

SINDH ACT NO.XX OF 1996
THE SINDH LOCAL GOVERNMENT (SECOND AMENDMENT) ACT, 1996

[5 November, 1996]

An Act to amend the Sindh Local Government Ordinance, 1979.

WHEREAS it is expedient to amend the Sindh Local Preamble. 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 Short title and

(Second Amendment) Act, 1996. commence-
ment.

(2) It shall come into force at once.

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

Ordinance XII of

(i) In clause (14), in sub-section (c), for the words “ora 1979. union council” the words “a union council or deh panchayat” shall be substituted;

(ii) in clause (15), for the words “or union council”, the words “union council or deh panchayat” shall be substituted;

(iii) | after clause (17), the following new clause shall be inserted:-

“(17-A) “deh” means a revenue deh;”;

(iv) after clause (18), the following new clause shall be inserted:-

“(18-A) “deh panchayat” means a deh panchayat for one or more dehs constituted under this Ordinance;”;

(v) in clause (47) the words “village or” shall be deleted:

(vi) in clause (63) after the word “council”, the words “or a deh panchayat” shall be added.

3. In the said Ordinance, in section 10— Amendment of section 10 of

(i) in sub section (1), in clause (b), for sub-clause (i), Sindh ordinance

the following clauses shall be substituted:- No.XII of 1979.

THE SINDH LOCAL GOVERNMENT (SECOND AMENDMENT) ACT, 1996

- “(i) a deh panchayat for one or more dehs;
(ii) a Union council for each union;”;
(ii) in sub section (2), for the words “or a district council”, the comma and the words “a district and a union council” shall be substituted.
4. In the said Ordinance, in section 14, for clauses (a) and (b) including the proviso, the following shall be substituted:-

“(a) such number of members as are specified in or may be determined under Schedule-;

(6) such number of members from the local areas to represent peasants, tenants, workers, women or members of minority community as Government may specify;

Provided that the number of members representing women shall not be less than two.

5. In the said Ordinance, in section 16, after sub-section (2), the following new sub-sections shall be inserted:-

“(2-A) Notwithstanding anything contained in sub-sections (1) and (2), Government may by notification dissolve a council or councils before expiry of the term under sub-section (1) for the purpose of holding fresh elections.

(2-B) On such dissolution, all powers and functions of a council shall be exercised and performed by such person or authority as Government may appoint in this behalf as Administrator and the funds and property belonging to the council shall vest in Government until new council is inducted into office.”.

6. In the said Ordinance, in section 20, in sub-section (1), before the full stop, the words “or to a member of a district council or deh panchayat on his becoming the chairman or, as the case may be, the member of a union council” shall be added.

7. In the said Ordinance, in section 23, the full stop at the end shall be replaced by a colon thereafter the following provisos shall be added:-

Amendment of
section 14 of
Sindh Ordinance
No.XII of 1979.

Amendment of

section 16 of
Sindh Ordinance
No.XII of 1979.

Amendment of
section 20 of
Sindh Ordinance
No.XII of 1979.

Amendment of
section 23 of
Sindh Ordinance
No.XII of 1979.

THE SINDH LOCAL GOVERNMENT (SECOND AMENDMENT) ACT, 1996

“Provided that the Chairman of a deh panchayat shall be such member of the deh panchayat who is the oldest in age and where more than one member are of the same age, the Chairman may be elected from amongst such members by draw of lots:

Provided further that the Chairman of a union council shall be such member of the District Council who is elected from the local area of such union council.”.

8. In the said Ordinance, in section 35, for sub-section (2), the following shall be substituted:-

“(2) The Election Authority shall have power to consolidate the electoral rolls mentioned in sub-section (1) and it shall arrange to have the electoral rolls split up in such manner that there shall be separate electoral rolls for each electoral unit.”.

