

Constitutional provision and protection for Local Government across the Commonwealth countries

This document contains the complete wording for constitutional provision for local government across all Commonwealth countries. The purpose is to provide easy access for comparison, especially when a country is considering a constitutional amendment.

If you come across any omission or mistakes, please contact us on gareth.wall@clgf.org.uk

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Summary table of area mentioned in constitutional provision for Local Govt. – Commonwealth countries

Region	Country	Constitutional provision	Women's representation	Elections	Revenue raising powers	Proportion of central funds	Specific Responsibilities	Geographical boundaries	Intergovernmental relations	Organised LG
Africa - East	Kenya	Y	Y	Y	Y	Y	Y	Y	Y	N
Africa - East	Malawi	Y	N	Y	N	Y	Y	Y	N	N
Africa - East	Mauritius	N	N	Y	N	N	Y	Y	N	N
Africa - East	Mozambique	Y	N	Y	Y	N	Y	N	N	Y
Africa - East	Rwanda	Y	Y	N	N	Y	Y	Y	Y	N
Africa - East	Seychelles	N	N	N	N	N	N	N	N	N
Africa - East	Uganda	Y	N	Y	Y	Y	Y	Y	N	N
Africa - East	Zambia	Y	N	Y	N	N	N	N	N	N
Africa - Southern	Botswana	N	N	N	N	N	N	N	N	N
Africa - Southern	Lesotho	Y	N	N	N	N	N	N	N	N
Africa - Southern	Namibia	Y	N	Y	N	N	Y	Y	N	N
Africa - Southern	South Africa- <i>quasi-Federal</i>	Y	N	Y	Y	N	Y	N	N	Y
Africa - Southern	Swaziland	Y	N	N	N	N	N	N	N	N
Africa Southern/ East	Tanzania	Y	N	N	N	N	Y	N	N	N
Africa - West	Cameroon	Y	N	Y	N	N	Y	Y	N	N
Africa - West	Ghana	Y	N	Y	Y	Y	Y	Y	Y	N
Africa - West	Nigeria - <i>Federal</i>	Y	N	Y	Y	Y	Y	Y	N	N
Africa - West	Sierra Leone	N	N	N	N	N	N	N	N	N
Americas - Caribbean	Antigua and Barbuda	N	N	N	N	N	N	N	N	N
Americas - Caribbean	Bahamas	N	N	N	N	N	N	N	N	N
Americas - Caribbean	Barbados	N	N	N	N	N	N	N	N	N
Americas - Caribbean	Belize	N	N	N	N	N	N	N	N	N
Americas - Caribbean	Canada - <i>Federal</i>	Y	N	N	Y	N	Y	N	N	N
Americas - Caribbean	Dominica	N	N	N	N	N	N	N	N	N
Americas - Caribbean	Grenada	N	N	N	N	N	N	N	N	N
Americas - Caribbean	Guyana	N	N	Y	Y	Y	Y	Y	Y	N
Americas - Caribbean	Jamaica	N	N	N	N	N	N	N	N	N
Americas - Caribbean	St Kitts and Nevis	N	N	Y	N	N	Y	N	N	N
Americas - Caribbean	St Lucia	N	N	N	N	N	N	N	N	N
Americas - Caribbean	St Vincent & the Grenadines	N	N	N	N	N	N	N	N	N
Americas - Caribbean	Trinidad and Tobago	N	N	N	N	N	N	N	N	N
Europe	Cyprus	N	N	Y	Y	N	Y	N	N	N
Europe	Malta	Y	N	Y	N	N	N	N	N	N
Europe	UK	N	N	N	N	N	N	N	N	N
Pacific	Australia - <i>Federal</i>	N	N	N	N	N	N	N	N	N
Pacific	Fiji- <i>note: currently suspended</i>									
Pacific	Kiribati	N	N	N	N	N	N	N	N	N
Pacific	Nauru	N	N	N	N	N	N	N	N	N
Pacific	New Zealand	N	N	N	N	N	N	N	N	N
Pacific	Papua New Guinea	Y	N	N	N	N	N	N	N	N
Pacific	Samoa	N	N	N	N	N	N	N	N	N
Pacific	Solomon Islands	Y	N	N	N	N	N	Y	N	N
Pacific	Tonga	N	N	N	N	N	N	N	N	N
Pacific	Tuvalu	N	N	N	N	N	N	N	N	N
Pacific	Vanuatu	Y	N	N	N	N	N	N	N	N
South Asia	Bangladesh	Y	Y	Y	Y	N	Y	N	N	N
South Asia	Brunei Darussalam	N	N	N	N	N	N	N	N	N
South Asia	India - <i>Federal</i>	Y	Y	Y	Y	Y	Y	N	N	N
South Asia	Malaysia	Y	N	N	N	N	N	N	Y	N
South Asia	Maldives	Y	N	Y	Y	Y	Y	N	N	N
South Asia	Pakistan - <i>Federal</i>	Y	Y	Y	N	N	Y	N	N	N
South Asia	Singapore	N	N	N	N	N	N	N	N	N
South Asia	Sri Lanka	Y	N	N	N	N	N	N	N	N

Local government protection clear and briefly summarized

Lesotho

http://www.gov.ls/documents/Lesotho_Constitution.pdf

Section 106. Local authorities

(1) Parliament shall establish such local authorities as it deems necessary to enable urban and rural communities to determine their affairs and to develop themselves. Such authorities shall perform such functions as may be conferred by an Act of Parliament.

(2) Any enactment which provides for the establishment of a local authority and in force immediately before the coming into operation of this Constitution shall continue in force subject to repeal or modification by Parliament.

Malta

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566>

Added in 2001:

Local Councils-

115A. The State shall adopt a system of local government Local Councils whereby the territory of Malta shall be divided into such number of localities as may by law be from time to time determined, each locality to be administered by a Local Council elected by the residents of the locality and established and operating in terms of such law as may from time to time be in force

Pakistan

<http://punjablaws.punjab.gov.pk/public/dr/CONSTITUTION%20OF%20PAKISTAN.doc.pdf>

Article 32. Promotion of local Government institutions.— The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women.

140. Local Government.— Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments. (2) Elections to the local governments shall be held by the Election Commission of Pakistan.

Papua New Guinea

<http://www.igr.gov.pg/constitution.pdf>

Part 2. 1.2

"governmental body" means—

- (a) the National Government; or
- (b) a provincial government; or
- (c) an arm, department, agency or instrumentality of the National Government or a provincial government; or
- (d) a body set up by statute or administrative act for governmental or official purposes

"local government body" includes a local government council and a local government authority established under the pre-Independence law known as the Local Government Act 1963 or any other law;

Solomon Islands

Chapter VII. Political Divisions

114.

(1) Notwithstanding anything contained in the Solomon Islands Independence Order 1978

(a) Solomon Islands shall be divided into Honiara city and provinces.

(2) Parliament shall by law -

(a) prescribe the number of provinces, and the boundaries of Honiara city and the provinces after considering the advice of the Constituency Boundaries Commission;

(b) make provision for the government of Honiara city and the provinces and consider the role of traditional chiefs in the provinces.

Sri Lanka

http://www.supremecourt.lk/images/stories/supreme_court/constitution17th.pdf

As added by the 13th amendment:

4. Local Government –

4:1 Local authorities for the purpose of local government and village administration, such as Municipal Councils, Urban Councils and Pradeshiya Sabhas, except that, the constitution, form and structure of local authorities shall be determined by law ;

4:2 Supervision of the administration of local authorities established by law, including the power of dissolution (subject to such quasi-judicial inquiries into the grounds.)

Vanuatu

http://www.ilo.org/wcmsp5/groups/public/@ed_protect/@protrav/@ilo_aids/documents/legaldocument/wcms_117917.pdf

Chapter 13. Decentralisation.

Legislation for decentralisation

82. The Republic of Vanuatu, conscious of the importance of decentralisation to enable the people fully to participate in the government of their Local Government Region, shall enact legislation necessary to realize that ideal.

Local Government Councils

83. The legislation shall provide for the division of the Republic of Vanuatu into Local Government Regions and for each region to be administered by a Local Government Council on which shall be representatives of custom chiefs.

Zambia

http://www.wipo.int/wipolex/en/text.jsp?file_id=208128#LinkTarget_2172

Part VIII Local Government System (As amended by Act No. 18 of 1996)

109. (1) There shall be such system of local government in Zambia as Local Government System may be prescribed by an Act of Parliament.

(2) The system of local government shall be based on democratically elected councils on the basis of universal adult suffrage.

Local government role documented in more detail

Bangladesh

<http://www.l.umn.edu/humanrts/research/bangladesh-constitution.pdf>

Part II: Fundamental Principles of State Policy

9. Promotion of local Government institutions.

The State shall encourage local Government institutions composed of representatives of the areas concerned and in such institutions special representation shall be given, as far as possible, to peasants, workers and women.

Chapter III: Local Government

59. Local Government

(1) Local Government in every administrative unit of the Republic shall be entrusted to bodies, composed of persons elected in accordance with law.

(2) Everybody such as is referred to in clause (1) shall, subject to this Constitution and any other law, perform within the appropriate administrative unit such functions as shall be prescribed by Act of Parliament, which may include functions relating to-

(a) Administration and the work of public officers;

(b) the maintenance of public order; the preparation and implementation of plans relating to public services and economic development.

60. Powers of local government bodies

For the purpose of giving full effect to the provisions of article 59 Parliament shall, by law, confer powers on the local government bodies referred to in that article, including power to impose taxes for local purposes, to prepare their budgets and to maintain funds.

Swaziland

www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_125409.pdf

Part I (a). Systems of Government.

Regional Administration

82. (1) Swaziland is divided into four administrative Regions, namely, Hhohho, Lubombo, Manzini and Shiselweni.

(2) Each Region is divided into as many tinkhundla as may be recommended by the Elections and Boundaries Commission.

(3) Each Region has a Regional Council consisting of persons nominated by each inkhundla in that Region from among the Bucopho members in the Region.

(4) A Regional Council shall advise the Regional Administrator, on the administration of the Region and coordinate social and economic development of the Region and perform such other functions within the Region as may be prescribed.

(5) A Regional Council may be subdivided into portfolio committees.

Regional Administrator

83. (1) Each Region is headed by an administrative official called the Regional Administrator.

(2) The Regional Administrator is appointed by the King on the advice of the Minister responsible for tinkhundla. (3) The Regional Administrator shall convene and preside over meetings of the Regional Council and perform such other functions as may be prescribed. (4) A Regional Administrator has the status of a deputy minister and has such other benefits and privileges as may be prescribed.

(5) A Regional Administrator may resign from office or be removed from office by the King on the advice of the Prime Minister or after a resolution of no confidence passed by a two-thirds majority of all members of the Regional Council.

Canada

https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&sqi=2&ved=0CEMQFjAE&url=https://www.legislationline.org/download/faction/download/fid/2287/file/Canada_Const_Act_1867.pdf&ei=f2vJUauYA5O64AOpk4GgBQ&usg=AFQjCNHZF2sfHAfgojxI15qMFmJT3RBRiw

Chapter VI: Distribution of Legislative Powers. Subjects of exclusive Provincial Legislation

92. In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say, —

1. Repealed
2. Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes.
3. The borrowing of Money on the sole Credit of the Province.
4. The Establishment and Tenure of Provincial Offices and the Appointment and Payment of Provincial Officers.
5. The Management and Sale of the Public Lands belonging to the Province and of the Timber and Wood thereon.
- The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province.
7. The Establishment, Maintenance, and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.
8. Municipal Institutions in the Province.
9. Shop, Saloon, Tavern, Auctioneer, and other Licenses in order to the raising of a Revenue for Provincial, Local, or Municipal Purposes.
10. Local Works and Undertakings other than such as are of the following Classes:
 - (a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province:
 - (b) Lines of Steam Ships between the Province and any British or Foreign Country:
 - (c) Such Works as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces.
11. The Incorporation of Companies with Provincial Objects.
12. The Solemnization of Marriage in the Province.
13. Property and Civil Rights in the Province.
14. The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.
15. The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.
16. Generally all Matters of a merely local or private Nature in the Province.

Malaysia

<http://www1.umn.edu/humanrts/research/malaysia-constitution.pdf>

Article 94

(3) Nothing in this Constitution shall prevent the Federal Government from establishing Ministries or Departments of Government to exercise the functions of the Federal Government under Article 93 and this Article in relation to matters within the legislative authority of a State, and such matters may include soil conservation, local government and town and country planning.

Part VI- Relations between the Federation and the States

Chapter 7 - National Council for Local Government

95A.

- (1) There shall be a National Council for Local Government consisting of a Minister as Chairman, one representative from each of the States, who shall be appointed by the Ruler or Yang di- Pertua Negeri, and such number of representatives of the Federal Government as that Government may appoint but, subject to Clause (5) of Article 95E, the number of representatives of the Federal Government shall not exceed ten.
- (2) The Chairman may vote on any question before the National Council for Local Government and shall have a casting vote.
- (3) The National Council for Local Government shall be summoned to meet by the Chairman as often as he considers necessary but there shall be at least one meeting in every year.
- (4) If the Chairman or a representative of a State or of the Federal Government is unable to attend a meeting, the authority by whom he was appointed may appoint another person to take his place at that meeting.
- (5) It shall be the duty of the National Council for Local Government to formulate from time to time in consultation with the Federal Government and the State Governments a National policy for the promotion, development and control of local government throughout the Federation and for the administration of any laws relating thereto; and the Federal and State Governments shall follow the policy so formulated.
- (6) It shall also be the duty of the Federal Government and the Government of any State to consult the National Council for Local Government in respect of any proposed legislation dealing with local government and it shall be the duty of the National Council for Local Government to advise those Governments on any such matter.
- (7) The Federal Government or the Government of any State may consult the National Council for Local Government in respect of any other matter relating to local government, and it shall be the duty of the National Council and Local Government to advise that Government on any such matter.

Maldives

http://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Maldives_Constitution_2008_EN.pdf

Decentralised administration

- 230.(a) The administrative divisions of the Maldives shall be administered decentrally.
(b) In order to provide for decentralised administration, the President has the power, as provided in law, to create constituencies, posts, island councils, atoll councils and city councils.
(c) The jurisdiction and characteristics of constituencies, posts and councils created to provide for decentralised administration shall be specified in law.

Election of Councils

- 231.(a) All members of councils created for decentralised administration shall be democratically elected by secret ballot by their respective communities.
(b) The President and the Vice President of the councils elected to administer the administrative divisions shall be elected from among the members of each council by secret ballot of the members.
(c) The term of councils elected to administer the constituencies shall not exceed three years.
(d) The People's Majlis shall enact a statute governing the election of members of councils created for decentralised administration.
(e) The elections of councils created for decentralised administration shall be conducted by the Elections Commission.

