located in the territory along with others. 	<ul style="list-style-type: none"> - The Act, under Section 142 requires a Local Council to make bye laws which includes, under the Fourth Schedule, of compulsory primary - The Fifth Schedule defines compulsory functions of an Urban Council, which include: <p>and manage for promotion of education such educational institutions as may be required and approved</p> <p>compulsory primary</p> <ul style="list-style-type: none"> - Optional functions include: <p>Promotion of adult education.</p>	<ul style="list-style-type: none"> - The Second Schedule of the Act requires a Union Council to provide for libraries and reading rooms.

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	<p>supervise the primary, elementary, secondary and higher secondary schools, adult literacy and non-formal basic education, special education institutions of the Government in the District;</p> <p>Ensure free and compulsory education for children of the age from five to sixteen years as required under Article 25-A of the Constitution;</p> <p>Plan, execute and monitor all development schemes of educational institutions working under the Authority, provided that the Authority may outsource its development works to other agencies or school councils;</p> <p>Constitute school management councils which may monitor academic activities.</p>			<p>Construction and maintenance of buildings to be used for schools and hostels for students.</p> <p>- Functions of rural councils include formulation of ADP and act as construction and maintenance agency for primary education.</p> <p>- Functions of District Councils include:</p> <p>Provision, maintenance and management of primary Schools ;</p> <p>Construction and maintenance of building as hostels of students ;</p> <p>Payment of grants and subsidies to institutions and organizations engaged in the promotion of education;</p> <p>Promotion of adult education.</p>	
Solid Waste Management	<p>- A Union Council, under Section 72 of the Act, is required to provide, manage, operate, maintain, and improve the municipal infrastructure and services including sanitation and solid waste collection and sanitary</p>	<p>- The Act, under Compulsory Functions, states that a Corporation, Municipal Committee or Town Committee shall be responsible for the sanitation, and may for that purpose cause such measures to be taken as</p>	<p>- According to the First Schedule of the Act, City District Government may set up district municipal offices for integrated development and management of solid waste management, treatment and disposal,</p>	<p>- The Fifth Schedule specifies maintenance of sanitation as a compulsory function of urban councils along with removal, collection, and disposal of refuse.</p> <p>- Section 142 of the Act</p>	<p>- The Metropolitan Corporation, under the Third Schedule, is required to develop integrated system of liquid and solid waste disposal along with sanitation and other municipal services.</p>

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	<p>disposal of solid, liquid, industrial, and hospital wastes.</p> <p>- A Municipal Committee, under Section 81 of the Act, is required to provide, manage, operate, maintain, and improve the municipal infrastructure and services including sanitation and solid waste collection and sanitary disposal of solid, liquid, industrial, and hospital wastes.</p> <p>- Metropolitan and Municipal Corporations, under Section 87 of the Act, are required to provide, manage, operate, maintain and improve the municipal infrastructure and services including sanitation and solid waste collection and sanitary disposal of solid, liquid, industrial and hospital wastes, treatment and disposal including landfill site and recycling plants.</p> <p>They are also required to develop integrated systems for liquid and solid waste disposal, sanitation and other municipal services.</p>	<p>are required by or under this Act.</p> <p>- Schedule III of the Act requires a District Council to discharge the overall responsibility for the identification of projects and appraisal and approval of projects prepared and to be constructed by Union Councils for sanitation along with other sectors.</p>	<p>including landfill sites and treatment plants.</p> <p>- District Council, under Section 19 of the Act, shall review development of integrated system of liquid and solid waste disposal, sanitation and other municipal services.</p> <p>- Regular provision of municipal services including solid waste management and sanitation remain the responsibility of Town / Tehsil Municipal Administrations.</p>	<p>requires a local council to make bye laws for the regulation of sanitation along with other services.</p>	
Right to Information	Right to Information with respect to the local	Right to Information granted by Law, under	Right to Information not part of the Act yet the law	No provision for Right to Information. Section 68	Right to Information granted by Section 112

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	governments granted through Section 140 of the Act. The requested information will be provided with 15 days.	Section 153, and information is to be provided by the designated official within 7 days.	has specific requirement to maintain information and disclose for public. (Section 22j, Section 29j, Section 36)	of the Act requires a local council to adopt necessary measures for the publication of information about the working of local council. Section 102(7) requires a local council to publish its Annual Audit Report for public information.	of the Act. The requisite information will be provided with 15 days.
Taxation	The Act, under Section 115, states that a local government shall not levy a tax without previous publication of the tax proposal and inviting and hearing public objections.	No provision for inviting public opinion / objections before levying a tax.	The Act, under Section 42, states that no tax shall be levied without previous publication of the tax proposal inviting and hearing public objections and approval of the respective local council.	The Act, under Section 114, states that no tax shall be levied without previous publication of the tax proposal and without inviting and hearing public objections.	The Act, under Section 87, states that a local government shall not levy a tax without previous publication of the tax proposal and inviting and hearing public objections.
Standing / Monitoring Committees	Section 67 of the Act states that a local government may appoint committees consisting of such number of its members and other persons to perform such functions and in such manner as may be prescribed.	The Act, under Section 84, states that a council may, for the performance of such functions as may be prescribed appoint committees or sub-committees consisting of its members and co-opted members, if any. It further states that the members of the committee or the sub-committee shall be elected by the council.	a. The Act (Section 18) provides for the election of Standing Committee by District Council for each office of the District Government to oversee matters and service delivery obligations assigned to the office. Following Committees are also to be elected by the District Council: - Finance Committee - District Accounts Committee - Committee on Conduct of Business - District Committee on Assurances - Code of Conduct Committee - Joint Committees of	a. Section 64(8) states that a local council may appoint sub-committees consisting of such number of its members and other persons , if any, to perform such functions in such manner as may be prescribed. b. Explicit provision exists for the constitution of a Town Improvement Committee by a local council (Section 89) but the exercise of powers and performing of functions by the Committee has to be in accordance with specifications of the provincial government.	The Act, under Section 65, lays down that a local government may appoint committees consisting of such number of its members and other persons to perform such functions and in such manner as may be prescribed.

