

# THE PUNJAB CIVIL ADMINISTRATION ORDINANCE 2016

(XX OF 2016)

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## TEXT

### <sup>1</sup>THE PUNJAB CIVIL ADMINISTRATION ORDINANCE 2016

(XX of 2016)

[31 December 2016]

An

#### Ordinance

*to institute a comprehensive system of civil administration in the Punjab for efficient administration and improved service delivery to the people.*

It is essential to institute a comprehensive system of civil administration in the Punjab for efficient administration, improved service delivery, better coordination, supervision and regulatory enforcement, and for ancillary matters.

Provincial Assembly of the Punjab is not in session and Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action.

In exercise of the powers conferred under clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is please to make and promulgate the following Ordinance:-

**1. Short title, extent and commencement.**- (1) This Ordinance may be cited as the Punjab Civil Administration Ordinance 2016.

(2) It extends to whole of the Punjab.

(3) It shall come into force on and from the day the Punjab Local Government Ordinance, 2001 (*XIII of 2001*) is repealed.

**2. Definitions.**– In the Ordinance, unless the subject or the context otherwise requires:

(a) “Additional Commissioner” means an officer appointed as Additional Commissioner under the Ordinance;

(b) “Additional Deputy Commissioner” means an officer appointed as Additional Deputy Commissioner under the Ordinance;

(c) “Assistant Commissioner” means an officer appointed as Assistant Commissioner under the Ordinance;

(d) “Commissioner” means an officer appointed as Commissioner under the Ordinance;

(e) “Division”, “District” and “Tehsil” respectively mean the Division, the District and the Tehsil constituted under the Punjab Land Revenue Act, 1967 (*XVII of 1967*);

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<sup>1</sup>This Ordinance was promulgated by the Governor of the Punjab on 30 December 2016; and, was published in the Punjab Gazette (Extraordinary), dated: 31 December 2016, pp. 3517-3524.

- (f) “employee” means a person performing duties in an office;
- (g) “Government” means Government of the Punjab;
- (h) “head of District Police” means the head of the district police appointed under the Police Order, 2002 (22 of 2002);
- (i) “head of the local government” means the Mayor or a Chairman of a local government under the Punjab Local Government Act 2013 (XVIII of 2013);
- (j) “head of office” means the head of an office in the Tehsil, District or, as the case may be, the Division;
- (k) “local government” means a local government constituted under the Punjab Local Government Act 2013 (XVIII of 2013);
- (l) “officer-in-charge” means the officer incharge of, and responsible for, maintaining a public facility;
- (m) “prescribed” means prescribed by rules made under the Ordinance;
- (n) “office” means such office of the Government in the Tehsil, District or, as the case may be, the Division as the Government may, by notification, specify for purposes of the Ordinance but does not include any office of the local government established by or under the Punjab Local Government Act 2013 (XVIII of 2013) or of the Police constituted by or under the Police Order, 2002 (22 of 2002);
- (o) “public facility” means such office or public facility or work relating to such office of the Government in the Tehsil, District or, as the case may be, the Division as the Government may, by notification, specify but does not include any office or public facility or work relating to the local government established by or under the Punjab Local Government Act 2013 (XVIII of 2013) or of the Police constituted by or under the Police Order, 2002 (22 of 2002);
- (p) “rules” means the rules framed under the Ordinance; and
- (q) “Service” means Pakistan Administrative Service or Provincial Management Service Punjab.

**3. Commissioners, Deputy Commissioners and Assistant Commissioners.**— (1) The Government shall appoint a Commissioner for each Division, a Deputy Commissioner for each District and an Assistant Commissioner for each Tehsil in the Punjab from amongst the officers of the Service.

(2) A Commissioner shall be the officer-in-charge of general administration and principal representative of the Government in the Division.

(3) A Deputy Commissioner shall be the officer-in-charge of general administration and principal representative of the Government in the District.

(4) An officer appointed under subsection (1) shall perform the functions and exercise the powers under the Ordinance or any other law or as the Government may, by order or notification, assign or delegate.

(5) The Commissioner and Deputy Commissioner shall be subject to general superintendence and control of the Government.