Responsibilities

232. The responsibilities of councils elected to provide for decentralised administration shall include:
(a) to provide democratic and accountable governance;
(b) to foster the social and economic well-being and development of the community;
(c) to establish a safe, healthy and ecologically diverse environment;
(d) to achieve such other objects as prescribed by law.

Authority to enact subordinate legislation

233. A bylaw or decision of a local authority shall be subject to Acts or Regulation of the People's Majlis.

Finance

234. Local authorities shall be provided with an annual budget from the Treasury as provided in law, and shall also have authority, in accordance with statute, to raise funds.

Ownership of property and liability for debts

235. Local authorities shall be empowered to own property and to incur liabilities, subject to any limitations prescribed by statute.

Rwanda

www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127576.pdf

TITLE VI- THE DECENTRALISED AUTHORITIES.

CHAPTER ONE- GENERAL PROVISIONS

Article 167: Public administration shall be decentralized in accordance with the provisions of the law. Decentralized organs shall fall under the Ministry having local government in its functions. Districts, Municipalities, Towns and the City of Kigali are decentralized entities with legal status and administrative and financial autonomy and are the foundation of community development. They shall be entitled to become members of national and international organisations which promote development through decentralisation. A law determines the establishment, boundaries, functioning of and collaboration between these organs and various other organs which have a role in the administration and development of the country. A law shall also determine the manner in which the Government transfers powers property and other resources to decentralized entities..

CHAPTER TWO- THE NATIONAL DIALOGUE COUNCIL

Article 168: There is hereby established a “National Council of Dialogue”. It shall bring together the President of the Republic and 5 representatives of each District, Municipality and Town Council designated by their peers. It shall be chaired by the President of the Republic and be attended by members of the Cabinet and Parliament, the Prefets of provinces and the Mayor of the City of Kigali and such others as may be determined by the President of the Republic. The Council shall meet at least once a year. It shall debate, among others, on issues relating to the state of the Nation, the state of local governments and national unity. Resolutions of the Council are submitted to the concerned state institutions to enable them to improve their services to the population.

Tanzania

<http://www.judiciary.go.tz/downloads/constitution.pdf>

Chapter 8. Public Authorities

The local government authorities. 145.(1) There shall be established local government authorities in each region, district, urban area and village in the United Republic, which shall be of the type and designation prescribed by law to be enacted by Parliament or by the House of Representatives

(2) Parliament or the House of Representatives, as the case may be, shall enact a law providing for the establishment of local government authorities, their structure and composition, sources of revenue and procedure for the conduct of their business.

Functions of Local Government Authorities. 146.-(1) The purpose of having local government authorities is to transfer authority to the people. Local government authorities shall have the right and power to participate, and to involve the people, in the planning and implementation of development programmes within their respective areas and generally throughout the country.

(2) Without prejudice to the generality of sub article (1) of this Article, a local government authority, in conformity with the provisions of the law establishing it, shall have the following functions:

- (a) to perform the functions of local government within its area;
- (b) to ensure the enforcement of law and public safety of the people; and
- (c) to consolidate democracy within its area and to apply it to accelerate the development of the people.

Local government powers extensively outlined

Cameroon

[http://www.icrc.org/ihl-nat.nsf/162d151af444ded44125673e00508141/7e3ee07f489d674dc1256ae9002e3915/\\$FILE/Constitution%20Cameroon%20-%20EN.pdf](http://www.icrc.org/ihl-nat.nsf/162d151af444ded44125673e00508141/7e3ee07f489d674dc1256ae9002e3915/$FILE/Constitution%20Cameroon%20-%20EN.pdf)

Part X

Regional and Local Authorities

Article 55

- (1) Regional and local authorities of the Republic shall comprise Regions and Councils. Any other such authority shall be created by law.
- (2) Regional and local authorities shall be public law corporate bodies. They shall have administrative and financial autonomy in the management of regional and local interests. They shall be freely administered by councils elected under conditions laid down by law. The duty of the councils of regional and local authorities shall be to promote the economic, social, health, educational, cultural and sports development of the said authorities.
- (3) The State shall exercise supervisory powers over regional and local authorities, under conditions laid down by law.
- (4) The State shall ensure the harmonious development of all the regional and local authorities on the basis of national solidarity, regional potentials and inter-regional balance.
- (5) The organization, functioning and financial regulations of regional and local authorities shall be defined by law.
- (6) The rules and regulations governing councils shall be defined by law.

Article 56

- (1) The State shall transfer to Regions, under conditions laid down by law, jurisdiction in areas necessary for their economic, social, health, educational, cultural and sports development.
- (2) The law shall define:
 - the sharing of powers between the State and Regions in the areas of competence so transferred.
- (3) The resources of the Regions.
- (4) The land and property of each region.

Article 57

- (1) The organs of the Region shall be the Regional Council and the President of the Regional Council. The Regional Council and the President of the Regional Council shall function within the framework of powers transferred to the Region by the State.
- (2) The Regional Council shall be the deliberative organ of the Region. Regional Councillors whose term of office shall be 5 (five) years shall comprise:
 - divisional delegates elected by indirect universal suffrage; representatives of traditional rulers elected by their peers.The Regional Council shall reflect the various sociological components of the Region. The system of election, number, proportion by category, rules governing ineligibility, incompatibilities and emoluments of Regional Councillors shall be laid down by law.
- (3) The Regional Council shall be headed by an indigene of the Region elected from among its members for the life of the Council. The President of the Regional Council shall be the executive organ of the Region. In this capacity, he shall be the interlocutor of the State representative. He shall be assisted by a Regional Bureau elected at the same time as himself from among the members of the Council. The Regional Bureau shall reflect the sociological components of the Region.
- (4) Members of Parliament of the Region shall sit in the Regional Council in an advisory capacity.

Article 58

- (1) A delegate, appointed by the President of the Republic shall represent the State in the Region. In this capacity, he shall be responsible for national interests, administrative control, ensuring compliance with laws and regulations, as well as maintaining law and order. He shall, under the authority of the Government, supervise and co-ordinate civil State services in the Region.
- (2) He shall exercise the supervisory authority of the State over the Region.

Article 59

- (1) The Regional Council may be suspended by the President of the Republic where such organ:
- carries out activities contrary to the constitution;
 - undermines the security of the State or public law and order;
 - endangers the State's territorial integrity.
- The other cases of suspension shall be laid down by law.
- (2) The Regional Council may be dissolved by the President of the Republic, after consultation with the Constitutional Council in all the cases provided for under paragraph (1) above. The other cases of dissolution shall be laid down by law.
- (3) The automatic replacement of the said organ by the State in the cases provided for under paragraphs (1) and (2) above shall be decided by the President of the Republic.
- (4) The conditions of implementation of this article shall be determined by law.

Article 60

- (1) The President and the Bureau of the Regional Council may be suspended by the President of the Republic where such organs:
- carry out activities contrary to the Constitution;
 - undermine the security of the State or public law and order;
 - endanger the State's territorial integrity.
- The other cases of suspension shall be laid down by law.
- (2) The President and the Bureau of the Regional Council may be dismissed by the President of the Republic, after consultation with the Constitutional Council in all the cases provided for under paragraph (1) above. The other cases of dismissal shall be laid down by law.
- (3) The automatic replacement of the said organ by the State in the cases provided for under paragraphs (1) and (2) above shall be decided by the President of the Republic.
- (4) The conditions of implementation of this article shall be determined by law.

Article 61

- (1) The following provinces shall become Regions:
- Adamaoua;
 - Centre;
 - East;
 - Far North;
 - Littoral;
 - North.
 - North-West;
 - West;
 - South;
 - South-West.
- (2) The President of the Republic may, as and when necessary:
- a) change the names and modify the geographical boundaries of the Regions listed in paragraph (1) above;
 - b) create other Regions. In this case, he shall give them names and fix their geographical boundaries.

Article 62

- (1) The aforementioned rules and regulations shall apply to all regions.
- (2) Without prejudice to the provisions of this Part, the law may take into consideration the specificities of certain Regions with regard to their organization and functioning.

Ghana

<http://www.ghanaweb.com/GhanaHomePage/republic/constitution.php>

CHAPTER 20. DECENTRALIZATION AND LOCAL GOVERNMENT

240.

- (1) Ghana shall have a system of local government and administration which shall, as far as practicable, be decentralized.
- (2) The system of decentralized local government shall have the following features-
 - (a) Parliament shall enact appropriate laws to ensure that functions, powers, responsibilities and resources are at all times transferred from the Central Government to local government units in a co-ordinated manner;
 - (b) Parliament shall by law provide for the taking of such measures as are necessary to enhance the capacity of local government authorities to plan, initiate, co-ordinate, manage and execute policies in respect of all matters affecting the people within their areas, with a view to ultimately achieving localization of those activities;
 - (c) There shall be established for each local government unit a sound financial base with adequate and reliable sources of revenue;
 - (d) As far as practicable, persons in the service of local government shall be subject to the effective control of local authorities;
 - (e) To ensure the accountability of local government authorities, people in particular local government areas shall, as far as practicable, be afforded the opportunity to participate effectively in their governance.

241.

- (1) For the purposes of local government, Ghana shall be deemed to have been divided into the districts in existence immediately before the coming into force of this Constitution.
- (2) Parliament may by law make provision for the redrawing of the boundaries of districts or for reconstituting the districts.
- (3) Subject to this Constitution, a District Assembly shall be the highest political authority in the district, and shall have deliberative, legislative and executive powers.

242.

A District Assembly shall consist of the following members -

- (a) One person from each local government electoral area within the district elected by universal adult suffrage;
- (b) The member or members of Parliament from the constituencies that fall within the area of authority of the District Assembly as members without the right to vote;
- (c) The District Chief Executive of the district; and
- (d) Other members not being more than thirty percent of all the members of the District Assembly, appointed by the President in consultation with the traditional authorities and other interest groups in the district.

243.

- (1) There shall be a District chief Executive for every district who shall be appointed by the President with the prior approval of not less than two-thirds majority of members of the Assembly present and voting at the meeting.
- (2) The District Chief Executive shall -
 - (a) preside at meetings of the Executive Committee of the Assembly;
 - (b) be responsible for the day-to-day performance of the executive and administrative functions of the District Assembly; and
 - (c) be the chief representative of the Central Government in the district.
- (3) The office of District Chief Executive shall become vacant if -
 - (a) a vote of no confidence, supported by the votes of not less than two-thirds of all the members of the District Assembly is passed against him; or
 - (b) he is removed from office by the President; or
 - (c) he resigns or dies.

244.

(1) The District Assembly shall have a Presiding Member who shall be elected by the Assembly from among its members.

(2) The Presiding Member shall be elected by at least two-thirds majority of all the members of the Assembly.

(3) The Presiding Member shall-

(a) preside over the meetings of the Assembly;

(b) perform such other functions as may be prescribed by law.

(4) Subject to clause (5) of this article, the term of office of the Presiding Member shall be two years and he shall be eligible for re-election.

(5) The Presiding Member shall cease to hold office whenever the Assembly by a majority of at least two-thirds of all the members of the Assembly vote to remove him from office.

245.

Parliament shall, by law, prescribe the functions of District Assemblies which shall include -

(a) the formulation and execution of plans, programmes and strategies for the effective mobilization of the resources necessary for the overall development of the district;

(b) the levying and collection of taxes, rates, duties and fees.

246.

(1) Elections to the District Assemblies shall be held every four years except that such elections and elections to Parliament shall be held at least six months apart.

(2) Unless he resigns or dies or the earlier ceases to hold office under clause (3) of article 243 of this Constitution, the term of office of the District Chief Executive shall be four years; and a person shall not hold office as a District Chief Executive for more than two consecutive terms.

247.

Subject to this constitution, the qualifications for membership of a District Assembly, the procedures of a District Assembly and other local government units lower than a District Assembly that may be created, shall be provided for by law.

248.

(1) A candidate seeking election to a District Assembly or any lower local government unit shall present himself to the electorate as an individual, and shall not use any symbol associated with any political party.

(2) A political party shall not endorse, sponsor, offer a platform to or in anyway campaign for or against a candidate seeking election to a District Assembly or any lower local government unit.

249.

Subject to any procedure established by law, the mandate of a member of a District Assembly may be revoked by the electorate or the appointing body.

250.

(1) The emoluments of a District chief Executive of a District Assembly shall be determined by Parliament and shall be charged on the consolidated Fund.

(2) The emoluments of a Presiding Member of a District Assembly and other members of the Assembly shall be determined by the District Assembly and paid out of the Assembly's own resources.

251.

(1) There shall be established an Executive Committee of a District Assembly which shall be responsible for the performance of the executive and administrative functions of the District Assembly.

(2) The composition of the Executive Committee and the procedure for its deliberations shall be as provided for by law.

252.

(1) There shall be a fund to be known as the District Assemblies Common Fund.

(2) Subject to the provisions of this Constitution, Parliament shall annually make provision for the allocation of not less than five percent of the total revenues of Ghana to the District Assemblies for development; and the amount shall be paid into the District Assemblies Common Fund in quarterly installments.

(3) The moneys accruing to the district Assemblies in the Common Fund shall be distributed among all the District Assemblies on the basis of a formula approved by Parliament.

(4) There shall be appointed by the President with the approval of Parliament, a District Assemblies Common Fund Administrator.

(5) Parliament shall by law prescribe the functions and tenure of office of the Administrator in such a manner as will ensure the effective and equitable administration of the District Assemblies Common Fund.

(6) Nothing in this Chapter or any other law shall be taken to prohibit the State or other bodies from making grants-in-aid to any District Assembly.

253.

The Auditor-General shall audit the accounts of the District Assemblies annually and shall submit his reports on the audit to Parliament.

254.

Parliament shall enact laws and take steps necessary for further decentralization of the administrative functions and projects of the Central Government but shall not exercise any control over the District Assemblies that is incompatible with their decentralized status, or otherwise contrary to law.

255.

(1) There shall be established a Regional Co-ordinating Council in each region, which shall consist of -

(a) the Regional Minister and his deputy or deputies;

(b) the Presiding Member and the District Chief Executive from each district in the Region;

(c) two chiefs from the Regional House of chiefs; and

(d) the Regional Heads of the decentralized ministries in the region as members without the right to vote;

(2) The Regional Minister shall be the Chairman of the Regional Co-ordinating Council.

(3) Subject to this Chapter, the functions of a Regional Co-ordinating Council shall be as prescribed by Act of Parliament.

256.

(1) The President shall, with the prior approval of Parliament, appoint for each region, a Minister of State who shall -

(a) represent the President in the region; and

(b) be responsible for the co-ordination and direction of the administrative machinery in the region.

(2) The President may, in consultation with the Minister of State for a region and with the prior approval of Parliament, appoint for the regional Deputy Minister or Deputy Ministers to perform such functions as the President may determine.

