

CONFIDENTIAL

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**PROVINCIAL ASSEMBLY OF THE PUNJAB
REPORT OF THE STANDING COMMITTEE ON LOCAL
GOVERNMENT AND COMMUNITY DEVELOPMENT
REGARDING THE PUNJAB LOCAL GOVERNMENT (SIXTH
AMENDMENT) BILL 2016 (BILL NO. 43 OF 2016)**

The Punjab Local Government (Sixth Amendment) Bill 2016 (Bill No. 43 of 2016) was referred to the Standing Committee on Local Government and Community Development on 21 October 2016. The Committee considered the Bill in its meeting held on 24 October 2016.

2. The following were present:—

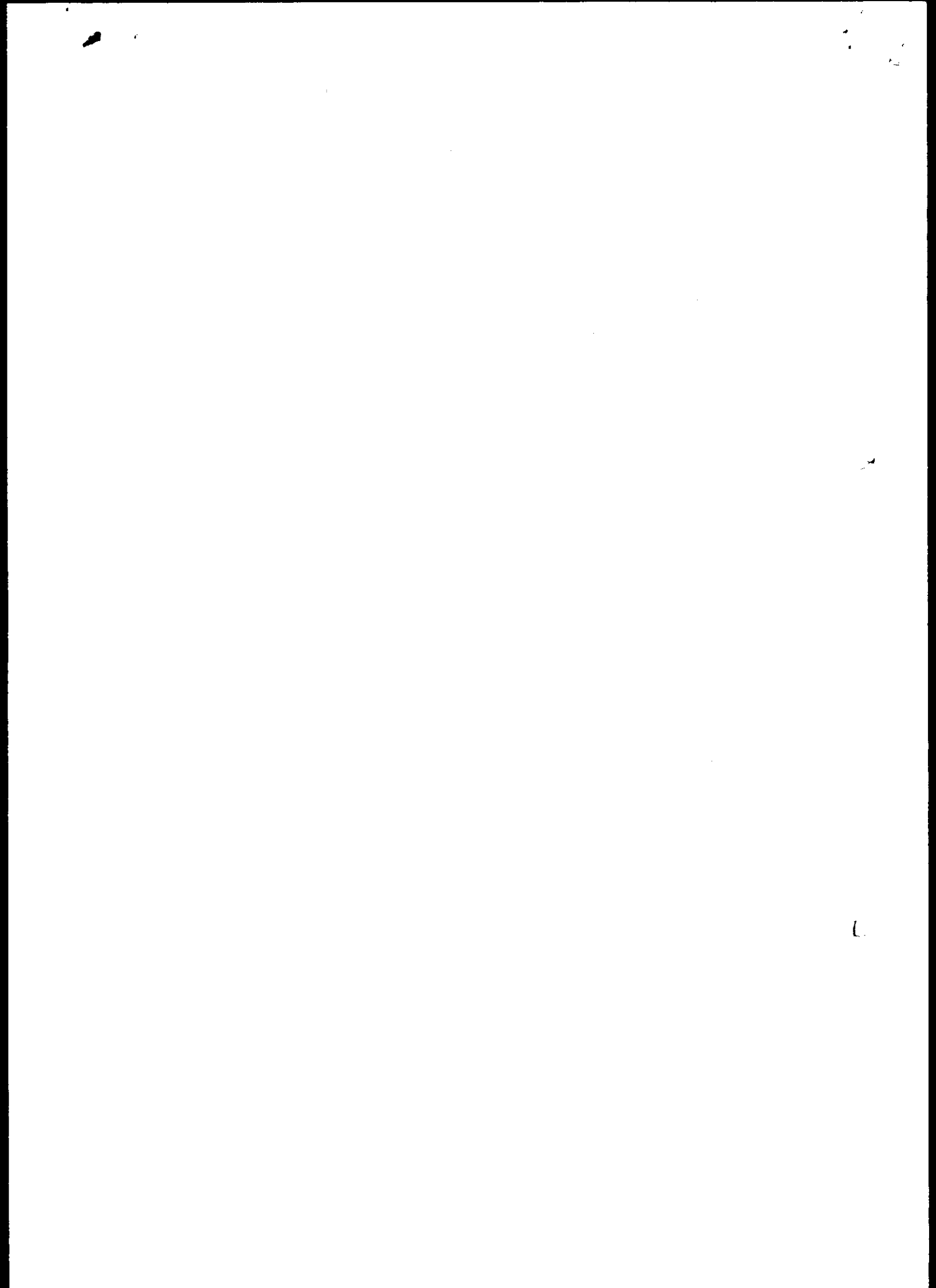
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|----|--|-----------------|
| 1. | Mr Ghazanfar Abbas Chheena, MPA (PP-49) | Acting Chairman |
| 2. | Mr Hammad Nawaz Khan Tippu, MPA (PP-254) | Member |
| 3. | Mrs Gulnaz Shahzadi, MPA (W-329) | Member |
| 4. | Mian Muhammad Aslam Iqbal, MPA (PP-148) | Member |