**4. Functions of the Commissioner.**— A Commissioner shall, in addition to any functions under subsection (4) of section 3 and section 15, shall:

- (a) supervise and monitor the discharge of duties by the Deputy Commissioners in the Division;
- (b) coordinate the work of all the offices and public facilities in the Division;
- (c) facilitate and coordinate any work which concerns two or more Districts in the Division or two or more Divisions for purposes of integrated development, efficient use of public resources and effective service delivery; and
- (d) supervise and coordinate the implementation of the policies, instructions and guidelines of the Government.

**5. Functions of the Deputy Commissioner.**— (1) A Deputy Commissioner shall, in addition to the functions mentioned in subsection (4) of section 3 and section 15:

- (a) supervise and monitor the discharge of duties by the Assistant Commissioners in the District;
- (b) coordinate the work of all the offices and public facilities in the district for purposes of integrated development, efficient use of public resources and effective service delivery;
- (c) support and facilitate the offices and public facilities in the District;
- (d) ensure that the standards set by the Government in respect of a public facility are fully observed; and
- (e) supervise and coordinate the implementation of the policies, instructions and guidelines of the Government.

**6. Functions of the Additional Commissioners and Additional Deputy Commissioners.**— (1) The Government may appoint one or more Additional Commissioner in each Division and one or more Additional Deputy Commissioner in each District from amongst the officers of the Service.

(2) An Additional Commissioner shall serve under the general administration and control of the Commissioner and shall perform the functions under the Ordinance or any other law or as the Commissioner may, by order, assign.

(3) An Additional Deputy Commissioner or an Assistant Commissioner shall serve under the general supervision and control of the Deputy Commissioner and shall perform functions under the Ordinance or any other law or as the Deputy Commissioner may, by order, assign.

(4) An Assistant Commissioner may distribute work among the officers subordinate to him in the manner and to the extent prescribed.

**7. Vacancy.**— In case the office of a Commissioner, Deputy Commissioner or Assistant Commissioner is vacant, the Government shall make appropriate arrangement for the discharge of the functions of that office.

**8. Code of Conduct.**— (1) The Government may issue a Code of Conduct in relation to the exercise of authority and discharge of functions under the Ordinance.

(2) Any deviation from the Code of Conduct or any violation of any lawful directions under the Ordinance shall be referred to such authority as may be prescribed for action in accordance with law.

**9. Information.**— (1) A Commissioner shall keep the Government informed on all important matters relating to the Divisional administration.

(2) A Deputy Commissioner shall keep the Commissioner informed on all important matters relating to the District administration.

(3) An Assistant Commissioner shall keep the Deputy Commissioner informed on all important matters relating to the Tehsil administration.

(4) A head of office in the District shall keep the Deputy Commissioner informed on all important matters relating to that office.

**10. Coordination Committees.**— The Government may constitute Divisional, District or Tehsil Coordination Committees consisting of such heads of local governments, members of national Assembly and Provincial Assembly, heads of Division, District and Tehsil administrations and police and such other persons as may be specified to achieve the goals of good governance, effective service delivery, public welfare and better coordination through democratic control and oversight.

**11. Assistance.**— On a request by a head of office or head of a local government, the Deputy Commissioner and the Assistant Commissioner shall extend such assistance and support as may be necessary in the circumstances.

**12. Public Facilities.**— (1) The Deputy Commissioner may, from time to time, review the quality, standard and efficacy of public facilities in the District.

(2) If the Deputy Commissioner, for reasons to be recorded, is of the view that the public service is not being delivered on the prescribed or reasonable standards, he may require the officer in-charge to take such measures as may be necessary for improving the quality, standard and efficacy of the public facility.

(3) The officer in-charge shall take prompt remedial steps and inform the Deputy Commissioner of the action taken by him.

(4) If the officer in-charge does not take remedial steps as advised, the Deputy Commissioner may, through the Commissioner, make a report to the Government for necessary action in accordance with law.

**13. Calamities.**— (1) The Government may, by notification, declare the whole or any part of the Province, as the case may be, as calamity-affected area under section 3 of the Punjab Natural Calamities (Prevention and Relief) Ordinance 1958 (XXXIII of 1958).