Guyana

<http://pdba.georgetown.edu/Constitutions/Guyana/guyana96.html>

Local Democratic Organs

71. (1) Local government is a vital aspect of socialist democracy and shall be organised so as to involve as many people as possible in the task of managing and developing the communities in which they live.

(2) For this purpose Parliament shall provide for the institutions of a country-wide system of local govt. through the establishment of organs of local democratic power as an integral part of the political organisation of the State.

72. (1) Parliament may provide for the division of Guyana (same for any areas excluded by it) into 10 regions and into such sub-regions & other subdivisions as it may deem for the purpose of organising local democratic organs. (2) In defining the boundaries of any areas into which Guyana may be divided under paragraph (1) account shall be taken of the population, the physis size, the geographical characteristics, the economic resources and the existing and planned infrastructure of each area, as well as the possibilities of facilitating the most rational management and use of such resources & infrastructure, with a view to ensuring that the area is or has the potential for becoming economically viable.

73. (1) Members of a regional democratic council shall be elected by persons residing in the region and registered as electors for the purpose of article 159:

Provided that Parliament may make provision for any areas which do not form part of any region to be represented on the regional democratic council of any region near to which it is situate for such purposes as Parliament may prescribe.

(2) Elections of members of regional democratic councils shall be held and the councils shall be dissolved at such times as, subject to paragraph (3), the President may appoint by proclamation.

(3) The interval between any two successive dissolutions of a regional democratic council shall not exceed five years and four months: Provided that, if at the expiration of that period the duration of Parliament has been extended under article 70

(4), that period shall not be deemed to come to an end until the expiration of the period for which the duration of Parliament has been extended.

74. (1) It shall be the primary duty of local democratic organs to ensure in accordance with law the efficient management and development of their areas and to provide leadership by example.

(2) Local democratic organs shall organise popular co-operation in respect of the political, economic, cultural and social life of their areas and shall co-operate with the social organisations of the working people.

(3) It shall be the duty of local democratic organs to maintain and protect public property, improve working and living conditions, promote the social and cultural life of the people, raise the level of civic consciousness, preserve law and order, consolidate socialist legality and safeguard the rights of citizens.

75. Parliament may provide for local democratic organs to take decisions which are binding upon their agencies and institutions, and upon the communities and citizens of their areas.

76. Parliament may provide for regional democratic councils to raise their own revenues and to dispose of them for the benefit and welfare of their areas.

77. The development programme of each region shall be integrated into the national development plans, and the Government shall allocate funds to each region to enable it to implement its development programme.

78. Parliament may make provision for the election of members of local democratic organs (including the commencement of balloting before the day appointed for holding an election) and for all other matters relating to their membership, powers, duties, functions and responsibilities.

The National Congress of Local Democratic Organs

79. There shall be a National Congress of Local Democratic Organs which shall have responsibility for representing the interests of local government in Guyana and such other duties and functions as may be assigned to it by this Constitution or by any other law.

80. (1) The members of the National Congress of Local Democratic Organs shall be elected by and from among the members of such local democratic organs as may be prescribed by Parliament.

(2) Elections of members of the National Congress of Local Democratic Organs shall be held and the Congress shall be dissolved at such times as, subject to paragraph (3), the President may appoint by proclamation.

(3) The interval between any two successive dissolutions of the National Congress of Local Democratic Organs shall not exceed five years and four months: Provided that, if at the expiration of that period the duration of Parliament has been extended under article 70 (4), that period shall not be deemed to come to an end until the expiration of the period for which the duration of Parliament has been extended.

81. Parliament may make provision for all other matters relating to the establishment, membership and functions of the National Congress of Local Democratic Organs, for the election of the members thereof and for effective participation by them through the Congress in the decision making processes of the State.

India <http://lawmin.nic.in/coi/coiason29july08.pdf>

Part VIII. The Union Territories 239A. (1) Parliament may by law create for the Union territory (a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union territory, or (b) a Council of Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law. (2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.

Part X. The scheduled and tribal areas. Formation of an autonomous State comprising certain tribal areas in Assam and creation of local legislature or Council of Ministers or both therefor.

244A. (1) Notwithstanding anything in this Constitution, Parliament may, by law, form within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in [Part I] of the table appended to paragraph 20 of the Sixth Schedule and create therefor—

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or (b) a Council of Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law.

73rd Amendment `PART IX THE PANCHAYATS

243. Definitions.- In this Part, unless the context otherwise requires,-

- (a) "district" means a district in a State;
- (b) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;
- (c) "Intermediate level" means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;
- (d) "Panchayat" means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;
- (e) "Panchayat area" means the territorial area of a Panchayat;
- (f) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (g) "village" means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

243A. Gram Sabha.- A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide.

243B. Constitution of Panchayats.- (1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

(2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

243C. Composition of Panchayats.- (1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats:

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and; for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

(3) The Legislature of a State may, by law, provide for the re-representation-

- (a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;
 - (b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;
 - (c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;
 - (d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within-
 - (i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;
 - (ii) a Panchayat area at the district level, in Panchayat at the district level.
- (4) The Chairperson of a Panchayat & other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.
- (5) The Chairperson of -

(a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and (b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

243D. Reservation of seats.- (1) Seats shall be reserved for- (a) the Scheduled Castes; and (b) the Scheduled Tribes, in every Panchayat and the number of seats of reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide: Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women: Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243E. Duration of Panchayats, etc.- (1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Panchayat shall be completed-

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

243F. Disqualifications for membership.- (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243G. Powers, authority and responsibilities of Panchayats.- Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to-

(a) the preparation of plans for economic development and social justice;

(b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

243H. Powers to impose taxes by, and Funds of, the Panchayats.- The Legislature of a State may, by law,-

(a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

(c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and

(d) provide for Constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law.

243-I. Constitution of Finance Commission to review financial position.- (1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to-

(a) the principles which should govern-

(i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayat;

(iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

(2) The Legislature of a State may, by law, provide for the composition of the commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

(3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.

(4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243J. Audit of accounts of Panchayats.- The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

243K. Elections to the Panchayats.- (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.

243L. Application to Union territories.- The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243M. Part not to apply to certain areas.- (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this Part shall apply to-

(a) the States of Nagaland, Meghalaya and Mizoram;

(b) the Hill Areas in the State of Manipur for which District Councils exist under any law for the time being in force.

(3) Nothing in this Part-

(a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;

(b) shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.

(4) Notwithstanding anything in this Constitution,-

(a) the Legislature of a State referred to in sub-clause (a) of clause

(2) may, by law, extend this Part to that State, except the areas, if any, referred to in clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;

(b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243N. Continuance of existing laws and Panchayats.-Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243-O. Bar to interference by courts in electoral matters.- Notwithstanding anything in this Constitution,-

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243K, shall not be called in question in any court;

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State."

Constitution, after sub-clause (b), the following sub-clause shall be inserted, namely:-

"(bb) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State;"

Constitution, the following Schedule shall be added, namely:-

"ELEVENTH SCHEDULE

(Article 243G)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets."

74th Amendment

PART IXA THE MUNICIPALITIES

243P. Definitions.-In this Part, unless the context otherwise requires,-

- (a) "Committee" means a Committee constituted under article 243S;
- (b) "district" means a district in a State;
- (c) "Metropolitan area" means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part;
- (d) "Municipal area" means the territorial area of a Municipality as is notified by the Governor;
- (e) "Municipality" means an institution of self-government constituted under article 243Q;
- (f) "Panchayat" means a Panchayat constituted under article 243B;
- (g) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

243Q. Constitution of Municipalities.- (1) There shall be constituted in every State,-

- (a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;
- (b) a Municipal Council for a smaller urban area; and
- (c) a Municipal Corporation for a larger urban area,

in accordance with the provisions of this Part:

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this article, "a transitional area", "a smaller urban area" or "a larger urban area" means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.

243R. Composition of Municipalities.- (1) Save as provided in clause (2), all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.

(2) The Legislature of a State may, by law, provide-

- (a) for the representation in a Municipality of-
 - (i) persons having special knowledge or experience in Municipal administration;
 - (ii) the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area;
 - (iii) the members of the Council of States and the members of the Legislative Council of the State registered as electors within the Municipal area;
 - (iv) the Chairpersons of the Committees constituted under clause (5) of article 243S:

Provided that the persons referred to in paragraph (i) shall not have the right to vote in the meetings of the Municipality;

(b) the manner of election of the Chairperson of a Municipality.

243S. Constitution and composition of Wards Committees, etc.- (1) There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.

(2) The Legislature of a State may, by law, make provision with respect to-

- (a) the composition and the territorial area of a Wards Committee;
 - (b) the manner in which the seats in a Wards Committee shall be filled.
- (3) A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Committee.
- (4) Where a Wards Committee consists of-
- (a) one ward, the member representing that ward in the Municipality;
- or
- (b) two or more wards, one of the members representing such wards in the Municipality elected by the members of the Wards Committee,
- shall be the Chairperson of that Committee.

(5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the Wards Committees.

243T. Reservation of seats.-(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The officers of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

243U. Duration of Municipalities, etc.-(1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer: Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Municipality shall be completed,-

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under clause (1) had it not been so dissolved.

243V. Disqualifications for membership.-(1) A person shall be disqualified for being chosen as, and for being, a member of a Municipality-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Municipality has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243W. Powers, authority and responsibilities of Municipalities, etc.- Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow-

(a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to-

(i) the preparation of plans for economic development and social justice;

(ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule;

(b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

243X. Power to impose taxes by, and Funds of, the Municipalities.-The Legislature of a State may, by law,-

(a) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(b) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

(c) provide for making such grants-in-aid to the Municipalities from the Consolidated Fund of the State; and

(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys therefrom.

as may be specified in the law.

243Y. Finance Commission.-(1) The Finance Commission constituted under article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor as to-

(a) the principles which should govern-

(i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities;

(iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Municipalities;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Municipalities.

(2) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243Z. Audit of accounts of Municipalities.-The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Municipalities and the auditing of such accounts.

243ZA. Elections to the Municipalities.-(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in article 243K.

(2) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Municipalities.

243ZB. Application to Union territories.-The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243ZC. Part not to apply to certain areas.-(1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this Part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.

(3) Notwithstanding anything in this Constitution, Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243ZD. Committee for district planning.-(1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The Legislature of a State may, by law, make provision with respect to-

(a) the composition of the District Planning Committees;

(b) the manner in which the seats in such Committees shall be filled:

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;

(c) the functions relating to district planning which may be assigned to such Committees;

(d) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every District Planning Committee shall, in preparing the draft development plan,-

(a) have regard to-

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243ZE. Committee for Metropolitan planning.-(1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(2) The Legislature of a State may, by law, make provision with respect to-

(a) the composition of the Metropolitan Planning Committees;

- (b) the manner in which the seats in such Committees shall be filled:
 Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area;
- (c) the representation in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out the functions assigned to such Committees;
- (d) the functions relating to planning and coordination for the Metropolitan area which may be assigned to such Committees;
- (e) the manner in which the Chairpersons of such Committees shall be chosen.
- (3) Every Metropolitan Planning Committee shall, in preparing the draft development plan,- (a) have regard to-
- (i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;
 - (ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
 - (iii) the overall objectives and priorities set by the Government of India and the Government of the State;
 - (iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;
- (b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243ZF. Continuance of existing laws and Municipalities.- Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of THE CONSTITUTION (Seventy-fourth Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier: Provided that all the Municipalities existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243ZG. Bar to interference by courts in electoral matters.- Notwithstanding anything in this Constitution,-

- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243ZA shall not be called in question in any court;
- (b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.'

3. Amendment of article 280.- In clause (3) of article 280 of the Constitution, sub-clause (c) shall be relettered as sub-clause (d) and before sub-clause (d) as so relettered, the following sub-clause shall be inserted, namely:-

"(c) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State;"

4. Addition of Twelfth Schedule.-After the Eleventh Schedule to the Constitution, the following Schedule shall be added, namely:-

"TWELFTH SCHEDULE (Article 243W)

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and solid waste management.
7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
15. Cattle pounds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries."

Kenya

<http://www.kenyaembassy.com/pdfs/The%20Constitution%20of%20Kenya.pdf>

Chapter 11. Devolved Government

Part 1—Objects and Principles of devolved Government

174. The objects of the devolution of government are—

- (a) to promote democratic and accountable exercise of power;
- (b) to foster national unity by recognising diversity;
- (c) to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
- (d) to recognise the right of communities to manage their own affairs & to further their development; Judiciary Fund
- (e) to protect and promote the interests and rights of minorities and marginalised communities;
- (f) to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya; (g) to ensure equitable sharing of national and local resources throughout Kenya;
- (h) to facilitate the decentralisation of State organs, their functions and services, from the capital of Kenya; and
- (i) to enhance checks and balances and the separation of powers.

175. County governments established under this Constitution shall reflect the following principles—

- (a) county governments shall be based on democratic principles and the separation of powers;
- (b) county governments shall have reliable sources of revenue to enable them to govern and deliver services effectively; and (c) no more than two-thirds of the members of representative bodies in each county government shall be of the same gender.

Part 2—County Governments

176. (1) There shall be a county government for each county, consisting of a county assembly and a county executive.

(2) Every county government shall decentralise its functions and the provision of its services to the extent that it is efficient and practicable to do so.

177. (1) A county assembly consists of—

- (a) members elected by the registered voters of the wards, each ward constituting a single member constituency, on the same day as a general election of Members of Parliament, being the second Tuesday in August, in every fifth year;
- (b) the number of special seat members necessary to ensure that Principles of devolved government no more than two-thirds of the membership of the assembly are of the same gender;
- (c) the number of members of marginalised groups, including persons with disabilities and the youth, prescribed by an Act of Parliament; and (d) the Speaker, who is an ex officio member.

(2) The members contemplated in clause (1) (b) and (c) shall, in each case, be nominated by political parties in proportion to the seats received in that election in that county by each political party under paragraph (a) in accordance with Article 90. (3) The filling of special seats under clause (1) (b) shall be determined after declaration of elected members from each ward. (4) A county assembly is elected for a term of five years.

178. (1) Each county assembly shall have a speaker elected by the county assembly from among persons who are not members of the assembly.

(2) A sitting of the county assembly shall be presided over by—

- (a) the speaker of the assembly; or
 - (b) in the absence of the speaker, another member of the assembly elected by the assembly.
- (3) Parliament shall enact legislation providing for the election & removal from office of speakers of the county assemblies

179. (1) The executive authority of the county is vested in, and exercised by, a county executive committee.

(2) The county executive committee consists of—

- (a) the county governor and the deputy county governor; and
- (b) members appointed by the county governor, with the approval of the assembly, from among persons who are not members of the assembly.

(3) The number of members appointed under clause (2) (b) shall not exceed—

- (a) one-third of the number of members of the county assembly, if the assembly has less than thirty members; or
- (b) ten, if the assembly has thirty or more members.

