

SINDH ACT NO. IX OF 1996

THE SINDH LOCAL GOVERNMENT (AMENDMENT) ACT, 1996.

[24TH April, 1996]

An Act to amend The Sindh Local Government ordinance, 1979.

WHEREAS it is expedient to amend the Sindh Local Government Ordinance, 1979, in the manner hereinafter appearing:-

It is hereby enacted as follows :—

1. (1) This Act may be called the Sindh Local Government (Amendment) Act, 1996.

(2) It shall come into force at once.

2. In the Sindh Local Government Ordinance, 1979, hereinafter referred to as the said Ordinance, in section 3-

(i) for clause (14), the following shall be substituted:—

“(14) “Controlling Authority” means in the case of—

(a) a corporation other than a district municipal corporation, the Government;

(b) a district municipal corporation, municipal committee or a district council, the Commissioner,

(c) a town committee or a union council, the Deputy Commissioner;

(14-A) “corporation” means a metropolitan corporation, district municipal corporation or municipal corporation”.

(ii) after clause (19), the following shall be inserted:—

“(20) “district municipal corporation” means a district municipal corporation constituted in a city under Ordinance”.

(iii) — In the said Ordinance, in section 10-

(a) In sub-section (1), in clause (a), in sub-clause (iii), for the proviso, the following proviso shall be added:—

“Provided that in the city of Karachi and in any other city notified by Government there shall be a metropolitan corporation and a district municipal corporation for each district.

Preamble.

Short title and
commencement.

Amendment of
Section-3 of Sindh
Ordinance No. XIII
of 1979

Amendment of
Section-10 of
Sindh Ordinance
No.XII of 1979

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(b) in sub-section (2), for the words “a district council” the words “the metropolitan corporation or a _ district council” shall be substituted.

(iv) In section 19, 21, 41, 49, 53, 55, 56, 72, 73, 74, 77, 92, 93 and 94 for the words “Government” the words “the Controlling Authority” shall be substituted.

(v) In the said Ordinance, in section 20, for sub-section (1), the following shall be substituted :—

“(1) No person shall at the same time be a member of more than one council or more than one electoral unit of the same council but nothing herein-contained shall apply to a member of a district municipal corporation on his becoming a member of the metropolitan corporation.

(vi) In the said Ordinance in Section 26, after sub section (2) the following new sub section shall be added:—

“(3) A Mayor or Deputy Mayor of a District Municipal Corporation shall cease to hold office of Mayor or Deputy Mayor as the case may be on becoming a Mayor or Deputy Mayor of a _ Metropolitan Corporation”.

(vii) In the said Ordinance, in section 38—

(i) before the existing proviso, the following proviso shall be added:—

“Provided that the members of the metropolitan corporation shall be elected by each district municipal corporation from amongst its members on the basis of proportionate representation as in the case of elections to the Senate.

(ii) in the existing proviso between the word “provided”

and the word “that” the word “further” shall be

inserted.

(viii) In the said Ordinance, in section 40, in sub-section (1)—

(a) between the word and comma “corporation”, and the words “municipal committee” the words and comma “a district municipal corporation,” shall be inserted.

Amendment of
certain section of
Sindh Ordinance

XIL of 1979

Amendment of
Section-20 of
Sindh Ordinance
XIL of 1979

Amendment of
section-38 of
Sindh Ordinance
No.XII 1979

Amendment of
section 40 of
Sindh Ordinance
No.XII of 1979

(ix)

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(6) for the proviso, the following shall be substituted:—

“Provided that no corporation shall undertake such functions as are assigned to and performed by a development authority established by law within the limits of such corporation until the dissolution of the development authority;

Provided further that Government may at any time require the metropolitan corporation to perform any function of a district municipal corporation subject to such conditions as Government may specify”.

In the said Ordinance, in section 53, in sub-section (4),

after the words “against it’ the words “to Government” shall be inserted.

(x)

(xi)

(1) In the said Ordinance, in section 60—

(a) in sub-section (1), in the proviso, the full stop at the end shall be replaced by a colon and thereafter the following further proviso shall be added:—

“Provided further that where a tax, toll or fees is leviable both by the Metropolitan Corporation and a district Municipal Corporation, the district municipal corporation shall not levy such tax, toll except with the sanction of the metropolitan corporation;

Provided also that Government may direct the metropolitan corporation to levy any tax, rates, toll or fees leviable by a district municipal corporation subject to such conditions as Government may specify.”

(b) After sub-section (1), the following new section shall be inserted :—

“(2) The Metropolitan Corporation shall give share of the taxes, rates, toll or fees collected by it to the District Municipal Corporations in such proportion as may be determined by Government.”

In the said Ordinance, in section 81, in sub-section (1)—

(i) The following proviso shall be inserted:—

“Provided that for the employees of the Karachi Metropolitan Corporation and _ District Municipal Corporations in Karachi there shall be constituted a service known as the unified Municipal Service which shall be governed in the prescribed manner by a Service

Amendment of
section 53 of
Sindh Ordinance
No.XII of 1979

Amendment of
section-60 of
Sindh Ordinance
No.XII of 1979

Amendment of
section 81 of
Sindh Ordinance
No.XII of 1979

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Board constituted by Government in the Karachi Metropolitan Corporation, having suitable representation of the district Municipal Corporation.”

(ii) In the existing proviso, between the word “Provided” and the word “that” the word “further” shall be inserted.

(xii) In the said Ordinance, for section 96 the following shall be substituted:—

“96 Delegation The Controlling Authority may delegate any of its Powers powers under this chapter to any person.”