(2) On issuance of the notification mentioned in subsection (1), the Commissioner, Deputy Commissioner, Assistant Commissioner or officers subordinate to them may, in consultation with the respective head of the local government, exercise such powers within the area of their respective jurisdiction as

the Relief Commissioner may delegate to them under section 7 of the said Ordinance.

(3) All the offices in the District or, as the case may be, in the Division shall extend such assistance to the officer mentioned in subsection (2) as he may require or as may be necessary in the circumstances.

(4) On a request by or on behalf of the Deputy Commissioner, the local governments in the district shall also render such assistance to the Deputy Commissioner or officers subordinate to him as may be necessary in the circumstances.

**14. Record and Inspection.**— (1) on a complaint or otherwise, the Commissioner or the Deputy Commissioner may call for the record of any case from any office in the Division or, as the case may be, the District to satisfy himself as to the propriety or legality of any action taken or proposed to be taken by any office and pass appropriate directions in accordance with law.

(2) The Commissioner, Deputy Commissioner and Assistant Commissioner may inspect any office or public facility within his jurisdiction, and give such directions as may be necessary to achieve the objectives of the Ordinance.

(3) It shall be the duty of every head of office and officer incharge to facilitate inspection and provide record, information, report and otherwise assist the Commissioner, Deputy Commissioner or Assistant Commissioner.

**15. Public order etc.**- (1) The Deputy Commissioner on his own, or on the request of the head of a local government or head of the District Police, may convene a meeting for purposes of maintaining public order and public safety and safeguarding public or private properties in the District; and, the decisions taken in the meeting shall be executed by all concerned accordingly.

(2) Notwithstanding anything in subsection (1), in case of any unforeseen or sudden situation that threatens or is likely to threaten public order, public safety or public and private properties in the District, the Deputy Commissioner and the head of the District Police shall jointly take appropriate action to address the situation.

(3) The provisions of subsection (1) and subsection (2) shall apply *mutatis mutandis* to the Commissioner and Assistant Commissioner respectively in relation to the Division and the Tehsil.-

**16. Public Processions etc.**- (1) No public meeting, procession, assembly or gathering shall take place without prior permission in writing of the Deputy Commissioner.

(2) On receipt of an application for the purpose, the Deputy Commissioner, in consultation with the head of District Police, may grant permission subject to such terms and conditions as he deems fit or reject the application after recording reasons.

(3) The Deputy Commissioner may, in consultation with the head of the respective local government, requisition such assistance of the local government as may be necessary in the circumstances.

**17. Public Properties.-** (1) The Deputy Commissioner shall oversee the use of all public properties in the district and where required direct the concerned head of office or officer incharge for the proper maintenance and use of a property or safeguarding it against illegal trespass, undue wastage or destruction.

(2) The Deputy Commissioner may exercise the powers of the Government under the Punjab Government Lands and Buildings (Recovery of Possession) Ordinance 1966 (IX of 1966), and the powers of an autonomous body under the Punjab Autonomous Bodies Immovable Property (Ejectment of Unauthorized Occupants) Ordinance, 1965 (XXXVII of 1965).

(3) The Deputy Commissioner and Assistant Commissioner shall oversee the use of public space in their respective jurisdictions and where required, in consultation with the respective head of the local government, cause the obstructions removed in accordance with law, allow and define use of public space for public meeting, procession, assembly or gathering and other temporary uses and otherwise prevent it from illegal use, and for the purpose pass such directions in accordance with law as may be considered necessary.

(4) The Deputy Commissioner shall maintain a registry of all public properties in such form as may be prescribed or as the Government may direct.

**18. Police support.-** On the requisition from the Assistant Commissioner or Deputy Commissioner or on receipt of a request for police assistance from any head of office, head of the local government, statutory body or body or corporation owned, set up or controlled by the Government or the Federal Government in relation to discharge of official duties, the head of the District Police shall provide such police assistance as may be necessary.

**19. Enquiry.-** (1) The Commissioner or the Deputy Commissioner may, on a complaint or any other information, cause an enquiry to be made by such officer as he may deem appropriate, into the affairs of an office or a public facility and take appropriate action in accordance with law.

(2) Any person aggrieved by any case of maladministration, neglect, excess or misconduct by any employee serving in a District or is dissatisfied with a public service may make a complaint in writing under his signature to the Deputy Commissioner.