(4) The county governor and the deputy county governor are the chief executive and deputy chief executive of the county, respectively.

(5) When the county governor is absent, the deputy county governor shall act as the county governor.

(6) Members of a county executive committee are accountable to the county governor for the performance of their functions and exercise of their powers.

(7) If a vacancy arises in the office of the county governor, the members of the county executive committee appointed under clause (2) (b) cease to hold office.

180. (1) The county governor shall be directly elected by the voters registered in the county, on the same day as a general election of Members of Parliament, being the second Tuesday in August, in every fifth year.

(2) To be eligible for election as county governor, a person must be eligible for election as a member of the county assembly. (3) If only one candidate for county governor is nominated, that candidate shall be declared elected.

(4) If two or more candidates are nominated, an election shall be held in the county and the candidate who receives the greatest number of votes shall be declared elected.

(5) Each candidate for election as county governor shall nominate a person who is qualified for nomination for election as county governor as a candidate for deputy governor.

(6) The Independent Electoral and Boundaries Commission shall not conduct a separate election for the deputy governor but shall declare the candidate nominated by the person who is elected county governor to have been elected as the deputy governor.

(7) A person shall not hold office— (a) as a county governor for more than two terms; or

(b) as a deputy county governor for more than two terms.

(8) For the purposes of clause (7), a person who has assumed the office of county governor shall be deemed to have served a full term, subject only to Article 182 (3) (b).

181. (1) A county governor may be removed from office on any of the following grounds—

(a) gross violation of this Constitution or any other law;

(b) where there are serious reasons for believing that the county governor has committed a crime under national or international law; (c) abuse of office or gross misconduct; or (d) physical or mental incapacity to perform the functions of office of county governor.

(2) Parliament shall enact legislation providing for the procedure of removal of a county governor on any of the grounds mentioned in clause (1).

182. (1) The office of the county governor shall become vacant if the holder of the office—(a) dies;

(b) resigns, in writing, addressed to the speaker of the county assembly;

(c) ceases to be eligible to be elected county governor under Article 180 (2);

(d) is convicted of an offence punishable by imprisonment for at least twelve months; or

(e) is removed from office under this Constitution.

(2) If a vacancy occurs in the office of county governor, the deputy county governor shall assume office as county governor for the remainder of the term of the county governor.

(3) If a person assumes office as county governor under clause (2), the person shall be deemed for the purposes of Article 180 (7)—Removal of a county governor. Vacancy in the office of county governor.

(a) to have served a full term as county governor if, at the date on which the person assumed office, more than two and a half years remain before the date of the next regularly scheduled election under Article 180 (1); or

(b) not to have served a term of office as county governor, in any other case.

(4) If a vacancy occurs in the office of county governor and that of deputy county governor, or if the deputy county governor is unable to act, the speaker of the county assembly shall act as county governor.

(5) If a vacancy occurs in the circumstances contemplated by clause (4), an election to the office of county governor shall be held within sixty days after the speaker assumes the office of county governor.

(6) A person who assumes the office of county governor under this Article shall, unless otherwise removed from office under this Constitution, hold office until the newly elected county governor assumes office following the next election held under Article 180 (1).

183. (1) A county executive committee shall—(a) implement county legislation;

(b) implement, within the county, national legislation to the extent that the legislation so requires;

(c) manage and coordinate the functions of the county administration and its departments; and

(d) perform any other functions conferred on it by this Constitution or national legislation.

(2) A county executive committee may prepare proposed legislation for consideration by the county assembly.

(3) The county executive committee shall provide the county assembly with full and regular reports on matters relating to the county.

184. (1) National legislation shall provide for the governance & management of urban areas & cities & shall, in particular—

(a) establish criteria for classifying areas as urban areas and cities,

(b) establish the principles of governance and management of urban areas and cities; and

(c) provide for participation by residents in the governance of urban areas and cities.

(2) National legislation contemplated in clause (1) may include mechanisms for identifying different categories of urban areas and cities, and for their governance.

185. (1) The legislative authority of a county is vested in, and exercised by, its county assembly.

(2) A county assembly may make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule.

(3) A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.

(4) A county assembly may receive and approve plans and policies for—

(a) the management and exploitation of the county's resources; and

(b) the development and management of its infrastructure and institutions.

Part 3—functions and Powers of county Governments

186. (1) Except as otherwise provided by this Constitution, the functions and powers of the national government and the county governments, respectively, are as set out in the Fourth Schedule.

(2) A function or power that is conferred on more than one level of government is a function or power within the concurrent jurisdiction of each of those levels of government.

(3) A function or power not assigned by this Constitution or national legislation to a county is a function or power of the national government. (4) For greater certainty, Parliament may legislate for the Republic on any matter.

Legislative authority of county assemblies.

Respective functions and powers of national and county governments.

187. (1) A function or power of government at one level may be transferred to a government at the other level by agreement between the governments if— (a) the function or power would be more effectively performed or exercised by the receiving government; and (b) the transfer of the function or power is not prohibited by the legislation under which it is to be performed or exercised.

(2) If a function or power is transferred from a government at one level to a government at the other level (a) arrangements shall be put in place to ensure that the resources necessary for the performance of the function or exercise of the power are transferred; and

(b) constitutional responsibility for the performance of the function or exercise of the power shall remain with the government to which it is assigned by the Fourth Schedule.

Part 4—the Boundaries of counties

188. (1) The boundaries of a county may be altered only by a resolution—

(a) recommended by an independent commission set up for that purpose by Parliament; and

(b) passed by— (i) the National Assembly, with the support of at least two thirds of all of the members of the Assembly; and (ii) the Senate, with the support of at least two-thirds of all of the county delegations.

(2) The boundaries of a county may be altered to take into account— (a) population density and demographic trends; (b) physical and human infrastructure; (c) historical and cultural ties; (d) the cost of administration; (e) the views of the communities affected; (f) the objects of devolution of government; and (g) geographical features.

Part 5—Relationships Between Governments

189. (1) Government at either level shall—

(a) perform its functions, and exercise its powers, in a manner that respects the functional and institutional integrity of government at the other level, and respects the constitutional status & institutions of government at the other level and, in the case of county government, within the county level;

(b) assist, support & consult, as appropriate, implement the legislation of the other level of government; &

(c) liaise with government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.

(2) Government at each level, and different governments at the county level, shall co-operate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities.

(3) In any dispute between governments, the governments shall make every reasonable effort to settle the dispute, including by means of procedures provided under national legislation.

(4) National legislation shall provide procedures for settling intergovernmental disputes by alternative dispute resolution mechanisms, including negotiation, mediation and arbitration.

190. (1) Parliament shall by legislation ensure that county governments have adequate support to enable them to perform their functions.

(2) County governments shall operate financial management systems that comply with any requirements prescribed by national legislation. Cooperation between national and county governments. Support for county governments.

(3) Parliament shall, by legislation, provide for intervention by the national government if a county government— (a) is unable to perform its functions; or (b) does not operate a financial management system that complies with the requirements prescribed by national legislation.

(4) Legislation under clause (3) may, in particular, authorise the national government—

(a) to take appropriate steps to ensure that the county government's functions are performed and that it operates a financial management system that complies with the prescribed requirements; and (b) if necessary, to assume responsibility for the relevant functions. (5) The legislation under clause (3) shall— (a) require notice to be given to a county government of any measures that the national government intends to take; (b) permit the national government to take only measures that are necessary; (c) require the national government, when it intervenes, to take measures that will assist the county government to resume full responsibility for its functions; and (d) provide for a process by which the Senate may bring the intervention by the national government to an end.

191. (1) This Article applies to conflicts between national and county legislation in respect of matters falling within the concurrent jurisdiction of both levels of government.

(2) National legislation prevails over county legislation if— (a) the national legislation applies uniformly throughout Kenya and any of the conditions specified in clause (3) is satisfied; or

- (b) the national legislation is aimed at preventing unreasonable action by a county that—Conflict of laws.
 - (i) is prejudicial to the economic, health or security interests of Kenya or another county; or
 - (ii) impedes the implementation of national economic policy.
- (3) The following are the conditions referred to in clause (2) (a)—
 - (a) the national legislation provides for a matter that cannot be regulated effectively by legislation enacted by the individual counties;
 - (b) the national legislation provides for a matter that, to be dealt with effectively, requires uniformity across the nation, and the national legislation provides that uniformity by establishing—
 - (i) norms and standards; or (ii) national policies; or (c) the national legislation is necessary for— (i) the maintenance of national security; (ii) the maintenance of economic unity; (iii) the protection of the common market in respect of the mobility of goods, services, capital and labour; (iv) the promotion of economic activities across county boundaries; (v) the promotion of equal opportunity or equal access to government services; or (vi) the protection of the environment. (4) County legislation prevails over national legislation if neither of the circumstances contemplated in clause (2) apply. (5) In considering an apparent conflict between legislation of different levels of government, a court shall prefer a reasonable interpretation of the legislation that avoids a conflict to an alternative interpretation that results in conflict. (6) A decision by a court that a provision of legislation of one level of government prevails over a provision of legislation of another level of government does not invalidate the other provision, but the other provision is inoperative to the extent of the inconsistency.

Part 6—Suspension of county Governments

192. (1) The President may suspend a county government—(a) in an emergency arising out of internal conflict or war; or (b) in any other exceptional circumstances. (2) A county government shall not be suspended under clause (1) (b) unless an independent commission of inquiry has investigated allegations against the county government, the President is satisfied that the allegations are justified and the Senate has authorised the suspension. (3) During a suspension under this Article, arrangements shall be made for the performance of the functions of a county government in accordance with an Act of Parliament. (4) The Senate may at any time terminate the suspension. (5) A suspension under this Article shall not extend beyond a period of ninety days. (6) On the expiry of the period provided for under clause (5), elections for the relevant county government shall be held. 195. (1) A county assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information. (2) For the purposes of clause (1), an assembly has the same powers as the High Court to—
 - (a) enforce the attendance of witnesses and examining them on oath, affirmation or otherwise;
 - (b) compel the production of documents; and
 - (c) issue a commission or request to examine witnesses abroad.
 196. (1) A county assembly shall—
 - (a) conduct its business in an open manner, and hold its sittings and those of its committees, in public; and
 - (b) facilitate public participation and involvement in the legislative and other business of the assembly and its committees.
 (2) A county assembly may not exclude the public, or any media, from any sitting unless in exceptional circumstances the speaker has determined that there are justifiable reasons for doing so. County assembly power to summon witnesses. Public participation and county assembly powers, privileges and immunities. (3) Parliament shall enact legislation providing for the powers, privileges and immunities of county assemblies, their committees and members. 197. (1) Not more than two-thirds of the members of any county assembly or county executive committee shall be of the same gender. (2) Parliament shall enact legislation to—
 - (a) ensure that the community and cultural diversity of a county is reflected in its county assembly and county executive committee; and (b) prescribe mechanisms to protect minorities within counties.
 198. While an election is being held to constitute a county assembly under this Chapter, the executive committee of the county, as last constituted remains competent to perform administrative functions until a new executive committee is constituted after the election. 199. (1) County legislation does not take effect unless published in the Gazette. (2) National and county legislation may prescribe additional requirements in respect of the publication of county legislation. 200. (1) Parliament shall enact legislation providing for all matters necessary or convenient to give effect to this Chapter. (2) In particular, provision may be made with respect to—
 - (a) the governance of the capital city, other cities and urban areas;
 - (b) the transfer of functions and powers by one level of government to another, including the transfer of legislative powers from the national government to county governments;
 - (c) the manner of election or appointment of persons to, and their removal from, offices in county governments, including the qualifications of voters and candidates;
 - (d) the procedure of assemblies and executive committees including the chairing and frequency of meetings, quorums County assembly gender balance and diversity. (e) the suspension of assemblies and executive committees

Malawi

[www.icrc.org/ihl-nat.nsf/162d151af444ded44125673e00508141/4953f2286ef17c2c125712900369664/\\$FILE/Constitution%20Malawi%20-%20EN.pdf](http://www.icrc.org/ihl-nat.nsf/162d151af444ded44125673e00508141/4953f2286ef17c2c125712900369664/$FILE/Constitution%20Malawi%20-%20EN.pdf)

Chapter XIV. Local Government Functions of local government authorities 146.

1. There shall be local government authorities which shall have such powers as are vested in them by this Constitution & an Act of Parliament.
2. Local government authorities shall be responsible for the representation of the people over whom they have jurisdiction, for their welfare and shall have responsibility for -a. the promotion of infrastructural and economic development, through the formulation and execution of local development plans and the encouragement of business enterprise; b. the presentation to central government authorities of local development plans and the promotion of the awareness of local issues to national government; c. the consolidation and promotion of local democratic institutions and democratic participation; and d. such other functions, including the registration of birth and deaths and participation in the delivery of essential and local services, as may be prescribed by any Act of Parliament.
3. Parliament shall, where possible, provide that issues of local policy and administration be decided on at local levels under the supervision of local government authorities.
4. Parliament shall ensure that the composition of local government authorities includes a prescribed number of persons serving as Chiefs in the area of jurisdiction of such authorities and affords equal representation in respect of each ward within its jurisdiction, and that the boundaries of each ward shall be designated by the Electoral Commission in accordance with section 148.

Composition of local government authorities

147. 1. Local government authorities shall consist of local government officers who shall be elected by free, secret and equal suffrage by the registered voters in the area over which that local government authority is to have jurisdiction and the election shall be organized, conducted and supervised by the Electoral Commission.
2. The offices of local government shall include mayors in cities and municipalities and local councilors in all areas and local government officers shall have such functions, powers and responsibilities as shall be laid down by an Act of Parliament.
3. There shall be, in respect of each local government authority, such administrative personnel, subordinate to local government officers, as shall be required to execute and administer the lawful resolutions and policies of those officers.
4. There shall be a Local Government Service Commission, the composition, functions, powers and procedures of which shall be provided for by an Act of Parliament.

Jurisdiction of local government authorities

148. 1. Subject to the recommendations of the Electoral Commission, and in accordance with the principles laid down in this Constitution and any other law relating to national elections, there shall be drawn boundaries for local government authorities.
2. Any boundaries determining the territorial jurisdiction of any local government authority shall be geographical only, without reference to race, colour, tribe or ethnic origin of the inhabitants of the area.

National Local Government Finance Committee, its Establishment.