(xiii) In the said Ordinance, after section 105, the following

new section shall be inserted :—

“105A Powersof | EXcePt where Government is the controlling Govt. to give Authority if in the opinion of Government anything direction to the done or intended to be done by the Controlling Controlling Authority is not in conformity with law or is in any Authority. way against public interest, Government may be

order suspend the execution of any order made by the Controlling Authority prohibit the doing of anything proposed to be done and require the Controlling Authority to take such action as may be specified.

OSB-Only (1) Government may establish Utility Boards consisting of a Chairman and such official and non-official members including the representatives of the agencies dealing

with public utility services, as may be appointed by, it in such areas

as may be notified.

(2) | The Board shall coordinate the activities of the said

agencies and perform such other functions as may be assigned to it. For the purpose of this section, the term “public utility

service” includes supply of electricity, gas or water t the public and any system of public conservancy and sanitation.”.

(xiv) In schedule |I—

(1) for entries against No. 1, the following shall be substituted :

“1. Karachi Metropolitan 90 Members.
Corporation (Mayor, Deputy Mayor and 13 members

elected on general seats, 3 members

on special seats, one each for
peasants/ workers, women = and
minorities, from each District Municipal
Corporation)

Amendment of
section-9%6 of
Sindh Ordinance
No.XII of 1979.

Amendment of
section 105 of
Sindh Ordinance
No. XII of 1979

Amendment of
Schedules of
Sindh Ordinance
No. XIV of 1979

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Such number of Members for each

District Municipal Corporation as

determined by Government.

(ii) In entry against serial No.2, between the words
"Corporations and Municipal Committees" the words
"other than the District Municipal Corporation" shall
be inserted.

District Municipal
Corporations"

(xv) In the said Ordinance, in Schedule II, for Part, the
following shall be substituted:—

PART—I

"FUNCTIONS TO BE PERFORMED BY THE METROPOLITAN CORPORATION

EXCLUSIVELY"

1. Planning, development and maintenance of inter-district Roads, Bridges, Street Lights and Storm water drains.
2. Special Development Programme.
3. Coordination, Monitoring and supervision of all inter district development/ maintenance work.
4. Maintenance of Abbatoriors and cattle colonies to be specified by Government.
5. Medical College and Teaching/ Specialized Hospitals
e.g. Karachi Medical and Dental College, Abbasi Shaheed Hospital, Sobhraj Maternity Home, Sarfaraz Shaheed Hospital, Soencer's Eye Hospital.
6. Leprosy Hospital and such other institutions as specified by Government.
7. Zoological Gardens, Safari Park, Aquarium, Sports Complex and Beeches.
8. Art Gallery, Museum and Metropolitan Library
9. Municipal Watch and Ward.
10. Fire Fighting Service.

11.Civil Defence.

12. Traffic Engineering.

13. Milk Supply Schemes.

14.Land Control/ Removal of Encroachments.

15.Solid Waste Management.

Amendment of
schedules II ___ of
Sindh Ordinance
No. XII of 1979.

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16.Celebration of national Days.

17.Reception of foreign dignitaries/ distinguished guests.

18. Any other function which government may assign.

PART I-A
FUNCTIONS TO BE PERFORMED BY THE DISTRICT MUNICIPAL
CORPORATIONS

All functions of the Municipal Committees except those in Part-I

(xvi) In the said Ordinance, in Schedule V : Amendment ____ of
Schedules V__ of

(a) For Part-I the following shall be substituted. Sindh Ordinance
No. XII_of 1979.

PART—I

TAXES, RATES, TOLLS AND FEES TO BE LEVIED BY THE
METROPOLITAN CORPORATION

. Tax on the import of goods for consumption use or sale in
the Karachi Metropolitan area.

Fire Tax.

Conservancy Tax.

Drainage Tax.

ae. ON

Fees for slaughtering of animals.

PART I—A

TAXES, RATES, TOLLS AND FEES TO BE LEVIED BY THE DISTRICT
MUNICIPAL CORPORATIONS

All taxes recoverable under this Ordinance by the Municipal
Committees except those leviable and collected by _ the
Metropolitan Corporation.

(b) For the heading of Part-II, the following shall be
substituted;

“TAXES, RATES, TOLLS AND FEES WHICH MAY BE LEVIED BY
MUNICIPAL COMMITTEES AND TOWN COMMITTEES AND A
CORPORATION EXCLUDING THE METROPOLITAN
CORPORATION”.

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(xvii) Notwithstanding anything contained in the Sind Local Government Ordinance, 1979—

(a) the electrol units for the district municipal corporations shall be notified by the Government;

(b) the metropolitan corporation functioning immediately before the coming into force of the Sindh Local Government (Amendment) Act, 1996 shall continue to function until the Karachi Metropolitan Corporation and the District Municipal Corporation are constituted and start functioning;

(c) the Karachi Metropolitan Corporation shall with the approval of Government, prepare statement of estimated receipts and expenditure for the financial year 1995-96 in respect of metropolitan corporation and the District Municipal Corporations;

(d) Government may distribute the assets and _ liabilities including movable and immovable property between the metropolitan corporation and the district municipal corporation in such manner and proportion as deemed fit and allocate the officers and employees of the metropolitan corporation to serve the metropolitan corporation and district municipal corporation.

(e) where any difficulty arises within twelve months of coming into force of the Sindh Local Government (Amendment) Act, 1996 as to the implementation of the provisions of the said Act, Government may give appropriate directions for removal of such difficulty.