

SINDH ACT NO.LIII OF 2013

THE SINDH LOCAL GOVERNMENT (AMENDMENT) ACT, 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;

It is hereby enacted as follows:-

1.(1) This Act may be called the Sindh Local Government (Amendment) Act, 2013.

(2) It shall come into force at once.

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

(

i)

iii) in clause (xvii), after the words "District

)

as

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

clauses (i) and (xxi) shall be omitted;

Council", the words "Union Committee" shall be inserted;

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 (ii) shall be substituted by the following :-

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

[2"¢ November, 2013]

Preamble.

Short title and commencement.

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

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(vi) clause (xcviii) shall be omitted.

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.

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

Amendment of section  
8 of Sindh Act No.XLIII 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.

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9. In the said Act, in section 18 - Amendment of section 18 of Sindh Act No.XLII  
(a) in sub-section (1), after the words "elected of 2013.

members", the words "as provided in this Act or" shall be inserted;

(6) 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."



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(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.”.

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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.”

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

14. — In the said Act, in section 34-

(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  
28 of Sindh Act No.XLII  
of 2013.

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

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

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15. In the said Act, in section 37, in sub-section (1), the Amendment of section

provisos shall be omitted. 37 of Sindh Act No.XLII  
of 2013.

16. — In the said Act, in section 39— Amendment of section

39 of Sindh Act No.XLII

(i) in sub-section (2), after the word “prepared”, the of 2013.  
words “or adopted” shall be inserted.

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

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

18. — In the said Act, in section 41 - Amendment of section

41 of Sindh Act No.XLII

(i) for sub-section (1), the following shall be of2013.  
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;”.

19. In the said Act, in sub-section (3) of section 42 for Amendment of section

the words “to the Election Commission” the words “to the 42 of the Sindh Act No.

District Returning Officer”, shall be substituted. XLII of 2013

20. In the said Act, section 45 shall be omitted. Omission ofsection 45  
of the Sindh Act No. XLII  
of 2013

21. In the said Act, in section 71, for the word “Chapter” Amendment of section

the word “Act”, shall be substituted. mere Sindh Act No.



22.

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

23.

"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.

In the said Act, for clause (c) of sub-section (1) of

section 119, the following shall be substituted:-

24.

25.

26.

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

In the said Act, in section 132 -

(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.

In the said Act, section 134 shall be omitted.

In the said Act, after section 153, the following new

sections shall be inserted:-

"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

Amendment of section

75 of the Sindh Act No.

XLII of 2013

Amendment of section

119 of Sindh Act No.XLII

of 2013.

Amendment of section

132 of Sindh Act No.XLII

of 2013.

Omission of section 134

of the Sindh Act No. XLII

of 2013

Insertion of new

sections 153-A and

153-B in Sindh Act

No.XLII of 2013.

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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 —

(i) in Part-B —

(a) under the heading “Municipal

(b

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;

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

U

UNION COMMITTEES AS MAY BE DETERMINED BY THE GOVERNMENT”, the following shall be substituted:-

Union Council

Population between 10000 to 15000

nion Committee in Municipal Corporation

U

Population between 10000 to 15000

nion 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-I of Sindh Act  
No.XLII of 2013.

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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;

(6) 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.

**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.**