149. 1. There shall be a National Local Government Finance Committee which shall hear submissions from each and every local government authority in respect of estimates of expenditure and requests for special disbursements and shall have such other powers and functions as may be conferred on it by this Constitution or an Act of Parliament.
2. The National Local Government Finance Committee shall have the power to - a. receive all estimates of revenue and all projected budgets of all local government authorities; b. supervise and audit accounts of local government authorities, in accordance with any Act of Parliament, Assembly, subject to the recommendations of the Auditor General;
- c. make recommendations relating to the distribution of funds allocated to local government authorities, and vary the amount payable from time to time and area to area according to, and with sole consideration of, economic, geographic and demographic variables;
- d. prepare a consolidated budget for all local government authorities and estimates after consultation with the Treasury, which shall be presented to the National Assembly by the Minister responsible for Local Government before the commencement of each financial year; and
- e. make application to that Minister for supplementary funds where necessary.

Duty to provide adequate resources for local government functions.

150. The Government shall be under a duty to ensure that there is adequate provision of resources necessary for the proper exercise of local government functions and to this effect shall allow a local government authority to keep such proportion of the revenue collected by that authority as shall be prescribed by the National Local Government Finance Committee.

Composition of National Local Government Finance Committee

151. 1. The members of the National Local Government Finance Committee shall be -
 - a. one person who shall be nominated from time to time in that behalf by a caucus of local government authorities;
 - b. the Principal Secretary for Local Government;
 - c. one person who is a professionally qualified and practising accountant appointed by the Public Appointments Committee on the recommendation of the Minister responsible for Local Government;
 - d. the Chairman of the Civil Service Commission or such member of that Commission as shall be nominated by the Chairman from time to time in that behalf; and
 - e. one person who shall be nominated from time to time in that behalf by the Electoral Commission.
2. Except for persons who are or become members of the Local Government Finance Committee by virtue of holding office as Principal Secretary for Local Government or by Chairman or member of the Civil Service Commission, the term of office of a member of the National Local Government Finance Committee shall expire -a. three years after the date that member was first appointed; or
- b. on removal by the President on the recommendation of the Public Appointments Committee, but no member shall be recommended for removal under this paragraph unless the Public Appointments Committee is satisfied that he or she is -
 - i. not competent to exercise the duties of that office;
 - ii. compromised to the extent that his or her financial probity is in serious question; or
 - iii. otherwise incapacitated.

Mozambique

[http://confinder.richmond.edu/admin/docs/Constitution_\(in_force_21_01_05\)\(English\)-Mozlegal.pdf](http://confinder.richmond.edu/admin/docs/Constitution_(in_force_21_01_05)(English)-Mozlegal.pdf)

Article 8. Unitary State The Republic of Mozambique is a unitary State, which respects the principles of autonomy of local authorities (autarquias locais) in its organisation.

Article 141. Provincial Governments 2. The Provincial Government is the body charged with ensuring the implementation, at provincial level, of centrally defined Government policies, and it shall exercise administrative supervision over local authorities, in accordance with the law.

Article 272. Local Authorities 1. Local administration shall consist of local authorities.
2. Local authorities shall be bodies corporate governed by public law, endowed with their own representative bodies, and their purpose shall be to pursue the interests of the local population, without prejudice to national interests and to the role of the State.

Article 273. Categories of Local Authorities 1. Local authorities shall be municipalities and settlements.
2. The municipalities shall correspond to the territorial constituency of towns and cities.
3. The settlements shall correspond to the territorial constituency of administrative posts.
4. The law may establish other categories of local authorities, which may be either greater or smaller than the territorial constituencies of municipalities or settlements.

Article 274 Creation and Dissipation of Local Authorities

The creation and dissipation of local authorities shall be regulated by law, and changes to the area of a particular local authority shall be preceded by consultation with its bodies.

Article 275. Executive and Decision Making Bodies

1. The local authorities shall possess and assembly endowed with decision making powers, and an executive body, which shall be accountable to the assembly, in terms of the law.
2. The Assembly shall be elected through universal, direct, equal and periodic suffrage and by secret and personal ballot, by the voters living within the territorial constituency of the local authority, according to the system of proportional representation.
3. The executive body shall be headed by a President, elected through universal, direct, equal and periodic suffrage and by secret and personal ballot, by the voters living with the respective territorial constituency.
4. Candidates for election to offices of the local authorities may be proposed by political parties, either individually or as coalitions, or by groups of voters, within the terms of the law.
5. The organisation, the composition and the functioning of the executive bodies shall be defined by law.

Article 276 Local Property and Revenue 1. Local authorities shall have their own property and revenue.
2. The law shall determine the property of local authorities and shall establish a local revenue system that guarantees the fair distribution of public resources and ensures that necessary adjustments are made to correct the imbalances between them, subject to the higher interests of the State.
3. The law shall define the forms of technical and human support given by the State to the local authorities, without prejudice to their autonomy.

Article 277. Administrative Supervision

1. The local authorities shall be subject to the administrative supervision of the State.
2. Administrative supervision over local authorities shall consist of verifying the legality of administrative acts of local authorities, within the terms of the law.
3. Supervisory power may also be exercised with respect to the merit of administrative acts, but only in cases and within the terms expressly established by law.
4. Local authority bodies may only be dissolved, even when pursuant to direct elections, as a result of serious legal acts or omissions, as provided for by and in accordance with the terms of the law.

Article 278. Regulatory Powers Local authorities shall have their own regulatory powers, within the limits of the Constitution & of the laws and regulations issued by authorities with supervisory power over them.

Article 279. Staff of Local Authorities 1. Local authorities shall have their own staff, in accordance with the law
2. The regime governing officers & agents of the State shall be applicable to officers & agents of local administration

Article 280. Organisation The law shall guarantee the forms of organization that the local authorities may adopt to further common interests.

Article 281. Term of Office The law shall govern the resignation & loss of office of elected members of local authority bodies

Namibia

<http://www.orusovo.com/namcon/NamCon.pdf>

Chapter 12. Regional and Local Government

Article 102. Structures of Regional and Local Government

- (1) For purposes of regional and local government, Namibia shall be divided into regional and local units, which shall consist of such region and Local Authorities as may be determined and defined by Act of Parliament.
- (2) The delineation of the boundaries of the regions and Local Authorities referred to in Sub-Article (1) hereof shall be geographical only, without any reference to the race, colour or ethnic origin of the inhabitants of such areas.
- (3) Every organ of regional and local government shall have a Council as the principal governing body, freely elected in accordance with this Constitution and the Act of Parliament referred to in Sub-Article (1) hereof, with an executive and administration which shall carry out all lawful resolutions and policies of such Council, subject to this Constitution and any other relevant laws.
- (4) For the purposes of this Chapter, a Local Authority shall include all municipalities, communities, village councils and other organs of local government defined and constituted by Act of Parliament.
- (5) There shall be a Council of Traditional Leaders to be established in terms of an Act of Parliament in order to advise the President on the control and utilization of communal land and on all such other matters as may be referred to it by the President for advice.

Article 103 Establishment of Regional Councils

- (1) The boundaries of regions shall be determined by a Delimitation Commission in accordance with the principles set out in Article 102 (2) hereof.
- (2) The boundaries of regions may be changed from time to time and new regions may be created from time to time, but only in accordance with the recommendations of the Delimitation Commission.
- (3) A Regional Council shall be established for every region the boundaries of which have been determined in accordance with Sub-Articles (1) and (2) hereof.

Article 104 The Delimitation Commission

- (1) The Delimitation Commission shall consist of a Chairperson who shall be a Judge of the Supreme Court or the High Court, and two other persons to be appointed by the President with the approval of Parliament.
- (2) The Delimitation Commission shall discharge its duties in accordance with the provisions of an Act of Parliament and this Constitution, and shall report thereon to the President.

Article 105 Composition of Regional Councils

Every Regional Council shall consist of a number of persons determined by the Delimitation Commission for the particular region for which that Regional Council has been established, and who are qualified to be elected to the National Council.

Article 106 Regional Council Elections

- (1) Each region shall be divided into constituencies the boundaries of which shall be fixed by the Delimitation Commission in accordance with the provisions of an Act of Parliament and this Constitution: provided that there shall be no fewer than six
(6) and no more than twelve (12) constituencies in each region.
- (2) Each constituency shall elect one member to the Regional Council for the region in which it is situated.
- (3) The elections shall be by secret ballot to be conducted in accordance with the provisions of an Act of Parliament, and the candidate receiving the most votes in any constituency shall be the elected member of the Regional Council for that constituency.
- (4) All Regional Council elections for the various regions of Namibia shall be held on the same day.

(5) The date for Regional Council elections shall be determined by the President by Proclamation in the Gazette.

Article 107 Remuneration of Members of Regional Councils

The remuneration and allowances to be paid to members of Regional Councils shall be determined by Act of Parliament.

Article 108 Powers of Regional Councils

Regional Councils shall have the following powers:

- (a) to elect members to the National Council;
- (b) to exercise within the region for which they have been constituted executive powers and to perform such duties in connection therewith as may be assigned to them by Act of Parliament and as may be delegated to them by the President;
- (c) to raise revenue, or share in the revenue raised by the central Government within the regions for which they have been established, as may be determined by Act of Parliament;
- (d) to exercise powers, perform any other functions and make such by-laws or regulations as may be determined by Act of Parliament.

Article 109 Management Committees

- (1) Each Regional Council shall elect from amongst its members a Management Committee, which shall be vested with executive powers in accordance with the provisions of an Act of Parliament.
- (2) The Management Committee shall have a Chairperson to be elected by the members of the Regional Council at the time that they elect the Management Committee, and such Chairperson shall preside at meetings of his or her Regional Council.
- (3) The Chairperson and the members of the Management Committee shall hold office for three (3) years and shall be eligible for re-election.

Article 110 Administration and Functioning of Regional Councils

The holding and conducting of meetings of Regional Councils, the filling of casual vacancies on Regional Councils and the employment of officials by the Regional Councils, as well as all other matters dealing with or incidental to the administration and functioning of Regional Councils, shall be determined by Act of Parliament.

Article 111 Local Authorities

- (1) Local Authorities shall be established in accordance with the provisions of Article 102 hereof.
- (2) The boundaries of Local Authorities, the election of Councils to administer the affairs of Local Authorities, the method of electing persons to Local Authority Councils, the methods of raising revenue for Local Authorities, the remuneration of Local Authority Councillors and all other matters dealing with or incidental to the administration and functioning of Local Authorities, shall be determined by Act of Parliament.
- (3) Persons shall be qualified to vote in elections for Local Authority Councils if such persons have been resident within the jurisdiction of a Local Authority for not less than one (1) year immediately prior to such election and if such persons are qualified to vote in elections for the National Assembly.
- (4) Different provisions may be made by the Act of Parliament referred to in Sub-Article (2) hereof in regard to different types of Local Authorities.
- (5) All by-laws or regulations made by Local Authorities pursuant to powers vested in them by Act of Parliament shall be tabled in the National Assembly and shall cease to be of force if a resolution to that effect is passed by the National Assembly.

Nigeria

<http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>

Part I.

(6) There shall be 768 Local Government Areas in Nigeria as shown in the second column of Part I of the First Schedule to this Constitution and six area councils as shown in Part II of that Schedule.

Part 7.

(1) The system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the Government of every State shall, subject to section 8 of this Constitution, ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils.

(2) The person authorised by law to prescribe the area over which a local government council may exercise authority shall-

- a) define such area as clearly as practicable; and
- b) ensure, to the extent to which it may be reasonably justifiable that in defining such area regard is paid to
 - the common interest of the community in the area;
 - traditional association of the community; and administrative convenience.

(3) it shall be the duty of a local government council within the State to participate in economic planning and development of the area referred to in subsection (2) of this section and to this end an economic planning board shall be established by a Law enacted by the House of Assembly of the State.

(4) The Government of a State shall ensure that every person who is entitled to vote or be voted for at an election to House of Assembly shall have the right to vote or be voted for at an election to a local government council.

(5) The functions to be conferred by Law upon local government council shall include those set out in the Fourth Schedule to this Constitution.

(6) Subject to the provisions of this Constitution -

- the National Assembly shall make provisions for statutory allocation of public revenue to local government councils in the Federation; and
- the House of Assembly of a State shall make provisions for statutory allocation of public revenue to local government councils within the State.

Part 8

(3) A bill for a Law of a House of Assembly for the purpose of creating a new local government area shall only be passed if -

(a) a request supported by at least two-thirds majority of members (representing the area demanding the creation of the new local government area) in each of the following, namely -

- the House of Assembly in respect of the area, and
 - the local government councils in respect of the area,
- is received by the House of Assembly;

(b) a proposal for the creation of the local government area is thereafter approved in a referendum by at least two-thirds majority of the people of the local government area where the demand for the proposed local government area originated;

(c) the result of the referendum is then approved by a simple majority of the members in each local government council in a majority of all the local government councils in the State; and

(d) the result of the referendum is approved by a resolution passed by two-thirds majority of members of the House of Assembly.

(4) A bill for a Law of House of Assembly for the purpose of boundary adjustment of any existing local government area shall only be passed if-

(a) a request for the boundary adjustment is supported by two-thirds majority of members (representing the area demanding and the area affected by the boundary adjustment) in each of the following, namely -

- (i) the House of Assembly in respect of the area, and

(ii) the local government council in respect of the area, is received by the House of Assembly; and
(b) a proposal for the boundary adjustment is approved by a simple majority of members of the House of Assembly in respect of the area concerned.

(5) An Act of the National Assembly passed in accordance with this section shall make consequential provisions with respect to the names and headquarters of State or Local government areas as provided in section 3 of this Constitution and in Parts I and II of the First Schedule to this Constitution.

(6) For the purpose of enabling the National Assembly to exercise the powers conferred upon it by subsection (5) of this section, each House of Assembly shall, after the creation of more local government areas pursuant to subsection (3) of this section, make adequate returns to each House of the National Assembly

Part 162

(1) The Federation shall maintain a special account to be called "the Federation Account" into which shall be paid all revenues collected by the Government of the Federation, except the proceeds from the personal income tax of the personnel of the armed forces of the Federation, the Nigeria Police Force, the Ministry or department of government charged with responsibility for Foreign Affairs and the residents of the Federal Capital Territory, Abuja.

(2) The President, upon the receipt of advice from the Revenue Mobilisation Allocation and Fiscal Commission, shall table before the National Assembly proposals for revenue allocation from the Federation Account, and in determining the formula, the National Assembly shall take into account, the allocation principles especially those of population, equality of States, internal revenue generation, land mass, terrain as well as population density;

Provided that the principle of derivation shall be constantly reflected in any approved formula as being not less than thirteen per cent of the revenue accruing to the Federation Account directly from any natural resources.

(3) Any amount standing to the credit of the Federation Account shall be distributed among the Federal and State Governments and the Local Government Councils in each State on such terms and in such manner as may be prescribed by the National Assembly.

(4) Any amount standing to the credit of the States in the Federation Account shall be distributed among the States on such terms and in such manner as may be prescribed by the National Assembly.

(5) The amount standing to the credit of Local Government Councils in the Federation Account shall also be allocated to the State for the benefit of their Local Government Councils on such terms and in such manner as may be prescribed by the National Assembly.