9. In the said Ordinance, in section 37-A, for sub-section (1) including its proviso, the following shall be substituted:-

“37-A(A) Notwithstanding any other provision of this ordinance no person contesting an election to a council shall raise any parochial, racial, tribal, sectarian or provincial slogan:

Provided that no person contesting an election to a deh panchayat shall for the purpose of such election, use the name, flag, symbol or ticket of a political party or its platform but no candidate shall be disqualified from contesting election by reason only of his being a member of a political party.”.

10. = In the said Ordinance, in section 38, in sub-section (2), for the words and comma “or tenant, except”, the comma and the words “tenant or” shall be substituted.

11. In the said Ordinance, for section 39, the following shall be substituted:-

All elections under this Ordinance shall be organized and conducted in accordance with the rules.

"39 (1)

(2) The Election Authority shall, by notification in the official Gazette, appoint a person who is or

Amendment of
section 35 of

Sindh Ordinance
No.XII of 1979.

Amendment of
section 37-A of
Sindh Ordinance
No.XII of 1979.

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

Amendment of
section 39 of
Sindh Ordinance
No.XII of 1979.

has been in the Service of Pakistan to be an Election Tribunal for such area as may be specified in the notification.

(3) Where the person constituting an Election Tribunal is succeeded by another, the trial of a petition shall continue before the person so succeeding and any evidence already recorded shall remain upon the record and it shall not be necessary to re-examine the witnesses who have already been examined and discharged.

(4) The Election Authority either of its own motion or on an application made in this behalf by any of the parties, may, at any stage, transfer an election petition from one Tribunal to another Tribunal in the Province, and the Tribunal to which the petition is so transferred shall proceed with the trial of the petition from the stage at which it was transferred:

Provided that the Tribunal to which an election petition is so transferred may if it thinks fit, recall and examine any of the witnesses already examined.

(5) The Election Authority and Election Tribunal shall have all the powers of a civil court under the Code of Civil Procedure, 1908, and shall be deemed to be such Courts within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

(6) The Election Authority may frame rules to provide for the manner in which an election petition is to be presented and heard by the Election Tribunal and also specifying the factors and the basis which shall be taken into consideration for the disposal of an election petition.

(7) The election offences and illegal and corrupt practices and penalties therefor shall, for the purpose of election to a council be the same as provided in the law relating to the elections

of the Provincial Assembly for the time being in force.”

12.

the following new sub-section shall be added:-

In the said Ordinance, in section 40, after sub-section (4),

“(5) Subject to any direction of Government, a deh exercise such powers and perform such functions as are exercised and performed by a panchayat in urban area and the relevant provisions of this Ordinance and panchayat shall

the rules shall mutatis mutandis apply to a deh panchayat.”.

13.

In the said Ordinance, in section 100—

(a)in sub-section (1), for the words “one thousand”, the words “two thousand”, and for the words “six months”, the words “one year”, shall be substituted respectively.

(b)in sub-section (2), for the words “five hundred”, the words

“one thousand”,

and for the words “fifty

rupees”, the words “one hundred rupees”, shall be substituted respectively.

14.

In the said Ordinance, in Schedule-| for paras 1-A to 4 and

Note thereunder, the following shall be substituted:-

“2. Councils other than the Karachi Metropolitan Corporation.

Such number of members as may be determined by Government:

Provided that a member from each deh

punchayat in a union council who has secured the highest number of votes in the election of deh punchayat shall be the member of that union council:

Provided further that where more than one member has secured equal number of votes or where a deh punchayat is elected un-opposed, the member to represent such deh punchayat in the union council shall be determine by draw of lots from amongst the members of that deh punchayat.

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

Amendment of
section 100 of
Sindh Ordinance
No.XII of 1979.

Amendment of
Schedule | to the
Sindh Ordinance
No.XII of 1979.

SINDH ACT NO.XX OF 1996

THE SINDH LOCAL GOVERNMENT (SECOND AMENDMENT) ACT, 1996

Provided also that the Controlling Authority in case of deh punchayat may co-opt, such number of persons as members of deh punchayat as he deems fit but such members shall not have the right to vote.”.