

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 27th FEBRUARY, 2019

NO.PAS/LEGIS-B-01/2019-The Sindh Local Government (Amendment) Bill, 2019 having been passed by the Provincial Assembly of Sindh on 23rd January, 2019 and assented to by the Governor of Sindh on 20th February, 2019 is hereby published as an Act of the Legislature of Sindh.

THE SINDH LOCAL GOVERNMENT (AMENDMENT) ACT, 2019

SINDH ACT NO. V OF 2019

AN
ACT

to amend the Sindh Local Government Act, 2013.

WHEREAS it is expedient to amend the Sindh Local Government Act, Preamble.

2013, in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Local Government (Amendment) Act, Short title and 2019. commencement.

(2) It shall come into force at once.

2. In the Sindh Local Government Act, 2013, hereinafter referred to as Amendment of section the said Act, in section 10, for the words "Delimitation of Constituencies Act, 10 of Sindh Act 1974", the words "Elections Act, 2017" shall be substituted. No.XLII of 2013.

3. In the said Act, in section 27, for sub-section (1), the following shall be Amendment of section substituted:- 27 of Sindh Act

"(1) A Mayor, Deputy Mayor, Chairman or Vice-Chairman, except No.XLII of 2013.

the Chairman and the Vice Chairman of the Union Committee

and Union Council shall be removed from office if a vote of no-

confidence is passed against him or her by simple majority of the total number of the Members of the Council concerned."

4. In the said Act, the existing section 38 shall be numbered as section Amendment of section 38(1) and thereafter the following new sub-section (2) shall be added:- 38 of Sindh Act No.XLII of 2013.

"(2) After the election programme has been issued and till the publication of the names of the returned candidates in the official Gazette, any Government or authority shall not post or transfer any official appointed or deputed in connection with an election without prior approval in writing of the Commission, including posting or transfer the decision in respect whereof has not been implemented, and the Commission may itself issue necessary directions to any such Government or for the posting or transfer of any official."

5.

In the said Act, for section 53, the following shall be substituted:-

“53. Decision in case of equality of votes. (1) In case of election to a Council, where, after the conclusion of the trial there is an equality of votes between contesting candidates, the Election Tribunal shall declare both the candidates as returned candidates and each one of them shall be entitled to represent his constituency in the Council for half of its term of office.

(2) The Election Tribunal shall draw a lot in respect of returned candidates referred to in sub-section (1) to determine as to who shall serve as Member of the Council for the first half of its term of office and shall take into account the period any returned candidate has already served as Member of the Council after the election.

(3) Before proceeding to draw a lot under sub-section (2), the Election Tribunal shall give notice to the contesting candidates between who there is equality of votes and shall proceed to draw a lot on the date, time and place stated in the notice:

Provided that if contesting candidates are present when it appears that there is an equality of votes between them, the Election Tribunal may proceed forthwith to draw a lot without giving notice.

(4) The Election Tribunal shall keep a record of the proceedings of draw of lot under this section and obtain signatures of such candidates and their agents who witnessed the proceedings, and if any such person refuses to sign, such fact shall be record.

(5) On receipt of the declaration under sub-section (1), the Commission shall notify the name of the candidate in the official Gazette on whom the lot drawn under sub-section (2) had fallen.

(6) Where there is equality of votes among more than two contesting candidates at the conclusion of the trial, the Election Tribunal shall order fresh election in the constituency on a date to be determined by the Commission but not later than sixty days from the date of order of the Election Tribunal.”.

In the said Act, for section 58, the following shall be substituted:-

“58. Undue Influence. A person is guilty of exercising undue influence if he —

(a) in order to induce or compel any person to vote or refrain from voting, or to offer himself as a candidate, or to withdraw his candidature or retire from contesting, at an election, directly or indirectly, by himself or by any other person on his behalf —

(i) makes or threatens to make use of any force, violence or restraint;

Amendment of section

53 of Sindh Act
No.XLII of 2013.