(6) Each State shall maintain a special account to be called "State Joint Local Government Account" into which shall be paid all allocations to the Local Government Councils of the State from the Federation Account and from the Government of the State.

(7) Each State shall pay to Local Government Councils in its area of jurisdiction such proportion of its total revenue on such terms and in such manner as may be prescribed by the National Assembly.

(8) The amount standing to the credit of Local Government Councils of a State shall be distributed among the Local Government Councils of that State on such terms and in such manner as may be prescribed by the House of Assembly of the State.

South Africa

<http://www.info.gov.za/documents/constitution/1996/a108-96.pdf>

Chapter 7. Local Government

151. Status of municipalities.

- (1) The local sphere of government consists of municipalities, which must be established for the whole of the territory of the Republic.
- (2) The executive and legislative authority of a municipality is vested in its Municipal Council.
- (3) A municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution,
- (4) The national or a provincial government may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions.

152. Objects of local government

- (1) The objects of local government are-
 - (a) to provide democratic and accountable government for local communities;
 - (b) to ensure the provision of services to communities in a sustainable manner;
 - (c) to promote social and economic development;
 - (d) to promote a safe and healthy environment; and
 - (e) to encourage the involvement of communities and community organisations in the matters of local government.
- (2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

153. Developmental duties of municipalities.

A municipality must-

- (a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and
- (b) participate in national and provincial development programmes

154. Municipalities in co-operative government.

- (1) The national government and provincial governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.
- (2) Draft national or provincial legislation that affects the status, institutions, powers or functions of local government must be published for public comment before it is introduced in Parliament or a provincial legislature, in a manner that allows organized local government, municipalities and other interested persons an opportunity to make representations with regard to the draft legislation.
 - (a) Category A: A municipality that has exclusive municipal executive and legislative authority in its area.
 - (b) Category B: A municipality that shares municipal executive and legislative authority in its area with a category C municipality within whose area it falls.
 - (c) Category C: A municipality that has municipal executive and legislative authority in an area that includes more than one municipality.
- (2) National legislation must define the different types of municipality that may be established within each category.
- (3) National legislation must-
 - (a) establish the criteria for determining when an area should have a single category municipality or when it should have municipalities of both category B and category C;
 - (b) establish criteria and procedures for the determination of municipal boundaries by an independent authority; and
 - (c) subject to section 229, make provision for an appropriate division of powers and functions between municipalities when an area has municipalities of both category B and category C. A division of powers and functions between a category B municipality and a category C municipality may differ from the division of powers and functions between another category C municipality and that category C municipality.
- (4) The legislation referred to in subsection (3) must take into account the need to provide municipal services in an equitable and sustainable manner.
- (5) Provincial legislation must determine the different types of municipality to be established in the province.
- (6) Each provincial government must establish municipalities in its province in a manner consistent with the legislation enacted in terms of subsections (2) and (3) and, by legislative or other measures, must-
 - (a) provide for the monitoring and support of local government in the province; and
 - (b) promote the development of local government capacity to enable municipalities to perform their functions and manage their own affairs.
- (6A) If the criteria envisaged in subsection (3) (b) cannot be fulfilled a municipal boundary may be determined across the provincial boundary, but only-

- (i) with the concurrence of the provinces concerned; and
- (ii) after the respective provincial executives have been authorized by national legislation to establish a municipality within that municipal area; and
- (b) national legislation may-
 - (i) subject to subsection (3), provide for the establishment in that municipal area of a municipality of a type agreed to between the provinces concerned;
 - (ii) provide a framework for the exercise of provincial executive authority in that municipal area and with regard to that municipality; and
 - (iii) provide for the re-determination of municipal boundaries where one of the provinces concerned withdraws its support of a municipal boundary determined in terms of paragraph (a).
- (7) The national government, subject to section 44, and the provincial governments have the legislative and executive authority to see to the effective performance by municipalities of their functions in respect of matters listed in Schedules 4 & 5, by regulating the exercise by municipalities of their executive authority referred to in section 156 (1).

156. Powers and functions of municipalities.

- (1) A municipality has executive
 - (a) the local government matters listed in Part B of Schedule 4 and Part B of
 - (b) any other matter assigned to it by national or provincial legislation authority in respect of, and has the right to administer- Schedule 5; and
- (2) A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer.
- (3) Subject to section 151 (4), a by-law that conflicts with national or provincial legislation is invalid. If there is a conflict between a by-law and national or provincial legislation that is inoperative because of a conflict referred to in section 149, the by-law must be regarded as valid for as long as that legislation is inoperative.
- (4) The national government and provincial governments must assign to a municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5 which necessarily relates to local government, if-
 - (a) that matter would most effectively be administered locally; and
 - (b) the municipality has the capacity to administer it.
- (5) A municipality has the right to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.

157. Composition and election of Municipal Councils

- (1) Subject to Schedule 6A, a Municipal Council consists of-
 - (a) members elected in accordance with subsections (2) and (3); 01
 - (b) if provided for by national legislation-
 - (i) members appointed by other Municipal Councils to represent those other
 - (ii) both members elected in accordance with paragraph (a) and members Councils; or appointed in accordance with subparagraph (i) of this paragraph.
- (2) The election of members to a Municipal Council as anticipated in subsection (1) (a)
 - (a) of proportional representation based on that municipality's segment of the national common voters roll, and which provides for the election of members from lists of party candidates drawn up in a party's order of preference;
 - or (b) of proportional representation as described in paragraph (a) combined with a system of ward representation based on that municipality's segment of the national common voters roll.
- (3) An electoral system in terms of subsection (2) must result, in general, in proportional representation.
- (4) (a) If the electoral system includes ward representation, the delimitation of wards must be done by an independent authority appointed in terms of, and operating according to procedures and criteria prescribed by national legislation.
- (b) Where a municipal boundary may not extend across the provincial boundary concern.
- (5) A person may vote in a municipality only if that person is registered on that municipality's segment of the national common voters roll.
- (6) The national legislation referred to in subsection (1) (b) must establish a system that allows for parties and interests reflected within the Municipal Council making the appointment, to be fairly represented in the Municipal Council to which the appointment is made.

158. Membership of Municipal Councils.

- (1) Every citizen who is qualified to vote for a Municipal Council is eligible to be a member of that Council, except anyone who is appointed by, or is in the service of, the municipality and receives remuneration for that appointment or service, and who has not been exempted from this disqualification in terms of national legislation; anyone who is appointed by, or is in the service of, the state in another sphere, and receives remuneration for that appointment or service, and who has been disqualified from membership of a Municipal Council in terms of national legislation; anyone who is disqualified from voting for the National Assembly or is disqualified in terms of section 47 (1) (c), (4) or (e) from being a member of the Assembly; a member of the National Assembly, a delegate to the National Council of

Provinces or a member of a provincial legislature; but this disqualification does not apply to a member of a Municipal Council representing local government in the National Council; or a member of another Municipal Council; but this disqualification does not apply to a member of a Municipal Council representing that Council in another Municipal Council of a different category.

(2) A person who is not eligible to be a member of a Municipal Council in terms of subsection (1) (a), (O), (d) or (e) may be a candidate for the Council, subject to any limits or conditions established by national legislation.

159. Terms of Municipal Councils.

(1) The term of a Municipal Council may be no more than five years, as determined by national legislation.

(2) If a Municipal Council is dissolved in terms of national legislation, or when its term expires, an election must be held within 90 days of the date that Council was dissolved or its term expired.

(3) A Municipal Council, other than a Council that has been dissolved following an intervention in terms of section 119, remains competent to function from the time it is dissolved or its term expires, until the newly elected Council has been declared elected.

160. Internal procedures.

(1) A Municipal Council- of all the functions of the municipality;

(a) makes decisions concerning the exercise of all the powers and the performance

(b) must elect its chairperson; (Date of commencement: 30 June, 1997)

(c) may elect an executive committee and other committees, subject to national

(d) may employ personnel that are necessary for the effective performance of its legislation; and functions.

(2) The following functions may not be delegated by a Municipal Council:

(a) The passing of by-laws;

(b) the approval of budgets;

(c) the imposition of rates and other taxes, levies and duties; and

(d) the raising of loans.

(3) (a) A majority of the members of a Municipal Council must be present before a

(b) All questions concerning matters mentioned in subsection (2) are determined by

(c) All other questions before a Municipal Council are decided by a majority of the vote may be taken on any matter, a decision taken by a Municipal Council with a supporting vote of a majority of its members votes cast.

(4) No by-law may be passed by a Municipal Council unless-

(a) all the members of the Council have been given reasonable notice; and

(b) the proposed by-law has been published for public comment.

(5) National legislation provide criteria fix determining-

(a) the size of a Municipal Council;

(b) whether Municipal Councils may elect an executive committee or any other committee; or

(c) the size of the executive committee or any other committee of a Municipal Council.

(6) A Municipal Council may make by-law which prescribe rules and orders for-

(a) its internal arrangements;

(b) its business and proceedings; and

(c) the establishment, composition, procedures, powers and functions of its committees.

(7) A Municipal Council must conduct its business in an open manner, and may close its sittings, or those of its committees, only when it is reasonable to do so having regard to the nature of the business being transacted.

(8) Members of a Municipal Council are entitled to participate in its proceedings and those of its committees in a manner that-

(a) allows parties and interests reflected within the Council to be fairly represented;

(b) is consistent with democracy; and

(e) may be regulated by national legislation.

161. Privilege.-Provincial legislation within the framework of national legislation may provide for privileges and immunities of Municipal Councils and their members.

162. Publication of municipal by-laws.-(1) k municipal by-law may be enforced only after it has been published in the official gazette of the relevant province.

(2) A provincial official gazette must publish a municipal by-law upon request by the municipality.

(3) Municipal by-law must be accessible to the public.

163. Organized local government. An Act of Parliament enacted in accordance with the procedure established by section 76 must- (a) provide for the recognition of national and provincial organisations representing (b) determine procedures by which local government may- municipalities; & (i) consult with the national or a provincial government; (ii) designate representatives to participate in the National Council of Provin- (iii) participate in the process prescribed in the national legislation envisaged in section 22

164. Other matters.-Any matter concerning local government not dealt with in the Constitution may be prescribed by national legislation or by provincial legislation within the framework of national legislation

Uganda

<http://www.ec.or.ug/docs/Constitution.pdf>

Chapter I I. Principles and Structures of Local Government.

176. Local government system

- (1) The System of local government in Uganda shall be based on the district as a unit under which there shall be such lower local governments and administrative unit as Parliament may by law provide.
- (2) The following principles shall apply to the local government system -
 - (a) the system shall be such as to ensure that functions, powers and responsibilities are developed and transferred from the Government to local government units in a coordinated manner;
 - (b) decentralization shall be a principle applying to all levels of local government and in particular, from higher to lower local government units to ensure peoples' participation and democratic control in decision making;
 - (c) the system shall be such as to ensure the full realization of democratic governance at all local government levels;
 - (d) there shall be established for each local government unit a sound financial base with reliable sources of revenue;
 - (e) appropriate measures shall be taken to enable local government units to plan, initiate and execute policies in respect of all matters affecting the people within their jurisdiction;
 - (f) persons in the service of local government shall be employed by the local governments; and
 - (g) the local governments shall oversee the performance of persons employed by the Government to provide services in their areas and to monitor the provision of Government services or the implementation of projects in their areas.
- (3) The system of local government shall be based on democratically elected councils on the basis of universal adult suffrage in accordance with clause (4) of article 181 of this Constitution.

177. Districts of Uganda.

- (1) Subject to the provisions of this Constitution, for the purposes of local government, Uganda shall be divided into the districts referred to in clause (2) of article 5 of this Constitution.
- (2) The districts referred to in clause (1) of this article shall be taken to have been divided into the lower local government units, which existed immediately before the coming into force of this Constitution.

178. Co-operation among districts.

- (1) Two or more districts shall be free to co-operate in the areas of culture and development as set out in the Fifth Schedule to this Constitution and may, for that purpose, form and support councils, trust funds or secretariats, subject to the following -
 - (a) such co-operation shall conform to the democratic principles enshrined in this Constitution;
 - (b) the councils, trust funds or secretariats so formed shall not have power to levy taxes; but Parliament may make provision enabling them to raise funds in addition to funds made available to them by the co-operating districts;
 - (c) the terms and conditions of the co-operation shall be embodied in a charter signed by the consenting districts and deposited with the Speaker of Parliament; and
 - (d) the councils, trust funds or secretariats formed under this article shall have power to make rules, regulations and bye-laws in relation to the functions assigned to them; except that such rules, regulations and bye-laws shall not be inconsistent with the provisions of this Constitution or any existing law and shall not be effective unless ratified by the district councils of the co-operating districts.
- (2) The councils, trust funds or secretariats formed under this article shall be bodies corporate with powers to sue and be sued.
- (3) Subject to clause (1) of this article and to the provisions of this Constitution, the districts of Buganda as specified in the First Schedule to this Constitution, shall be deemed to have agreed to co-operate on the coming into force of this Constitution.
- (4) Any district may withdraw from co-operation under this article if-
 - (a) a resolution is passed by the district council of the district in favor of withdrawal, supported by two-thirds of all the members of the council; and
 - (b) the resolution is supported by a resolution of Parliament.

179. Boundaries of local government units.

- (1) Subject to the provisions of this Constitution, Parliament may -
 - (a) alter the boundaries of districts; and
 - (b) create new districts.
- (2) Any measure to alter the boundary of a district or to create a new district shall be supported by a majority of all the members of Parliament.
- (3) Parliament shall by law empower district councils to alter the boundaries of lower local government units and to create new local government units within their districts.
- (4) Any measure for the alteration of the boundaries of or the creation of districts or administrative units shall be based on the necessity for effective administration and the need to bring services closer to the people and it may take

into account the means of communication, geographical features, density of population, economic viability and the wishes of the people concerned.

180. Local government councils. (1) A local government shall be based on a council which shall be the highest political authority within its area of jurisdiction and which shall have legislative and executive powers to be exercised in accordance with this Constitution.

(2) Parliament shall by law prescribe the composition, qualification, functions and electoral procedures in respect of local government councils, except that -

- (a) the person elected as District Chairperson of local government shall be a member of the council;
- (b) one third of the membership of each local government council shall be reserved for women; and
- (c) any law enacted by virtue of this article shall provide for affirmative action for all marginalised groups referred to article 32 of this Constitution;
- (d) Parliament shall exercise similar powers of review as stipulated in clause (2) of article 78 of this Constitution, in relation to paragraphs (b) and (c) of this clause.

(4) A person shall not be a member of a local government council unless that person is a citizen of Uganda.

181. Elections of local government councils

(1) A district shall be divided by the Electoral Commission into electoral areas which shall be demarcated in such a way that the number of inhabitants in the electoral areas are as nearly as possible equal.