3. Mr Muhammad Aslam Kamboh, Secretary to Government of the Punjab, Local Government and Community Development and Mr Abid Raza, Deputy Secretary (Legislation), Law and Parliamentary Affairs Department represented their Departments. Hafiz Muhammad Shafiq Adil, Special Secretary, Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Since Ch Abdul Razzaq Dhillon, MPA (PP-33) Chairman, Standing Committee on Local Government and Community Development, due to some other engagements, could not attend the meeting of the Committee, therefore, Mr Ghazanfar Abbas Chheena, MPA (PP-49), in terms of rule 151(2) of the Rules of Procedure of the Provincial Assembly of the Punjab, 1997, was chosen to act as Chairman for the sitting dated 24 October 2016.

5. The Secretary, Local Government and Community Development Department apprised the Committee about the aims and objects of the Bill. He stated that it was necessary further to amend the Punjab Local Government Act 2013 (XVIII of 2013) to empower the local governments to sell immovable property through public auction after prior approval of the Government. He also stated that for the sake of safeguarding the interests of the occupant, who had cleared all the outstanding dues, would have the first right of refusal and for incidental purposes. He requested the Committee that the Bill, as introduced, may be recommended to be passed by the Assembly.

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6. The Committee after hearing the Members, having view point of the Administrative Department as well as the Law and Parliamentary Affairs Department and discussing various points, by majority of votes decided to recommend that the Bill may be passed by the Assembly subject to the following amendments:-

AMENDMENTS IN THE BILL

(1) PREAMBLE

after the word "necessary" occurring in line 1, the word "further" be added.

(2) CLAUSE 2

in the marginal heading, the words "Amendment in" be substituted by the words "Substitution of".

7. A copy of the Bill as introduced in the Assembly is at Annexure-A and a copy of the Bill as recommended by the Committee is at Annexure-B.

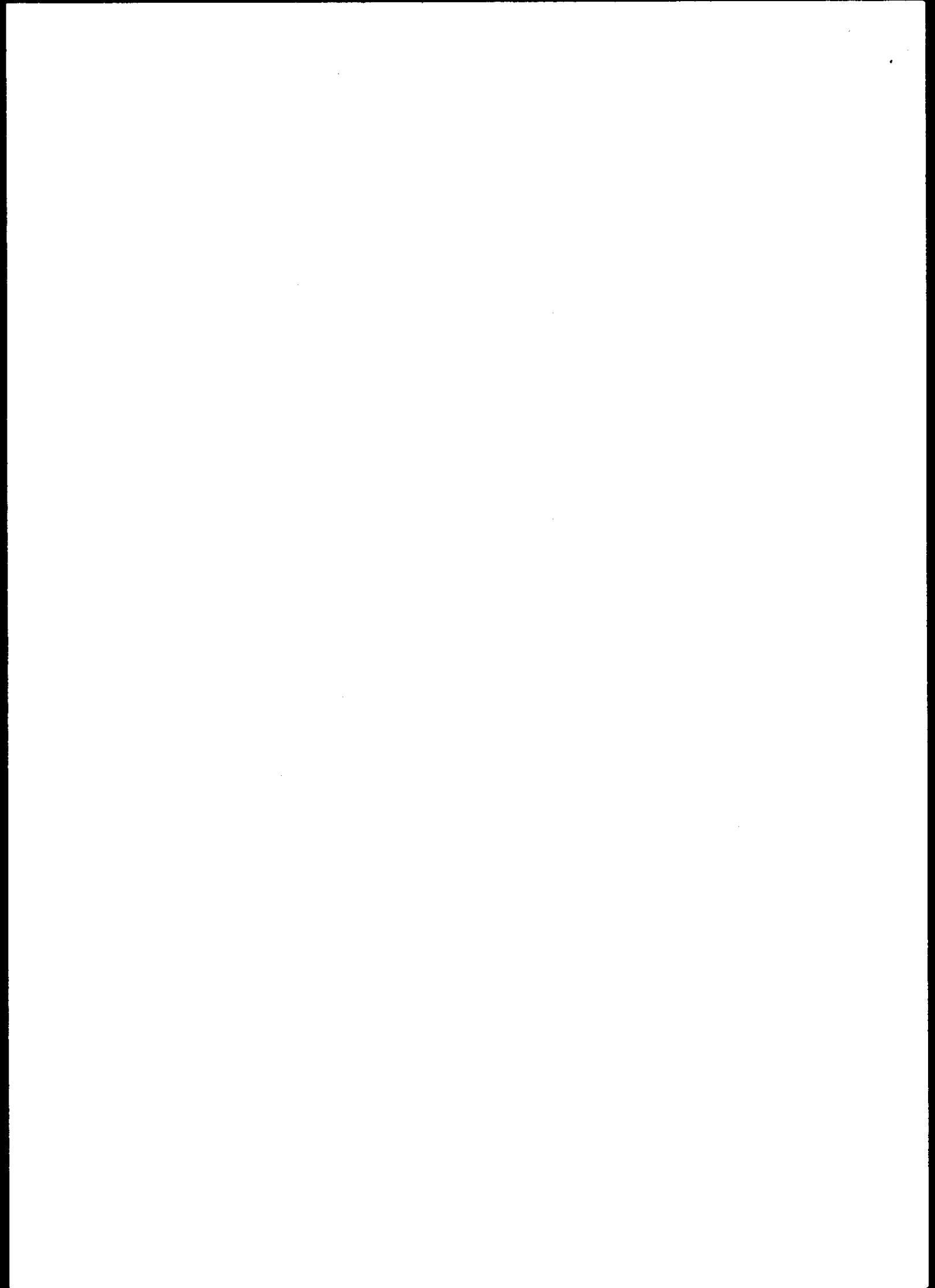
8. The Note of Dissent submitted by Mian Muhammad Aslam Iqbal, MPA (PP-148) is given at Annexure-C.

Lahore
24 October 2016

(GHAZANFAR ABBAS CHHEENA)
Acting Chairman
Standing Committee on Local Government
and Community Development

Lahore
24 October 2016


(RAI MUMTAZ HUSSAIN BABAR)
Secretary



ANNEXURE – A

(BILL AS INTRODUCED IN THE ASSEMBLY)
PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 43 of 2016

THE PUNJAB LOCAL GOVERNMENT (SIXTH AMENDMENT)
BILL 2016

A
BILL

further to amend the Punjab Local Government Act 2013.

It is necessary to amend the Punjab Local Government Act 2013 (XVIII of 2013) to empower the local governments to sell immovable property after prior approval of the Government and through public auction; and, for incidental purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Local Government (Sixth Amendment) Act 2016.

(2) It shall come into force at once.

2. Amendment in section 130 of Act XVIII of 2013.— In the Punjab Local Government Act 2013 (XVIII of 2013), for section 130, the following shall be substituted:

“130. Use and transfer of properties.— (1) A local government shall use or allow the use of its property only for public purpose.

(2) A local government may, after prior approval of the Government, sell, in the prescribed manner, an immovable property through public auction but the occupant, subject to the payment of all the outstanding dues, shall have the first right of refusal.

(3) A local government may, in the prescribed manner, grant lease of an immovable property through public auction.

(4) Subject to periodic increase in the rate of lease money in the prescribed manner, a local government may grant lease of an immovable property under subsection (3) for the initial period of fifteen years and may, from time to time, extend the period of lease up to ten more years.

(5) A local government may, in the prescribed manner, transfer a movable property through public auction.”

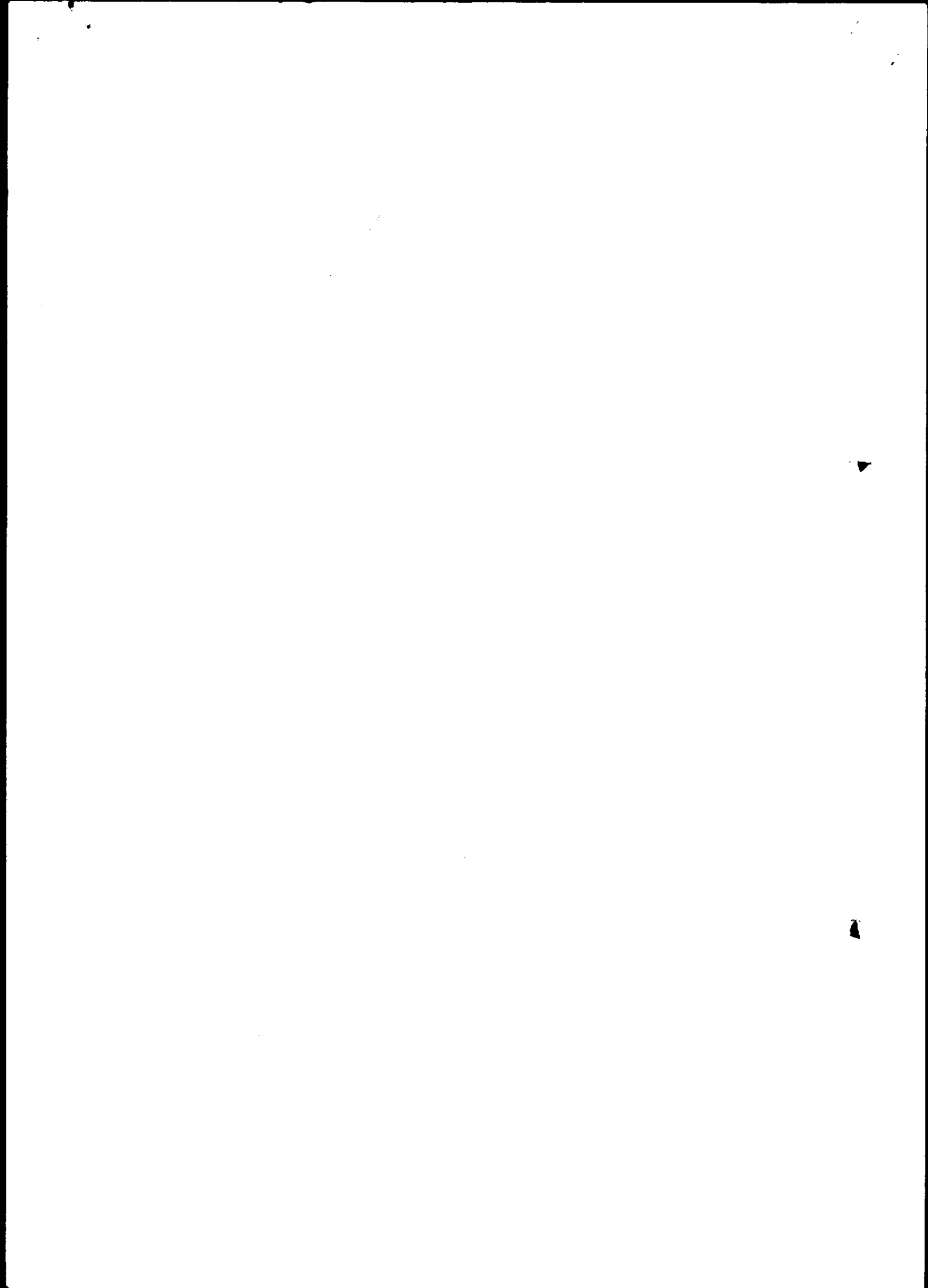
STATEMENT OF OBJECTS AND REASONS

This Bill aims at empowering the local governments to sell the immovable property through public auction and after prior approval of the Government. To safeguard the interests of the occupants, it is proposed that the occupant, who clears all the outstanding dues, shall have the first right of refusal. Hence this Bill.

MINISTER INCHARGE

Lahore:
21 October 2016

RAI MUMTAZ HUSSAIN BABAR
Secretary



(BILL AS RECOMMENDED BY THE STANDING COMMITTEE ON
LOCAL GOVERNMENT AND COMMUNITY DEVELOPMENT)

A
BILL

further to amend the Punjab Local Government Act 2013.

It is necessary further to amend the Punjab Local Government Act 2013 (XVIII of 2013) to empower the local governments to sell immovable property after prior approval of the Government and through public auction; and, for incidental purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.– (1) This Act may be cited as the Punjab Local Government (Sixth Amendment) Act 2016.

(2) It shall come into force at once.

2. Substitution of section 130 of Act XVIII of 2013.– In the Punjab Local Government Act 2013 (XVIII of 2013), for section 130, the following shall be substituted:

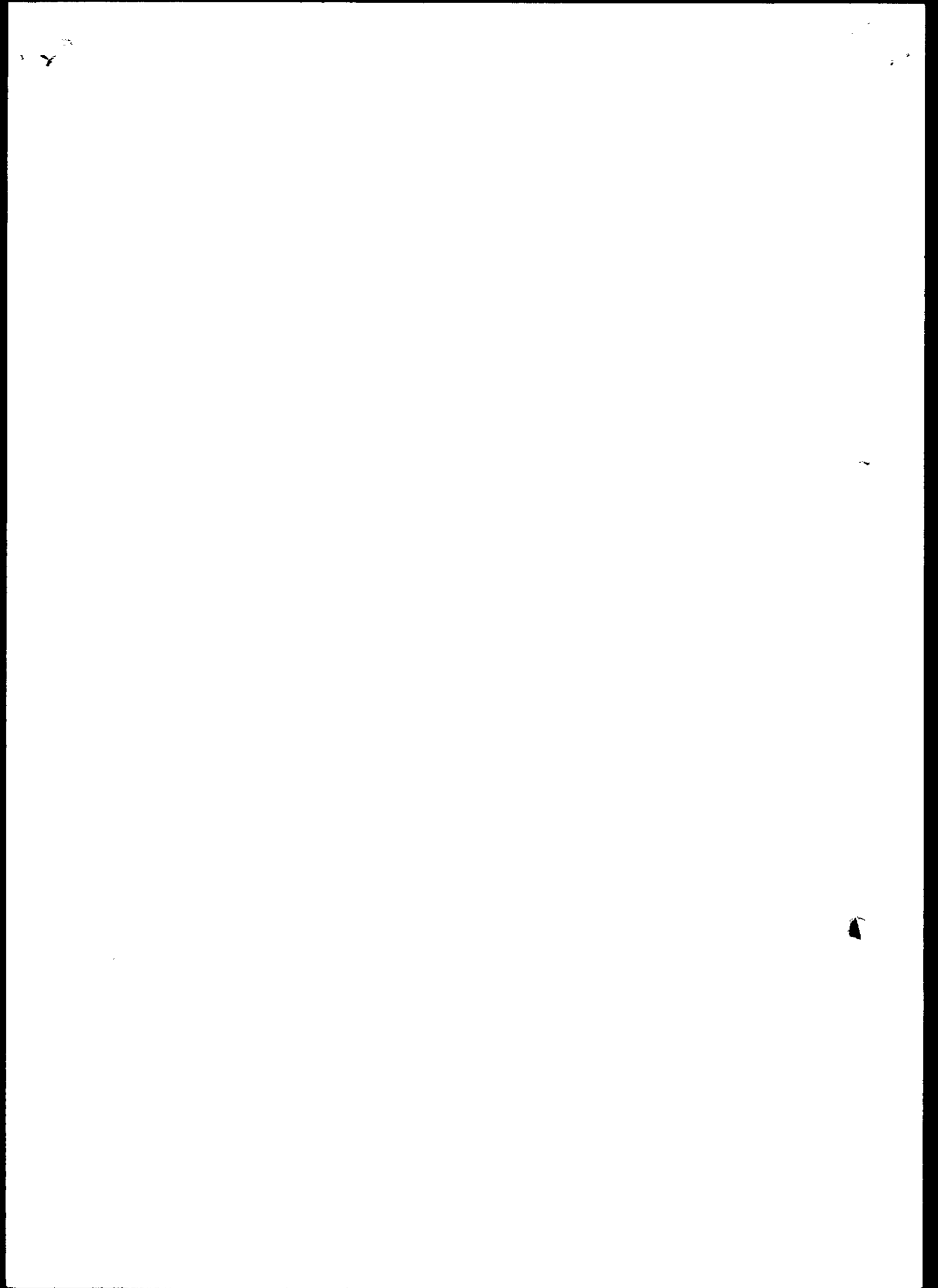
“130. Use and transfer of properties.– (1) A local government shall use or allow the use of its property only for public purpose.

(2) A local government may, after prior approval of the Government, sell, in the prescribed manner, an immovable property through public auction but the occupant, subject to the payment of all the outstanding dues, shall have the first right of refusal.

(3) A local government may, in the prescribed manner, grant lease of an immovable property through public auction.

(4) Subject to periodic increase in the rate of lease money in the prescribed manner, a local government may grant lease of an immovable property under subsection (3) for the initial period of fifteen years and may, from time to time, extend the period of lease up to ten more years.

(5) A local government may, in the prescribed manner, transfer a movable property through public auction.”



NOTE OF DISSENT SUBMITTED BY MIAN MUHAMMAD ASLAM IQBAL, MPA (PP-148) ON THE PUNJAB LOCAL GOVERNMENT (SIXTH AMENDMENT) BILL 2016 (BILL NO. 43 OF 2016) SUBMITTED TO THE STANDING COMMITTEE ON LOCAL GOVERNMENT AND COMMUNITY DEVELOPMENT ON 24 OCTOBER 2016

Mian Muhammad Aslam Iqbal, MPA (PP-148), a member belonging to the Opposition was of the view that he could not offer his opinion in favour of or against the proposed Bill unless the following requisite record was submitted before the Committee by the Administrative Department:-

- i) Complete list of properties owned by the City District Government Lahore;
 - ii) Complete list of lessees of the said properties; and
 - iii) Complete list of illegal occupants of the properties owned by the City District Government Lahore.
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