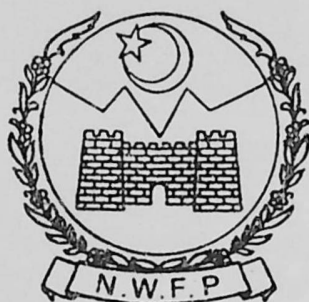


EXTRAORDINARY

REGISTERED NO. P. 111

GOVERNMENT



GAZETTE

North-West Frontier Province

Published by Authority

PESHAWAR, SATURDAY, 27TH APRIL, 2002.

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE,
LAW DEPARTMENT.

NOTIFICATION.

27th April, 2002.

No. LEGIS:I(18)/70-IX/2652.—The following Ordinance by the Governor of the North-West Frontier Province is hereby published for general information:—

THE NORTH-WEST FRONTIER PROVINCE
LOCAL GOVERNMENT (AMENDMENT) ORDINANCE, 2002.

N.-W.F.P. ORDINANCE NO. XII OF 2002.

AN ORDINANCE

*further to amend the North-West Frontier Province
Local Government Ordinance, 2001.*

WHEREAS it is expedient further to amend the North-West Frontier Province Local Government Ordinance, 2001 (N.-W.F.P. Ord. No. XIV of 2001), in the manner hereinafter appearing;

AND WHEREAS the Governor of the North-West Frontier Province is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, as amended uptodate, and the Provisional Constitution Order No. I of 1999, read with Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of the North-West Frontier Province is pleased to make and promulgate the following Ordinance:

1. Short title and commencement.—(1) This Ordinance may be called the North-West Frontier Province Local Government (Amendment) Ordinance, 2002.

(2) It shall come into force at once.

2. Amendment of section 1 of N.-W.F.P. Ord. XIV of 2001.—In the North-West Frontier Province Local Government Ordinance, 2001 (N.-W.F.P. Ord. No. XIV of 2001), hereinafter referred as the said Ordinance, in section 1, for sub-section (3) the following shall be substituted, namely:

“(3) Except sections 109 and 112, it shall come into force at once and shall be deemed to have taken effect on the fourteenth day of August, 2001. Sections 109 and 112 shall come into force on such date or from such financial year as may be determined and notified by Government.”.

3. Amendment of section 32 of N.-W.F.P. Ord. XIV of 2001.—In the said Ordinance, in section 32, in the first proviso,—

- (a) between the words “Provided that” and the word “responsibility”, the word “primary” shall be inserted; and
- (b) for the words “District Municipal Administration”, the words “District Government” shall be substituted.

4. Amendment of section 103 of N.-W.F.P. Ord. XIV of 2001.— In the said Ordinance, in section 103, the full-stop appearing at the end of the proviso shall be replaced by a colon and thereafter the following new provisos shall be inserted, namely:

“Provided further that in bringing parties in dispute to an amicable settlement, Musalihati Jarga shall have regard to the provisions of section 345 of the Code of Criminal Procedure, 1898 (V of 1898), Hudood Laws and all other laws for the time being in force whereunder certain offences are not compoundable:

Provided also that every settlement brought about by Musalihati Jarga in a case pending before a court shall be subject to the approval of such court.”.

5. Amendment of section 156 of N.-W.F.P. Ord. XIV of 2001.—In the said Ordinance, in section 156, after sub-section (3), the following new sub-section shall be inserted, namely:

“(3A) The period of one year referred to in sub-section (3), shall be computed from the date of assumption of office of the Council:

Provided that in the year in which general elections are to be held, the by-elections may be held within eighteen months.”.

6. Insertion of section 181A to N.-W.F.P. Ord. XIV of 2001.—In the said Ordinance, after section 181, the following new section shall be inserted, namely:

“181A Restriction on internal recall of Nazimeen.—Notwithstanding anything contained in sections 24, 63 and 85, an internal recall motion against the Zilla Nazim, Tehsil Nazim or Union Nazim elected under this Ordinance shall not be moved before the 31st December, 2002.”.

7. Amendment of section 185 of N.-W.F.P. Ord. XIV of 2001.—In the said Ordinance, in section 185, after sub-section (2) the following new sub-section shall be inserted, namely:

“(3) Notwithstanding anything contained in section 109 and 119, for fiscal year 2001-2002, the local governments may not set apart 50% of the development budget for utilization specified therein:

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

8. Amendment of Sixth Schedule of N.-W.F.P. Ord. XIV of 2001.—In the said Ordinance, in the Sixth Schedule,—

- (a) in item 27, in the marginal heading, for the word “Board”, the words “Local Government” shall be substituted; and
- (b) in item 39, in clause (d), for the word “cantonment”, the words “local area” shall be substituted.

Peshawar,
dated the
23rd April, 2002.

Lt. Gen. (Rtd.) IFTIKHAR HUSSAIN SHAH,
Governor of the North-West Frontier Province.

SALIM KHAN,
Secretary to Government of North-West Frontier Province,
Law Department.

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