(2) The number of inhabitants in an electoral area may be greater or less than other electoral areas in order to take account of means of communication, geographical features and density of population.

(3) The demarcation of electoral areas shall ensure that a sub-county, a town council or an equivalent part of a municipality is represented at the district council by at least one person.

(4) All local government councils shall be elected every four years. 92

(5) Elections of all local government councils shall take place at least sixty days before the expiry of the term of the existing council, but shall not coincide with presidential or parliamentary elections.

182. Revocation of mandate. (1) Subject to clause (2) of this article, the mandate of an elected member of a local government council may be revoked by the electorate.

(2) Parliament shall by law prescribe the grounds on which and the manner in which the electorate may revoke the mandate of an elected member of a local government council.

183. District Chairperson (1) There shall be a District Chairperson who shall.

(a) be the political head of the district; and (b) be elected by universal adult suffrage through a secret ballot.

(2) A person is not qualified to be elected District Chairperson unless he or she is-

(a) qualified to be elected a member of Parliament; (b) at least thirty years and not more than seventy-five years of age; and (c) a person ordinarily resident in the district.

(3) The District Chairperson shall-

- (a) preside at meetings of the executive committee of the district;
- (b) monitor the general administration of the district;
- (c) co-ordinate the activities of urban councils and councils of the lower local administrative units in the district;
- (d) co-ordinate and monitor Government functions as between the district and the Government; and
- (e) perform such other functions as Parliament may prescribe.

(4) In the performance of the functions under clause (3) of this article, the Chairperson shall be subject to the rules, decisions and recommendations of the district councils and be answerable to the council.

184. Speaker of District Council.

(1) Each district council shall have a Speaker elected by the district council from among its members; but a person shall only be taken to have been elected if the votes cast in his or her favor are more than 50% of all the members of the council.

(2) The Speaker of the council shall, in relation to the council, perform similar functions to those of the Speaker of Parliament.

185. Removal of District Chairperson and Speaker.

(1) The District Chairperson or the Speaker of a district may be removed from office by the council by resolution supported by the votes of not less than two thirds of all members of the council on any of the following grounds -

(a) abuse of office; (b) misconduct or misbehavior; or
(c) such physical or mental incapacity as would render him or her incapable of performing the duties of his or her office.

(2) Parliament shall prescribe any other grounds and the procedure for the removal of a District Chairperson or the Speaker of a council under this article.

186. District executive committee.

(1) There shall be an executive committee for each district council which shall perform the executive functions of the council

(2) An executive committee shall consist of-

- (a) the District Chairperson;
- (b) the Vice-Chairperson; and
- (c) such number of Secretaries as the council may decide.

- (3) The Vice-Chairperson shall be a person nominated by the District Chairperson from among members of the council and approved by two-thirds of all members of the council.
- (4) The Secretaries shall be nominated by the Chairperson from among members of the council and approved by a majority of all members of the Council.
- (5) The Vice-Chairperson shall deputize for the Chairperson and shall perform such other functions as may be assigned to him or her by the Chairperson.
- (6) If the District Chairperson dies, resigns or is removed from office, the Vice Chairperson shall assume the office of Chairperson until the election of a new District Chairperson, but the election shall be held within six months after the occurrence of the event.
- (7) A Secretary shall have responsibility for such functions of the district council as the District Chairperson may, from time to time assign to him or her.
- (8) A district council shall appoint standing and other committees necessary for the efficient performance of its functions.
- (9) The following shall apply with respect to the composition of the committees of a district council
 - (a) the chairpersons and members of the committee shall be elected from among the members of the council;
 - (b) the District Chairperson, the Vice-Chairperson and a Secretary, shall not be members of a committee of the council but may take part in its proceedings without voting.

187. Vacation of office of member of district executive committee

- (1) The office of a member of a district executive committee shall become vacant if
 - (a) the appointment of that member is revoked by the District Chairperson; or
 - (b) that member-
 - (i) is elected as Speaker of the district council;
 - (ii) resigns from office;
 - (iii) becomes disqualified to be a member of the district council;
 - (iv) is unable to perform his or her functions due to mental or physical incapacity or dies;
 - (v) is censured by the council; or
 - (c) a new Chairperson assumes office.
- (2) A district council may, by resolution supported by not less than half of all members of the council, pass a vote of censure against a member of the executive committee.
- (3) Proceedings for censure shall be initiated by a petition to the Chairperson through the Speaker signed by not less than one-third of all members of the district council to the effect that they are dissatisfied with the conduct or performance of the member of the executive committee.
- (4) The Chairperson shall, upon receipt of the petition cause a copy of it to be given to the member of the executive committee in question.
- (5) The motion for the resolution of censure shall not be debated until the expiry of fourteen days after the petition was sent to the Chairperson.
- (6) A member of the executive committee in respect of whom a vote of censure is debated under clause (5) of this article is entitled during the debate to be heard in his or her defense.
- (7) Nothing in this article shall prevent a person from being re-appointed to the executive committee of a district council.

188. Chief Administrative Officer. (1) There shall be a Chief Administrative Officer for every district. 95

- (2) The Chief Administrative Officer shall be appointed by the District Service Commission and shall be the chief accounting officer for the district. Parliament shall by law establish the qualifications and functions of the Chief Administrative Officer.

189. Functions of Government and district councils.

- (1) Subject to the provisions of this Constitution, the functions and services specified in the Sixth Schedule to this Constitution shall be the responsibility of the Government.
- (2) District councils and the councils of lower local government units may, on request by them, be allowed to exercise the functions and services specified in the Sixth Schedule to this Constitution or if delegated to them by the Government or by Parliament by law.
- (3) District councils shall have responsibility for any functions and services not specified in the Sixth Schedule to this Constitution.
- (4) Subject to the provisions of this Constitution, the Government may, on request by a district council, assume responsibility for functions and services assigned to the district council.

Finances of Local Governments. 190. Planning

District councils shall prepare comprehensive and integrated development plans incorporating the plans of lower level local governments for submission to the National Planning Authority.

191. Power to levy and appropriate taxes.

- (1) Local governments shall have power to levy, charge, collect and appropriate fees and taxes in accordance with any law enacted by Parliament by virtue of article 152 of this Constitution.

(2) The fees and taxes to be levied, charged, collected and appropriated under clause (1) of this article shall consist of rents, rates, royalties, stamp duties, personal graduated tax, fees on registration and licensing and any other fees and taxes that Parliament may prescribe.

(3) No appropriation of funds by a local government shall be made unless approved in a budget by its council.

(4) Parliament shall by law make provisions for tax appeals in relation to taxes to which this article applies.

192. Collection of taxes by local governments

Parliament shall by law provide -

(a) for the taxes that may be collected by a local government for or on behalf of the Government for payment into the Consolidated Fund; 96

(b) for a local government to retain for the purposes of its functions and services, a specified proportion of the revenues collected for or on behalf of the Government from the district.

193. Grants to local governments

(1) The President shall for each financial year, in accordance with this Constitution, cause to be presented to Parliament proposals as to the moneys to be paid out of the Consolidated Funds as.

(a) unconditional grant in accordance with clause (2) of this article;

(b) conditional grant in accordance with clause (3) of this article;

(c) equalization grant in accordance with clause (4) of this article;

(2) Unconditional grant is the minimum grant that shall be paid to local governments to run decentralized services and shall be calculated in the manner specified in the Seventh Schedule to this Constitution.

(3) Conditional grant shall consist of moneys given to local governments to finance programs agreed upon between the Government and the local governments; and shall be expended only for the purposes for which it was made and in accordance with the conditions agreed upon.

(4) Equalization grant is the money to be paid to local governments for giving subsidies or making special provisions for the least developed districts; and shall be based on the degree to which a local government unit is lagging behind the national average standard for a particular service.

(5) District councils shall be obliged to indicate how conditional and equalization grants obtained from the Government are to be passed onto the lower levels of local government.

(6) The proposals made under clause (1) of this article shall be made at the same time as the estimates of revenue and expenditure under article 155 of this Constitution & shall state the sums of moneys that are to be paid to each local government.

(7) The proposals made under this article shall form part of the Appropriation Act as provided for this article 956 of this Constitution.

194. Local Government Finance Commission.

(1) There shall be a Local Govt. Finance Commission, which shall consist of seven members appointed by the President.

(2) Of the seven members referred to in clause (1) of this article, four shall be nominated by the local governments.

(3) The members of the Local Government Finance Commission shall elect from among themselves a Chairperson and a Vice-Chairperson.

(4) The Local Government Finance Commission shall - 97

(a) advise the President on all matters concerning the distribution of revenue between the Government and local governments and the allocation to each local government of moneys out of the Consolidated Fund;

(b) in consultation with the National Planning Authority consider and recommend to the President the amount to be allocated as the equalization and conditional grants and their allocation to each local government;

(c) consider and recommend to the President potential sources of revenue for local governments;

(d) advise the local governments on appropriate tax levels to be levied by local governments;

(e) perform such other functions as Parliament shall prescribe.

(5) The expenses of the Commission, including salaries, allowances and pensions payable to persons serving with the Commission, shall be charged on the Consolidated Fund.

195. Loans and grants.

Subject to the provisions of this Constitution and with the approval of the Government, a local government may, for the carrying out of its functions and services, borrow money or accept and use any grant or assistance as Parliament shall prescribe.

196. Accountability

Parliament shall make laws

(a) requiring each local government to draw up a comprehensive list of all its internal revenue sources and to maintain data on total potential collectable revenues;

(b) prescribing financial control and accountability measures for compliance by all local governments;

(c) imposing regular audit requirements and procedures for local governments.

197. Financial autonomy of urban authorities.

Urban authorities shall have autonomy over their financial and planning matters in relation to the district council as Parliament may, by law provide. District Service Commissions

198. District Service Commissions.

- (1) There shall be a District Service Commission for each district.
- (2) The District Service Commission shall consist of a chairperson and such other members as the district councils shall determine, at least one of whom shall represent urban authorities and all of whom shall be appointed by the district council on the recommendation of the district executive committee with the approval of the Public Service Commission.
- (3) Members of a District Service Commission shall be persons of high moral character and proven integrity.
- (4) Members of a District Service Commission shall hold office for a period of four years but are eligible for re-appointment for one more term.
- (5) In the performance of its functions, a District Service Commission shall conform to the standards established by the Public Service Commission for the public service generally.
- (6) A member of the District Service Commission may be removed from office by the executive committee of the district with the approval of the district council and after consultation with the Public Service Commission but may be removed only for -
 - (a) inability to perform the functions of that office arising from physical or mental incapacity;
 - (b) misbehavior or misconduct; or
 - (c) incompetence.

199. Secondment of staff. Subject to the provisions of this Constitution, the Government may, on request by a district council, post persons to fill, assist and complement the service of a local government.

200. Functions of District Service Commissions.

- (1) Subject to the provisions of this Constitution, the power to appoint persons to hold or act in any office in the service of a district, including the power to confirm appointments, to exercise disciplinary control over persons holding or acting in any such office and to remove those persons from office is vested in the District Service Commission.
- (2) The terms and conditions of service of local government staff shall conform with those prescribed by the Public Service Commission for the public service generally.
- (3) The District Service Commission may establish committees in respect of specialized disciplines.

201. Exercise of administrative functions.

The functions of a district government shall be exercised in accordance with this Constitution and any other law; but the exercise of those functions shall not detract from the order, peace and good governance of any part of Uganda.

202. Take-over of district administration by President.

- (1) The President may, with the approval of two-thirds of all members of Parliament, assume the executive and legislative powers of any district in any of the following circumstances:
 - (a) where the district council so requests and it is in the public interest to do so;
 - (b) where a state of emergency has been declared in that district or in Uganda generally; or
 - (c) where it has become extremely difficult or impossible for district government to function.
- (2) The exercise by the President of the power conferred by this article, may be done through such persons or officers as the President may appoint; and the legislative functions shall be exercised by statutory instruments.
- (3) Unless approved by Parliament for a long term, the exercise by the President of the power conferred by this article, shall be for a period not exceeding ninety days.
- (4) Upon the expiry of the term under clause (3) of this article -
 - (a) the President shall hand back the administration of the district to the incumbent district government; or
 - (b) if Parliament decides that the prevailing circumstances still make it impossible for the incumbent district government to resume the administration of the district then-
 - (i) where the unexpired term of the council is longer than twelve months, the President shall cause elections to be held for a new district council within sixty days; or
 - (ii) where the unexpired term of the council is less than twelve months the President shall continue to administer the district until the next elections are held.

203. Resident District Commissioner.

- (1) There shall be for each district a Resident District Commissioner who shall be a senior servant appointed by the President. (2) The functions of a Resident District Commissioner are-
 - (a) to co-ordinate the administration of Government services in the district;
 - (b) to advise the District Chairperson on matters of a national nature that may affect the district or its plans and programs and particular the relations between the district and the Government; and
 - (c) to carry out such other functions as may be assigned by the President or prescribed by Parliament.

No enshrined constitutional provision, but other devolutions of power mentioned/ not mentioned specifically but referenced elsewhere in the document

Antigua and Barbuda

[http://www.icrc.org/ihl-nat.nsf/162d151af444ded44125673e00508141/51e113fe70102dfa41256ca3005742e8/\\$FILE/Constitution%20Antigua%20and%20Barbuda.pdf](http://www.icrc.org/ihl-nat.nsf/162d151af444ded44125673e00508141/51e113fe70102dfa41256ca3005742e8/$FILE/Constitution%20Antigua%20and%20Barbuda.pdf)

Chapter X. Miscellaneous LOCAL GOVERNMENT

- 123.-1. There shall be a Council for Barbuda which shall be the principal organ of local government in that island.
2. The Council shall have such membership and functions as Parliament may prescribe.
3. Parliament may alter any of the provisions of the Barbuda Local Government Act, 1976, specified in schedule 2 to this Constitution (which provisions are in this section referred to as "the said provisions") in the manner specified in the following provisions of this section and in no other manner whatsoever.
4. A bill to alter any of the said provisions shall not be regarded as being passed by the House unless after its final reading in that House the bill is referred to the Barbuda Council by the Clerk, of the House and the Barbuda Council gives its consent to the bill by resolution of the Council, notice of which shall forthwith be given by the Council to the Clerk of the House.
5. An amendment made by the Senate to such a bill as is referred to in subsection (4) of this section which bill has been passed by the House and consented to by the Barbuda Council shall not be regarded as being agreed to by the House for the purpose of section 55 of this Constitution unless the Barbuda Council signifies to the Clerk of the House the consent by resolution of the Barbuda Council to that amendment.
6. For the purpose of section 55 (4) of this Constitution, an amendment of a bill to alter any of the said provisions shall not be suggested to the Senate by the House unless the Barbuda Council signifies to the Clerk of the House the consent by resolution of the Barbuda Council for the House so to suggest the amendment.
- 7.a. A bill to alter any of the said provisions shall not be submitted to the Governor-General for his assent unless it is accompanied by a certificate under the hand of the Speaker (or, if the Speaker is for any reason unable to exercise the functions of his office, the Deputy Speaker) that the provisions of subsection (4), (5) or (6), as the case may be, of this section have been complied with.
- b. The certificate of the Speaker or, as the case may be, the Deputy Speaker, under this subsection shall be conclusive that the provisions of subsection (4), (5) or (6), as the case may be, of this section have been complied with and shall not be enquired into in any court of law.