(3) The Deputy Commissioner may either himself or through an officer subordinate to him take such action in accordance with law as may be necessary to redress the legitimate grievance of the complainant.

(4) It shall be the duty of every head of office and officer in charge of the public facility to comply with the directions under subsection (3) and shall report compliance to the Deputy Commissioner or inform him of the reasons on account of which the direction cannot be implemented.

(5) On receipt of the report from a head of office or officer in-charge of a public facility, the Deputy Commissioner may either withdraw the direction or, if he is not satisfied with the reasons, report the matter to the Government for action in accordance with law.

(6) The inquiry officer shall, for purposes of the inquiry, have all the powers of a civil court under the Civil Procedure, 1908 (V of 1908) in relation to summoning



and enforcing the attendance of any person and examining him on oath, compelling the production of documents, receiving evidence on affidavits, and issuing commission for the examination of witnesses.

**20. Statistics.-** For purposes of better coordination and effective planning, the Deputy Commissioner shall maintain or cause to be maintained such updated local statistics in such manner as may be prescribed and until so prescribed as the Government may direct.

**21. Performance Evaluation.-** The Commissioner and Deputy Commissioner, through the Commissioner, shall report the performance of the offices and, if necessary, of the employees under their respective jurisdiction to the Government in such manner and at such intervals as the Government may, by notification, determine.

**22. Reports.-** (1) Every head of office shall prepare and submit a periodic report on the working of his office to the Deputy Commissioner at such time and in such form as may be prescribed.

(2) The Deputy Commissioner shall prepare a consolidated report on the working of all offices in the district and shall, through the Commissioner, submit the report of each financial year to the Government at such time and in such form as may be prescribed.

(3) The Government may take such action on the report as it deems necessary.

**23. District Gazetteer.-** (1) The Deputy Commissioner shall make arrangements for formulating for each financial year the District Gazetteer and shall publish it after approval by the Commissioner.

(2) The District Gazetteer shall contain information about the socio-cultural and economic activities, the developmental goals accomplished, key features of governance, key indicators, the future plans and any other matter of public importance or interest.

**24. Delegation of powers.-** (1) The Government may, by notification, delegate such of its powers to its officers in the district as it considers appropriate in the interest of effective, efficient and economical delivery of public services subject to such conditions, if any, as may be specified in the order.

(2) In the like manner, the Government may by notification, place such of its employees, excluding the employees of the Police Department and the local governments, under the administrative control of the Commissioner or Deputy Commissioner.

**25. District Account and Audit.-** (1) There shall be an account in respect of each District to be called the 'District Account' which shall vest in the Deputy Commissioner for undertaking development, improvement of public services in general, provision of relief in emergencies or such other purposes as may be prescribed.

(2) All moneys received by the Deputy Commissioner shall be credited to the District Account under a head of account authorized by the Controller General of Accounts.

(3) The Deputy Commissioner shall maintain the Account and expend money from the Account for such purposes and in such manner as may be prescribed.

(4) The District Account shall be audited by the Auditor General at the end of each financial year.

(5) In addition to the audit, under subsection (3), the Government may direct that a special audit of the District Account shall be conducted by such auditors and in such manner as may be prescribed and until, so prescribed, as determined by the Government.

**26. Transparency and due diligence.-** The Government may prescribe arrangements to ensure that the functions and powers under this Act are discharged diligently and in a transparent manner.

**27. Divisional Boards.-** (1) The Government may constitute for each Division the Grievance Redress Board consisting of the Convener and two other members.

(2) The Board may enquire into serious cases of maladministration, corruption and corrupt practices, violation of law, dereliction from duty and any other act or omission detrimental to the public interest by the employees of the Government and the employees and elected representatives of a local government in the prescribed manner.

(3) The Board shall submit its report and recommendations to the Government for necessary action in accordance with law.

**28. Indemnity.-** No suit, prosecution, or other legal proceedings shall lie against any public servant for anything done in good faith under this Ordinance.

**29. Power to make rules.-** The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

**30. Removal of difficulties.-** The Government may, by order in writing, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Ordinance during the life of the Ordinance.