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PART VI

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

KARACHI, THE 2ND NOVEMBER, 2013.

NO.PAS/Legis-B-26/2013- The Sindh Local Government (Amendment) Bill, 2013 having been passed by the Provincial Assembly of Sindh on 31st October, 2013 and assented to by the Governor of Sindh on 1st November, 2013 is hereby published as an Act of the Legislature of Sindh.

THE SINDH LOCAL GOVERNMENT (AMENDMENT) ACT, 2013.

SINDH ACT NO. LIII OF 2013.

AN ACT

to amend the Sindh Local Government Act, 2013.

WHEREAS it is expedient to amend Sindh Local Government Act, 2013, in the manner hereinafter appearing; **Preamble.**

It is hereby enacted as follows:-

- 1.(1) This Act may be called the Sindh Local Government (Amendment) Act, 2013. **Short title and commencement.**
- (2) It shall come into force at once.

Amendment of section 3 of Sindh Act No.XLII of 2013.

2. In the Sindh Local Government Act, 2013, hereinafter referred to as the said Act, in section 3 –

(i) in the opening sentence, the figure and brackets "(1)" shall be omitted;

(ii) clauses (i) and (xxxi) shall be omitted;

(iii) in clause (xvii), after the words "District Council", the words "Union Committee" shall be inserted;

(iv) after clause (xxxv), the following shall be inserted:-

"(xxxv-a) "labourer" includes a worker or workman as defined in the Factories Act, 1934 or in an industrial or commercial establishment as defined in the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968, at clerical labour for hire or reward or under the Sindh Industrial Relations Act, 2013,";

(v) clause (li) shall be substituted by the following :-

"peasant" includes a person who is engaged personally in the cultivation of land;"

(vi) clause (xcviii) shall be omitted.

Omission of section 6 of Sindh Act No.XLII of 2013.

Amendment of section 8 of Sindh Act No.XLII of 2013.

Amendment of section 10 of Sindh Act No.XLII of 2013.

Amendment of section 11 of Sindh Act No.XLII of 2013.

Amendment of section 12 of Sindh Act No.XLII of 2013.

Amendment of section 15 of Sindh Act No.XLII of 2013.

3. In the said Act, section 6 shall be omitted.

4. In the said Act, in sub-section (4) of section 8, for the words "respective boundaries" the words "revenue boundaries" shall be substituted.

5. In the said Act, in section 10 –

(i) in sub-section (1), for the word "shall" the word "may" shall be substituted.

(ii) clause (d) of sub-section (2) shall be omitted.

6. In the said Act, in section 11, sub-section (3) shall be omitted.

7. In the said Act, in section 12, the figure and brackets "(1)" shall be omitted.

8. In the said Act, in section 15 –

- (i) the figure and brackets "(1)" shall be omitted.
- (ii) for clause (ii), the following shall be substituted:-
 "(ii) a Town Committee for each Town comprising of single member ward;"
- (iii) for clause (iii), the following shall be substituted:-
 "(iii) a Municipal Committee for each Municipality comprising of single member ward;"
- (iv) for clause (iv), the following shall be substituted:-
 "(iv) a Municipal Corporation for each City comprising of Union Committees;"
- (v) in sub-clause (ii) of clause (b) the proviso shall be omitted.

9. In the said Act, in section 18 -

**Amendment of
section 18 of
Sindh Act No. XLII
of 2013.**

- (a) in sub-section (1), after the words "elected members", the words "as provided in this Act or" shall be inserted;
- (b) in sub-section (2), in clause (e), the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:-
 "Provided that after election of the members of the Union Committees, the Chairman of each Union Committee shall represent the Union Committee in Metropolitan Corporation and Vice Chairman shall represent the Union Committee in respective District Municipal Corporation.";
- (c) in sub-section (3), in clause (c), the words "under clause (a)" shall be substituted with the words "by show of hands.";
- (d) in sub-section (4), in clause (c), the words "under clause (a)" shall be substituted with the words "by show of hands.";
- (e) in sub-section (5), after clause (e), the following new clause shall be added:-
 "(f) one member to be elected directly for the District Council;"
- (f) in sub-section (6) -
 - (i) in clause (a) the following shall be substituted:-