Cyprus http://www.servat.unibe.ch/icl/cy00000_.html

Article 173 1. Separate municipalities shall be created in the five largest towns of the Republic, that is to say, Nicosia, Limassol, Famagusta, Larnaca and Paphos by the Turkish inhabitants thereof:

Provided that the President and the Vice-President of the Republic shall within four years of the date of the coming into operation of this Constitution examine the question whether or not this separation of municipalities in the aforesaid towns shall continue.

2. The council of the Greek municipality in any such town shall be elected by the Greek electors of the town & the council of the Turkish municipality in such town shall be elected by the Turkish electors of the town.

3. In each such town a co-ordinating body shall be set up composed of two members chosen by the council of the Greek municipality, two members chosen by the council of the Turkish municipality and a President chosen by agreement between the two councils of such municipalities in such town. Such co-ordinating body shall provide for work which needs to be carried out jointly, shall carry out joint services entrusted to it by agreement of the councils of the two municipalities within the town and shall concern itself with matters which require a degree of co-operation.

Article 174 Within the limits of any such town no municipal tax, rate, fee or any other revenue shall be imposed or levied upon or collected from any person by any such municipality unless such person belongs to the same Community as the municipality concerned: Provided that –

- (a) fees payable in connection with the use of municipal markets, slaughter houses & other municipal places which are in the region within which the council of one of such municipalities in any such town exercises its jurisdiction;
- (b) entertainment fees payable in connection with premises or places in the region within which the council of one of such municipalities in any such town exercises its jurisdiction;
- (c) such fees as may be agreed upon between the two councils of such municipalities in any such town for any services additional to, or in excess of, those usually rendered by a municipality, to a person not belonging to the Community thereof, shall be paid to the council of such municipality:

Provided further that in case any service in the way of control, inspection and the like is rendered by one of the municipalities to a person belonging to the Community of the other municipality in any such town any fees in respect thereof shall be payable to the municipality rendering such service.

Article 175 No license or permit shall be issued to any person by a municipality in any such town not belonging to the Community of such municipality: Provided that licenses or permits relating to premises, places or building operations in the region within which one of such municipalities in any such town exercises its jurisdiction shall be issued by the council of such municipality and any service, control or supervision in connection with such licenses or permits shall be performed by the council of such municipality and any such fee payable in respect thereof shall be collected by such council.

Article 176

Nothing in Articles 173 to 178, both inclusive, contained shall be construed as precluding a law to provide for town planning with respect to any such municipalities subject to the following conditions: –

- (a) the planning authority for any such town shall consist of ten members, out of whom seven shall be Greeks and three shall be Turks;
- (b) all decisions of such authority shall be taken by an absolute majority: Provided that no decision affecting a Greek municipality shall be taken unless such majority includes the votes of at least four Greek members, and no decision affecting a Turkish municipality shall be taken unless such majority includes the votes of at least two Turkish members;
- (c) all matters of a town planning nature affecting any such town and any regulation of any such matter shall be entrusted exclusively to such planning authority.

Article 177 Subject to the provisions of Articles 173 to 178, both inclusive, each municipality in any such town shall exercise its jurisdiction & perform all its functions respectively within a region, the limits of which shall be fixed for each municipality by agreement of the President & Vice-President of the Republic.

Article 178 With regard to other localities, a special provision shall be made for the constitution of the organs of the municipalities in accordance, as far as possible, with the rule of proportional representation of the two Communities.

Mauritius

https://www.unodc.org/tldb/pdf/Mauritius_const_1968.pdf

No constitutional provision, however there is reference to the Rodrigues Regional Assembly

39. Constituencies

(1) There shall be 21 constituencies and accordingly –

(a) the Island of Mauritius shall be divided into 20 constituencies;

(b) Rodrigues shall form one constituency:

Provided that the Assembly may by resolution provide that any island forming part of Mauritius that is not comprised in the Island of Mauritius or Rodrigues shall be included in such one of the constituencies as the Electoral Boundaries Commission may determine and with effect from the next dissolution of Parliament after the passing of any such resolution, this section shall have effect accordingly.

(2) The Electoral Boundaries Commission shall review the boundaries of the constituencies at such times as will enable them to present a report to the Assembly 10 years, as near as may be, after 12 August 1966 and, thereafter, 10 years after presentation of their last report: Provided that the Commission may at any time carry out a review and present a report if it considers it desirable to do so by reason of the holding of an official census of the population of Mauritius and shall do so if a resolution is passed by the Assembly in pursuance of subsection (1).

(3) The report of the Electoral Boundaries Commission shall make recommendations for any alterations to the boundaries of the constituencies as appear to the Commission to be required so that the number of inhabitants of each constituency is as nearly equal as is reasonably practicable to the population quota: Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population and the boundaries of administrative areas.

(4) The Assembly may, by resolution, approve or reject the recommendations of the Electoral Boundaries Commission but may not vary them; and, if so approved, the recommendations shall have effect as from the next dissolution of Parliament.

(5) In this section, 'population quota' means the number obtained by dividing the number of inhabitants of the Island of Mauritius (including any island included in any constituency in the Island of Mauritius by virtue of any resolution under subsection (1)) according to the latest official census of the population of Mauritius by 20.

Chapter VI.

75A The Rodrigues Regional Assembly

(1) There shall be a Regional Assembly for Rodrigues to be known as "the Rodrigues Regional Assembly". in this Chapter referred to as "the Regional Assembly".

(2) The Regional Assembly shall consist of a Chairperson, who need not be an elected member of the Regional Assembly, and such other members elected and holding office on such terms and conditions as may be prescribed.

75B. Powers of the Regional Assembly

(1) Subject to the Constitution, the Regional Assembly -

(a) shall have such powers and functions as may be prescribed and, in particular, the power to propose and adopt Bills in relation to the matters for which it shall be responsible. Bills, when adopted by Parliament in such manner as may be prescribed, shall be known as Regional Assembly Laws and shall be so designated in the Short Title;

(b) may make regulations which shall be known as Regional Assembly Regulations and shall be so designated in the Heading.

(2) Regional Assembly Laws and Regional Assembly Regulations shall apply only to Rodrigues.

75C. Executive Council

(1) There shall be an Executive Council of the Regional Assembly comprising of the Chief Commissioner and Deputy Chief Commissioner and such number of Commissioners as may be prescribed.

(2) The Chief Commissioner and the Deputy Chief Commissioner and the Commissioners shall be elected or appointed in such manner as may be prescribed.

(3) The Chief Commissioner and the other Commissioners shall have such powers and exercise such functions as may be prescribed.

75D. Rodrigues Capital and Consolidated Funds

There is established -

(a) a Fund to be known as "the Rodrigues Capital Fund" which shall consist of such funds as may be specified for the purposes of development;

(b) a Fund to be known as the "Rodrigues Consolidated Fund" which shall consist of -

(i) such monies as may every year be appropriated by the National assembly for the recurrent expenditure of the Regional Assembly;

(ii) such other recurrent revenue as the Regional Assembly may lawfully collect.

75E. Alteration of certain written laws

Subject to the provisions of the Constitution, any law giving effect to this Chapter and to any matters incidental thereto shall not be altered without the concurrence of the Regional Assembly unless such alteration is supported at the final voting in the National Assembly by the votes of not less than two thirds of all the members.

Grenada

<http://pdba.georgetown.edu/constitutions/grenada/gren73eng.html>

No constitutional provision, however there is a provision in section 107 for council for Carriacou and Petite Martinique

Chapter IX

107. (1) There shall be a Council for Carriacou and Petit Martinique, which shall be the principal organ of local government in those islands.

(2) The Council shall have such membership and functions as Parliament may prescribe.

St Kitts and Nevis

[http://www.icrc.org/ihl-nat.nsf/162d151af444ded44125673e00508141/66f909020d58620b41256ca6003aeaff/\\$FILE/Constitution%20St-Kitts-Nevis%20-%20EN-ES.pdf](http://www.icrc.org/ihl-nat.nsf/162d151af444ded44125673e00508141/66f909020d58620b41256ca6003aeaff/$FILE/Constitution%20St-Kitts-Nevis%20-%20EN-ES.pdf)

No general constitutional provision, but the Nevis Island Assembly is enshrined in the constitution

101. (1) The Nevis Island Assembly shall consist of

- a) such number of elected members as corresponds with the number of electoral districts for the time being established under section 50, as applied with modifications by section 104(1); and
- b) three nominated members or such greater number (not exceeding two-thirds of the number of elected members) as may be prescribed by the Nevis Island Legislature.
 - (2) Of the nominated member
 - a) one-third of their number shall be appointed by the Governor-General in accordance with the advice of the Leader of the Opposition in the Assembly; and
 - b) the others shall be appointees by the Governor-General in accordance with the advice of the Premier.
 - (3) Without prejudice to section 27 and 28, as applied with modifications by section (1), a person shall not be qualified for election to the Assembly unless, at the time when the election is held, he would be entitled to vote in elections of Representatives held in the island of Nevis.
 - (4) For the purposes of section 29(2), as applied with modifications by section 104(1), the provisions made by Parliament in relation to the election of elected members of the Assembly shall be such that the persons entitled to vote in elections of such elected members are persons entitled to vote in elections of Representatives in the island of Nevis.
 - (5) If a persons who is not a member of the Assembly is elected to be president of the Assembly he shall, by virtue of holding the office of president, be a member of the Assembly.
 - (6) Any person who sits or votes in the Assembly knowing or having reasonable grounds for knowing that he is not entitled to do so shall be guilty of a criminal offence and liable to a fine not exceeding one hundred dollars, or such other sum as may be prescribed by the Nevis Island Legislature, for each day on which he so sits or votes in the Assembly.
 - (7) Any prosecution for an offence under subsection (6) shall be instituted in the High Court and shall not be so instituted except by the Director of Public Prosecutions.
 - (8) In subsection (2) "one-third" means, in relation to a number of nominated members that is not a multiple of three, one-third of the next higher number that is such a multiple.

Nevis Island Administration.

102.(1) There shall be a Nevis Island Administration, which shall consist of

- a) a Premier; and
- b) two other members or not less than two nor more than such greater number of members as the Nevis Island Legislature may prescribe, who shall be appointed by the Governor-General.
 - (2) The Governor-General, acting in his own deliberate judgment, shall appoint a Premier an elected member of the Assembly who seems to him likely to command the support of the majority of the elected members of the Assembly.
 - (3) The Governor-General, acting in accordance with the advice of the Premier, shall appoint the other members of the Administration from among the members of the Assembly.
 - (4) If a member of the Administration is absent from Saint Christopher and Nevis or is for any reason unable to discharge his functions as such, the Governor-General, acting in accordance with the advice of the Premier, may appoint another member of the Assembly to be a temporary member of the Administration in his place and may terminate any such appointment.
 - (5) The functions of the Administration shall be to advise the Governor-General in the government of the island of Nevis and the Administration shall be collectively responsible to the Assembly for any advice given to the Governor-General by or under the general authority of the Administration and for all things done by or under the authority of any member of the Administration in the execution of his office.
 - (6) Subsection (5) shall not apply in relation to a) the assignment of responsibility to any member of the Administration under section 54, as applied with modifications by section 104(4), or the authorization of another member of the Administration to perform the functions of the Premier during absence of illness;
 - b) the dissolution of the Nevis Island Legislature;
 - c) the matters referred to in section 66 of this Constitution (which relate to the prerogative of mercy); or
 - d) any matter in respect of which the Nevis Island Legislature has no power to make laws for the island of Nevis.

Power to make laws.

103. (1) Subject to the provisions of this Constitution, the Nevis Island Legislature may make laws, which shall be styled Ordinances, for the peace, order and good government of the island of Nevis with respect to the specified matters.
- (2) A law made by the Nevis Island Legislature may contain incidental and supplementary provisions that relate to a matter other than a specified matter but if there is any inconsistency between those provisions and the provisions of any enacted by Parliament, the provisions of the law enacted by Parliament shall prevail

St Lucia

http://www.oas.org/juridico/mla/en/lca/en_lca-int-text-const.pdf

Made reference to throughout, but no specific provisions or protection made for local government.

Trinidad and Tobago

<http://www.ttparliament.org/documents/1048.pdf>

No constitutional provision- Tobago House of assembly is enshrined in the constitution

Chapter 11A. The Tobago House of Assembly

141A. (1) There shall be an Assembly For Tobago to be called “the Tobago House of Assembly”, in this Chapter referred to as “the Assembly”.

(2) The Assembly shall consist of a Presiding Officer and such other members qualified and appointed in such manner and holding office upon such terms and conditions as may be prescribed.

141B. Subject to this Constitution, the Assembly shall have such powers and functions in relation to Tobago as may be prescribed.

141C. (1) There shall be an Executive Council of the Assembly consisting of a Chief Secretary and such number of Secretaries as may be prescribed, to be appointed in such manner as may be prescribed.

(2) The function of the Chief Secretary and other secretaries shall be prescribed.

141D There is established a fund to be called “the Tobago House of Assembly Fund” which shall consist of-

(a) such monies as may be appropriated by Parliament for the use of the Assembly; and

(a) such other monies as the Assembly may lawfully collect

Part II. Ombudsman

(3) The authorities other than departments of Government to which this section applies are-

(a) local authorities or other bodies established for purposes of the public service or of local Government;

(b) authorities or bodies the majority of whose members are appointed by the President or by a Minister or revenues consist wholly or mainly of moneys provided out of public funds;

(c) any authority empowered to determine the person with whom any contract shall be entered into by or on behalf of Government;

(d) such other authorities as may be prescribed

Chapter 10. The Integrity Commission.

138. (1) There shall be an Integrity Commission (in this section and in section 139 referred to as “the Commission”) for Trinidad and Tobago consisting of such number of members, qualified and appointed in such manner and holding office upon such tenure as may be prescribed.

(2) The Commission shall be charged with the duty of—

(a) receiving, from time to time, declarations in writing of the assets, liabilities and income of Senators, Judges, Magistrates, Permanent Secretaries, Chief Technical Officers, members of the Tobago House of Assembly, Members of Municipalities, Members of Local Government Authorities and members of the Boards of all

Statutory Bodies, State Enterprises and the holders of such other offices as may be prescribed.