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

(ii) inflicts or threatens to inflict any injury, damage, harm or loss;

(iii) calls down or threatens to call down divine displeasure or the displeasure or disapprobation of any saint or pir;

(iv) gives or threatens to give any religious sentence;

(v) uses or threatens to use any official influence or government patronage;

(vi) maligns the Armed Forces of Pakistan; or

(vii) prevents any woman from contesting an election or exercising her right to vote;

(b) on account of any person having voted or refrained from voting, of having offered himself as a candidate, or having withdrawn his candidature or have retired, does any of the acts specified in clause

(a);

(c) directly or indirectly, by himself or by any other person on his behalf —

(i) uses any place of religious worship, or any place reserved for the performance of religious rites, for the purpose of canvassing for the votes or not to vote at an election or for a particular candidate; or

(ii) for any of the purposes specified in sub-clause (i), by words, spoken or written, or by signs or visible representation, publishes anything or does any act prejudicial to the glory of Islam or the integrity, security or defence of Pakistan or any part of Pakistan; or

(d) by abduction, duress or any fraudulent device or contrivance —

(i) impedes or prevents the free exercise of the franchise by a voter; or

(ii) compels, induces or prevails upon any voter to vote or refrain from voting.

Explanation.- In this section, "harm" includes social ostracism or excommunication or expulsion from any caste or community. "

In the said Act, for section 59, the following shall be substituted:-

"59. Illegal Practice. (1) A person is guilty of offence of illegal practice if he —

(a) disorderly conducts near a polling station, canvassing in or near a polling station, interferes the secrecy of voting, or adversely affects the interests of candidate;

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

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(b)

(c)

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obtains or procures, or attempts to obtain or procure, the assistance of any person in the service of Pakistan to further or hinder the election of a candidate;

votes or applies for a ballot paper for voting at an election knowing that he is not qualified for, or is disqualified from, voting;

votes or applies for a ballot paper for voting more than once in the same polling station;

votes or applies for a ballot paper for voting in more than one polling station for the same election;

removes a ballot paper from a polling station during the poll;

violates the restrictions on publicity laid down in section 180 or restriction on announcement of development schemes under section 181 of the Elections Act, 2017;

violates the prohibition on public meeting during a certain period as provided in section 182 of the Elections Act, 2017;

fails to comply with section 134 of the Elections Act, 2017 relating to election expenses;

carries or displays any kind of weapon or fire arm in a public meeting or procession during campaign period, on the poll day and till twenty four hours after the announcement of the official results by the Returning Officer;

reports to aerial firing or uses firecrackers and other explosives at public meetings or in or near a polling station; or

resorts to violence in any form or manner against an election official or any form or manner against an election official or any other person officially deputed to work at a polling station.

Explanation.- The word “weapon” used in clause (j) includes a danda, lathi, knife, axe or any other thing which may be used as a weapon to inflict an injury to a person.

(2) The offences under sub-section (1) shall be tried in accordance with the provisions of section 192 of the Elections Act, 2017.”.

In the said Act, for section 62, the following shall be substituted:

“62. Tampering with Papers. (1) Except as provided in sub-section (2) of section 172 of the Elections Act, 2017, a person is guilty of tampering with papers, if he —

(a) intentionally defaces or destroys any nomination paper, ballot

paper or official mark on a ballot paper; or

(b) intentionally takes out of the polling station, any ballot paper or

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

puts into any ballot box any ballot paper other than the ballot paper he is authorized by law to put in;

(c) without due authority —

(i) supplies any ballot paper to any person;

(ii) destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of election; or

(iii) breaks any seal affixed in accordance with the provisions of the Elections Act, 2017; or

(d) forges any ballot paper or official marks; or

(e) causes any delay or interruption in the beginning, conduct or completion of the procedure required to be immediately carried out on the close of the poll.

(2) An election official on duty in connection with the election who is guilty of the offence under sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one hundred thousand rupees or with both.”.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH