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SIND ORDINANCE NO.V OF 1976

THE SIND PEOPLE'S LOCAL GOVERNMENT (AMENDMENT) ORDINANCE, 1976

[1st May, 1976]

An Ordinance to further amend the Sind People's Local Government Ordinance, 1972.

Preamble.

WHEREAS it is expedient to further amend the Sind People's Local Government Ordinance, 1972, in the manner hereinafter appearing;

AND WHEREAS The Provincial Assembly is not in session and the Governor of Sind is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sind is pleased make and promulgate the following Ordinance:-

Short title and commencement.

1. (1) This Ordinance may be called the Sind People's Local Government (Amendment) Ordinance, 1976.

(2) It shall come into force at once.

Amendment of section 2 of Sind Ordinance Ii of 1972.

2. In the Sind People's Local Government Ordinance, 1972, hereinafter referred to as the said Ordinance, in section 2—

(i) After clause (8), the following new clause (8-A) shall be inserted:-

"(8-A) 'City' means an urban area declared as a city under this Ordinance;";

(ii) for clause (12), the following shall be substituted:-
"(12) 'Corporation' means a Metropolitan Corporation or a Municipal Corporation;";

(iii) for clause (35), the following shall be substituted:-

"(35) 'Mayor' means the Mayor of a Corporation;";

(iv) after clause (36), the following clauses shall be inserted:-

"(36-A) 'metropolitan Corporation' means a Metropolitan Corporation constituted under this Ordinance;

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"(36-B) 'Municipality' means an urban area declared as a municipality under this Ordinance;";

(v) for clauses (42) and (43), the following shall be substituted:-

"(42) 'People's Local Council' means a Corporation, People's District Council, People's Town Committee or People's Municipal Committee;

"(43) 'People's Municipal Committee' means a Municipal Committee constituted under this Ordinance;".

Amendment of section 4 of Sind Ordinance II of 1972.

3. In the said Ordinance, in section 4, in sub-section (2), for clause (b), the following shall be substituted and shall be deemed always to have been so substituted:-

"(b) All Union Councils, District Councils, Town Committees, Municipal Committees and Karachi Municipal Corporation existing immediately before coming into force of this Ordinance, shall be deemed to be the People's Local Councils and the officials or Administrators performing the duties and functions of such Councils shall continue to perform such duties and functions until newly elected Councils assume office in accordance with the provisions of this Ordinance; provided that Government may, in the meantime, remove or transfer any such official or Administrator and appoint any other person to be Administrator or official of such Council or make any other arrangement for running of the affairs of the Council.".

Insertion of section 4-A in Sind Ordinance II of 1972.

4. In the said Ordinance, after section 4, the following section shall be inserted:-

Conversion of Municipal Committees and Town Committees.

"4-A. Notwithstanding anything contained in this Ordinance, Government may by notification, order that from such date as may be specified in the notification, there shall be constituted--

(i) a Metropolitan Corporation for the local area of the existing Karachi Municipal Corporation;

(ii) a Municipal Corporation for the local area of the existing People's Municipal Committee of Hyderabad;

(iii) a People's Municipal Committee for a local area of every People's Town Committee." .

Amendment of section 5 of Sind Ordinance II of 1972.

5. In the said Ordinance, for section 5, the following shall be substituted:-

Succession.

"5. A People's Local Council constituted under this Ordinance for any local area shall, unless Government, by notification, specifies otherwise, be deemed to be the successor of the existing Council for such area.".

Amendment of sections 8 to 11 of Sind Ordinance II of 1972.

6. In the said Ordinance, for sections 8 to 11, the following sections shall be substituted and section 9 shall be deemed always to have been so substituted:-

Declaration of urban areas.

"8. (1) Government may, after inviting objections from the residents of an area and hearing those from amongst them who wish to be heard, declare by notification such area to be an urban area.

(2) All areas within the jurisdiction of Town Committee, Municipal Committee, Municipal Corporation, Karachi Development Authority Town-ship, Cantonment Board and the Karachi Port Trust at the time of coming into force of this Ordinance, shall be deemed to be urban area.

Town, Municipality and City.

9. (1) Government may, by notification, declare any urban area other than the area of a Cantonment Board as –

(a) a town;

(b) a municipality;

(c) a city.

(2) Subject to sub-section (1), any area within the jurisdiction of a Town Committee, Municipal Committee and Municipal Corporation at the time of coming into force of this Ordinance, shall respectively be deemed to be a town, municipality and city.

(3) Government may, after inviting objections from the residents of any town, municipality or city and hearing those from amongst them who wish to be heard, declare by notification such town as municipality and such municipality as city or vice versa.

Alteration of limits of town Municipality etc.

10. Government may, after inviting objections from the residents of any town, municipality or city and hearing those from amongst them who wish to be heard, by notification, extend, curtail or alter the limits of such town, municipality or city, or declare that any such town, municipality or city shall, from a specified date, cease to be a town, municipality or city, respectively.

Councils.

11.(1) As soon as may be the following Councils shall be constituted in an urban area—

(a) a Town Committee	for each town.
(b) a Municipal Committee	for each Municipality.
(c) a Corporation	for each city.

(2) A council constituted under sub-section (1) shall consist of such number of members as Government may in accordance with any formula or otherwise determine.

(3) A council constituted under sub-section (1) shall, unless Government or any officer empowered in this behalf notifies otherwise, be known as the Council of the place where its office is situated.".

Amendment of section 12 of Sind Ordinance II of 1972.

7. In the said Ordinance, in section 12, sub-section (1), for the words "the Corporation and the six people's Municipalities at a joint sitting", the words "Corporation shall at its first meeting" shall be substituted.

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Amendment of section 14 of Sind Ordinance II of 1972.

8. In the said Ordinance, for section 14, the following shall be substituted:-

Function of the Corporation and Municipal Committee.

"14. A Corporation or a People's Municipal Committee shall, subject to rules and directions given by Government and within the limits of the funds at its disposal, undertake all or any of the functions given in Schedule II:

Provided that the Karachi Metropolitan Corporation shall not undertake such functions as are assigned to and performed by the Karachi Development Authority under the Karachi Development Authority Order, 1957, until the dissolution of such Authority.".

Amendment of section 18 of Sind Ordinance II of 1972.

9. In the said Ordinance, for section 18, the following shall be substituted:-

Composition of District Council.

"18. A People's District Council constituted under this Ordinance shall consists of such number of members, not less than twenty, as Government may in accordance with any formula or otherwise determine.".

Amendment of section 100 of Sind Ordinance II of 1972.

10. In the said Ordinance, in section 100, for sub-section (1), the following shall be substituted:-

"(1) An offence under this Ordinance shall be punished with a fine which may extend to one thousand rupees."

Omission of Schedule I and Schedule IV to Sind Ordinance II of 1972.

11. In the said Ordinance, Schedule I and Schedule IV shall be omitted.

Amendment of Schedule II to Sind Ordinance II of 1972.

12. In the said Ordinance, in Schedule II—

(i) the words, figures and brackets "SCHEDULE II (See section 14)" and the heading and Part I there-under shall be omitted;

(ii) in Part II, for the word and figure "PART II" and the existing heading, the following shall be substituted:-

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"SCHEDULE II
(See section 14)

Functions of the Corporations and Municipal Committees.".

Amendment of Schedule VII to Sind Ordinance II of 1972.

13. In the said Ordinance, in Schedule VII—

(i) the heading before Part I and Part II shall be omitted;

(ii) in Part III-

(a) for the existing heading, the following heading shall be substituted:-

"Taxes, Rats, Tolls and Fees to be levied by Corporations, People's Municipal Committees and People's Town Committee.";

(b) in entries 4,5,19,22 and 23, for the words "People's Municipality", the words and comma "Corporation, People's Municipality or People's Town Committee" shall be substituted.