- "(a) members elected by the Union Councils;"
- (ii) in clause (c), the words "under clause (a)" shall be substituted with the words "by show of hands."
- (g) in sub-section (7)-
- (i) for clause (a) the following shall be substituted:-
- "(a)members elected by Union Committees."
- (ii) in clause (c), the words "under clause (a)" shall be substituted with the words "by show of hands."
- (h) for sub-section (8), the following shall be substituted:-
- "(8) There shall be as many Municipal Committees consisting of single member wards as may be determined by Government and shall comprise of the following members:-
- (a) Each member elected from its respective ward."
- (b) reserve seats to the extent to twenty two percent for women members, five percent for non-Muslim members and five percent for labourer or peasant members elected in terms of clause (a) in the manner as may be prescribed;
- (c) the Municipal Committees so constituted shall elect a Chairman and a Vice Chairman respectively from amongst its members by show of hands."
- (i) in sub-section (9), in clause (c), the words "under clause (a)" shall be substituted with the words "by show of hands.";
- (j) After sub-section (9) the following new sub-section shall be added:-
- "(10) Where candidates are contesting elections for Union Committee or Union Council as the case may be, as candidates of a political party under common symbol, they shall contest the election as a panel.

Provided that where any member of the panel dies after acceptance of nomination papers but before the elections are held, the

election for the said Council shall be stayed and held subsequently.

Provided further that where any member of the panel dies, resigns or removed, the election of the other members of the panel shall remain unaffected and fresh election shall be held only to the extent of that member subject to the provisions of this Act."

10. In the said Act, in section 25, for sub-section (3), the following shall be substituted:-

"(3) Government shall pass order for removal of the member and refer the matter to the Election Commission for issuance of notification for removal of the member and henceforth he or she shall cease to be a member of the Council."

11. In the said Act, in section 26, for sub-section (2), the following shall be substituted:-

"(2) The resignation tendered under sub-section (1) shall be deemed to have been accepted and effective forthwith and the Council shall forward the copies of resignation to the Government which shall be sent to the Election Commission for notification."

12. In the said Act, section 28 shall be substituted by the following:-

"28. Every election, resignation, death or removal of a Member, Mayor, Deputy Mayor, Chairman, Vice-Chairman as the case may be, shall be notified by the Election Commission."

Amendment of section 28 of Sindh Act No.XLII of 2013.

13. In section 32, clause (d) shall be omitted.

Amendment of section 32 of Sindh Act No.XLII of 2013.

14. In the said Act, in section 34-

Amendment of section 34 of Sindh Act No.XLII of 2013.

(i) in sub-section (2), in the proviso, the full stop at the end shall be replaced by a colon and thereafter, the following proviso shall be substituted:-

"Provided further that Government may extend or curtail the period mentioned in this section if the circumstances so warrant."

(ii) after sub-section (3), the following shall be added:-

"(4) The Election Commission may authorize its Commissioner or any officer to perform its functions as may be deemed necessary.

Amendment of section 37 of Sindh Act No. XLII of 2013.

15. In the said Act, in section 37, in sub-section (1), the provisos shall be omitted.

Amendment of section 39 of Sindh Act No. XLII of 2013.

16. In the said Act, in section 39—

(i) in sub-section (2), after the word "prepared", the words "or adopted" shall be inserted.

(ii) in sub-section (3), the letter "a" appearing before the word "vote" shall be Omitted.

Amendment of section 40 of Sindh Act No. XLII of 2013.

17. In the said Act, in sub-section (1) of section 40, the words "District Returning Officer" shall be inserted before the words "Returning Officer".

Amendment of section 41 of Sindh Act No. XLII of 2013.

18. In the said Act, in section 41 —

(i) for sub-section (1), the following shall be substituted:-

"(1) The Returning Officer shall, before such time as the Election Commission may fix, submit to the District Returning Officer a list of polling stations for the constituency;"

(ii) for sub-section (2), the following shall be substituted:-

"(2) The District Returning Officer may make such alterations in the list of polling stations submitted under sub-section (1) if deems necessary and shall return to the Returning Officer the final list of polling stations at least fifteen days before the polling day, published in the official gazette, specifying the electoral areas assigned to polling stations;"

Amendment of section 42 of the Sindh Act No. XLII of 2013

19. In the said Act, in sub-section (3) of section 42 for the words "to the Election Commission" the words "to the District Returning Officer", shall be substituted.