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			<p>Village and Neighborhood Councils</p> <p>b. Section 25 of the Act provides for the election of Standing Committees of the Tehsil Council for municipal offices, tehsil based offices, and sub-offices of devolved functions to oversee matters and service delivery obligations.</p> <p>Following committees are also to be elected by the Tehsil Council:</p> <ul style="list-style-type: none"> - Finance Committee - Tehsil Accounts Committee - Committee on Conduct of Business - Tehsil Committee on Assurances - Code of Conduct Committee <p>c. Section 29 of the Act requires the Village / Neighborhood Council to elect an Accounts Committee and review its recommendations on the annual statement of accounts and audit reports.</p> <p>d. Section 36(5) of the Act requires Accounts Committees of the local councils to hold public hearings to consider audit reports, objections</p>		

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			to statement of accounts, and recommend appropriate action to the local council.		
Dispute Resolution of Citizens	<p>a. The Act, under Section 96, lays down that a Village Council shall constitute a <i>Panchayat</i> and a City Council shall constitute a <i>Musalihat Anjuman</i> for amicable settlement of disputes in the prescribed manner.</p> <p>b. A Panchayat or Musalihat Anjuman shall consist of a panel of nine members, including at least two women, to be nominated by the local government, within thirty days of its first meeting, from amongst residents of the local government but the members of the local government shall not be appointed as members of the Panchayat or Musalihat Anjuman.</p>	There exists no provision for resolution of disputes amongst citizens through a forum created by a local government.	<p>a. Section 29 of the Act requires a Village / Neighborhood Council to provide effective forum for out of court amicable settlement of disputes and, for this purpose, constitute panels of members as conciliators.</p> <p>b. The Nazim of a Village / Neighborhood Council will chair panels of members constituted for amicable settlement of disputes (Section 28).</p>	<p>a. Section 81 of the Act states that in each Local Council, <i>Musalihat Anjuman</i> shall be constituted consisting of a panel of three members including at least one woman member one of whom shall be its Convener, to be selected by the Local Council, within thirty days after its election, from amongst the members of the Local Council.</p> <p>b. The Chairman, members of the Local Council and the members of Musalihat Anjuman shall use their good offices to achieve amicable settlement of disputes amongst the people in the area through mediation, conciliation and arbitration, whether or not any proceedings have been instituted in a court of law in respect of such disputes. (Section 82)</p>	No provision with respect to dispute resolution of citizens.
Use of Properties of Local Governments	a. Section 130 of the Act states that a local government may grant lease of its immovable property through	The provision of Section 77 of the Act deals with the use of properties. It All contracts for	a. Section 40 of the Act lays down that Immovable properties of local government may be given on lease through	a. Section 110 of the Act specifies that immovable properties of local council may be given on lease through competitive	a. Section 120 of the Act states that a local government may grant lease of its immovable property through

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	<p>competitive bidding by public auction in the prescribed manner.</p> <p>b. The movable property of a local government which is required to be disposed of shall be sold through competitive bidding by public auction.</p>	<p>transfer by grant, sale, mortgage, lease or otherwise of immovable property or any interest and right thereto or disposal or sale of movable property or for leasing out rights to collect taxes] shall, subject to the rules be entered into after inviting offers in an open auction</p> <p>Council may grant, sell or lease out land at rates to be fixed in consultation with the Government, to-</p> <p>(i) associations, organizations, individuals or any department or institution of the Federal or a Provincial Government for establishing, maintaining or extending educational, religious and charitable institutions or for such other purposes for the benefit of the public</p>	<p>competitive bidding in public auction for a period to be determined by the government.</p> <p>b. Movable property of a local government which is required to be disposed of and all articles declared unserviceable shall be sold through competitive bidding in public auction.</p>	<p>bidding in public auction with the prior approval of the government.</p> <p>b. The movable property of a local council which, by the order of the Government is required to be disposed of and all articles declared unserviceable shall subject to approval by the Government, or any authority specially empowered by the Government in this regard, be sold through a transparent competitive bidding in public auction.</p>	<p>competitive bidding by public auction in the prescribed manner.</p> <p>b. The movable property of a local government which is required to be disposed of shall be sold through competitive bidding by public auction.</p>



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