Omission of section 45 of the Sindh Act No. XLII of 2013

20. In the said Act, section 45 shall be omitted.

Amendment of section 71 of the Sindh Act No. XLII of 2013

21. In the said Act, in section 71, for the word "Chapter" the word "Act", shall be substituted.

Amendment of section 75 of the Sindh Act No. XLII of 2013

22. In the said Act, section 75, shall be substituted by the following:-

"75. (1) Government may set up a Board, Authority or any corporate body to perform any one or

more functions of any Council, singly or jointly with any public or private body, and may acquire, continue, manage or operate any commercial venture or activity as deemed necessary in the public interest.

- (2) Any commercial operations or venture jointly with any private body or person in existence at the time of commencement of this Act shall continue to do so.
- (3) The Council may, with the prior permission of Government, promote, administer, execute or implement schemes for undertaking any commercial, business enterprise or enter into public private partnership.

23. In the said Act, for clause (c) of sub-section (1) of section 119, the following shall be substituted:-

Amendment of section 119 of Sindh Act No. XLII of 2013.

"(c) two eminent, qualified and experienced technocrat members nominated by the Government;"

24. In the said Act, in section 132 -

Amendment of section 132 of Sindh Act No. XLII of 2013.

- (a) in sub-sections(1) and (2), for the words "Sixth Schedule", the words and figure "Schedule-VI" shall be substituted;
- (b) the proviso in sub-section (2), shall be omitted.

25. In the said Act, section 134 shall be omitted.

Omission of section 134 of the Sindh Act No. XLII of 2013

26. In the said Act, after section 153, the following new sections shall be inserted:-

Insertion of new sections 153-A and 153-B in Sindh Act No. XLII of 2013.

"153-A. Wherever power is conferred on any person, authority, body, officer or Council under the provisions of this Act, such power shall be exercised fairly, justly, reasonably and in public interest. Provided that the action taken in exercise of power conferred under the provisions of this Act shall be proportionate keeping in view all the facts and circumstances."

"153-B. Save in sub-section (xvii) of section 3, wherever the words "Election Commission of Pakistan" are appearing, the same shall be substituted by the words "Election Commission."

27. In the said Act, in Schedule-I -

Amendment of Schedule-I of Sindh Act No. XLII of 2013.

(i) in Part-B -

- (a) under the heading "Municipal Committees", for the words and figures

"Population between 30,000 to 300,000", the words and figures "Population between 50,000 to 0.3 million)" shall be substituted;

- (b) under the heading "Town Committees", for the words and figures "Population between 5000 to 30,000", the words and figures "Population between 10,000 to 50,000" shall be substituted;

Provided that the Town Committees which were in existence prior to the enactment of the Sindh Local Government Ordinance, 2001, shall stand revived.

- (ii) in Part-C, for the heading "UNION COUNCIL AND UNION COMMITTEES AS MAY BE DETERMINED BY THE GOVERNMENT", the following shall be substituted:-

Union Council

Population between 10000 to 15000

Union Committee in Municipal Corporation

Population between 10000 to 15000

Union Committee in Metropolitan Corporation

Population between 40000 to 50000

Ward in a Town Committee

Population between 2000 to 3000

Ward in a Municipal Committee

Population between 4000 to 5000

Amendment of
Schedule-II in
Sindh Act No.XLII
of 2013.

Amendment of
Heading of
Schedule-IV in
Sindh Act No.XLII
of 2013

Amendment of
Schedule-V in
Sindh Act No.XLII
of 2013.

Amendment of
Schedule-VI in
Sindh Act No.XLII
of 2013.

28. In Schedule-II, the heading "TOWN PLANNING" and entries 32 to 37 shall be omitted.

29. In Schedule-IV, the heading "Functions of Union Councils" shall be substituted with "Functions of Union Councils and Union Committees".

30. In Schedule-V, for the words and figures "see section 103", the words and figures "see section 96" shall be substituted.

31. In Schedule-VI -

- (a) for the words and figures "see section 139", the words and figures "see section 132" shall be substituted;

(b) under the heading "OFFENCES UNDER THE ACT", in Part-II, entries 18, 19, 20 and 24 shall be omitted;

(c) Parts (B) and (C) shall be omitted.

BY ORDER OF THE MADAM ACTING SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
ACTING SECRETARY
PROVINCIAL ASSEMBLY OF SINDH