



EXTRAORDINARY

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PART-I

GOVERNMENT OF SINDH

LAW DEPARTMENT

NOTIFICATION

Karachi, the 19th June, 2002

No. S.LEGIS:1(19)/2002/ :—The following Ordinance made by the Governor of Sindh is hereby published for general information:—

THE SINDH LOCAL GOVERNMENT (THIRD AMENDMENT)
ORDINANCE, 2002.

SINDH ORDINANCE NO. XIX of 2002

AN ORDINANCE

to further amend the Sindh Local Government Ordinance, 2001

WHEREAS it is expedient to amend the Sindh Local Government Ordinance, 2001, in the manner hereinafter appearing; Preamble.

AND WHEREAS the Provincial Assembly stands dissolved in pursuance of the Proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action,

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of Sindh is pleased to make and promulgate the following Ordinance:-

- Short title and commencement:**
2. (1) This Ordinance may be called the Sindh Local Government (Third Amendment) Ordinance, 2002.
- (2) It shall come into force at once and shall be deemed to have taken effect on and from 1st June, 2002.
- 2. Amendment in Proviso to Section 1(3).** The proviso shall be substituted with the following:
- “Provided that the provisions as contained in Chapter XII and Chapter XII-A shall be applicable with immediate effect except sections 107, 108, 109, 114, 115 and 115-A, contained in Amendment 16 and Amendment 23 which shall come into force from first July 2002”
- 3. Amendments in Section 2:** (1) In the definition of ‘decentralize’ in sub-section (vii), immediately before the word “management”, the following words shall be inserted:
- “operation, functioning and”.
- (2) In the definition of “disaster” in sub-section (ix), the word “damages” shall be replaced with the word “damage”.
- (3) The definition of “mal-administration” in sub-section (xvii) shall be substituted with the following:
- “mal-administration” means and includes-
- (a) an act of omission or commission, a decision, process or recommendation, which:
- (i) is contrary to the law, rules or regulations or is a departure from established practice or procedure, or

- (ii) arbitrary, biased, discriminatory, oppressive, perverse, unjust or unreasonable, or
 - (iii) is based on irrelevant grounds, or
 - (iv) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as administrative excess, bribery, favoritism, jobbery and nepotism;
- (b) delay, inaction, incompetence, inefficiency, ineptitude or neglect, in the administration or discharge of duties and responsibilities; or
 - (c) repeated notices, prolonged hearings or unnecessary attendance while deciding cases; or
 - (d) avoidance of disciplinary action against an officer or official whose action is held by a competent authority to be biased, capricious, patently illegal or vindictive."

(4) After sub-section (xxvii-a), the following new sub-sections shall be inserted:

"(xxvii-b) "Provincial Allocable Amount" means the expenditure charged upon the Provincial Consolidated Fund declared as such for distribution among Local Governments in accordance with the provisions of the Ordinance;

(xxvii-c) "Provincial Consolidated Fund" means the same as described in Article 118 of the Constitution of the Islamic Republic of Pakistan;

(xxvii-d) "Provincial Retained Amount" means the balance of the Provincial Consolidated Fund after subtraction of the Provincial Allocable Amount from it."

(5) In the definition of "rent", in sub-section (xxix), before the semi-colon, the following words shall be inserted:

"or use of any machinery, equipment or vehicle".

4. Amendment in Section 16(1): Before the words "management and control", the word "operation," shall be inserted.

5. Amendment in Section 39: Clause (b) shall be substituted with the following:

"(b) approve taxes proposed by the District Government on the subjects specified in Part-I of the Second Schedule, or in case of a City District, on subjects specified in Part-II of the Second Schedule."

6. Amendments in Section 54(1): (1) Sub-clause (l): Sub-clause (l) shall be substituted with the following:

"propose taxes, cesses, user fees, rates, rents, tolls, charges, surcharges, levies, fines and penalties under Part-III of the Second Schedule for approval of the Taluka and notify the same after such approval;"

(2) Sub-clause (g): In sub-clause (g), the words "and Taluka Council" shall be deleted, and a semi-colon after the word "Administration" shall be inserted.

7. Insertion of New Section 54-A: The following new Section 54-A shall be inserted to read as follows:

"54-A Functions and Powers of the Town Municipal Administration: The functions and powers of the Town Municipal Administration shall be to:

(a) within the framework of the spatial/master plans for the City District, prepare spatial plans for the Town in collaboration with Zila and Union Councils including plans for land use, zoning and functions for which the Town Municipal Administration is responsible;

(b) enforce, in addition to its own, all municipal laws for and on behalf of City District Government, if required by such City District Government at the cost and expense of the latter;

(c) execute and manage development plans for the functions which are performed by the Town Municipal Administration;

- (d) within the framework of the spatial and Master plan for the City District, exercise control over land use, land sub-division, land development and zoning by public and private sectors for any purpose, including for agriculture, industry, commerce markets, shopping and other employment centers, residential, recreation, parks, entertainment, passenger and transport freight and transit stations;
- (e) prevent and remove encroachments;
- (f) procure and compile information provided by Union, Village Council and neighborhood councils of prioritized projects in the towns;
- (g) prepare budget and long term and annual town municipal development programmes in collaboration with the Union Councils, under the directions of Town Nazim;
- (h) maintain, with the assistance of the City District Government, Union, Village and Neighbourhood Councils, a comprehensive data base and information system for Town Municipal Administration and provide public access to it on nominal charges;
- (i) propose taxes, cesses, user fees, rates, rents, tolls, charges, levies fines and penalties under Part-IV of the Second Schedule for approval of the Town Council and notify the same after such approval;
- (j) collect taxes, cesses, user fees, rates, rents, tolls charges, fines and penalties;
- (k) organise local sports, cultural and recreational events, fairs and shows;
- (l) organise cattle fairs and cattle markets;
- (m) regulate markets and services and issue licenses, permits, grant permissions and impose penalties for violations thereof as and where applicable;
- (n) manage properties, assets and funds vested in the Town Municipal Administration;
- (o) develop and manage schemes, including site development in collaboration with City District Government and Union Administration;
- (p) provide, manage, operate, maintain and improve the municipal infrastructure and services, including:
 - i) water supply distribution other than integrated systems maintained by or on behalf of the City District;

- ii) sewerage system other than an integrated system maintained by or on behalf of City District excluding sewerage treatment and disposal;
 - iii) solid waste collection and conveyance to transfer stations designated by the Town but excluding treatment and disposal of waste;
 - iv) street lighting;
 - v) fire fighting; and
 - vi) parks, playgrounds, open spaces and arboriculture, other than major facility maintained by the City District;
 - vii) slaughter houses.
- (q) authorize an officer or officers to issue notice to a person committing any municipal offence and initiate legal proceedings for continuance of commission of such offence or for failure to comply with the directions contained in such notice;
- (r) prosecute, sue and follow criminal, civil and recovery proceedings against violations of municipal laws;
- (s) maintain town municipal records and archives; and
- (t) prepare financial statements and present them for internal and external audit in the manner as may be prescribed."

8. Insertion of New Section 58-A. The following new section 58-A shall be inserted to read as follows:

"58-A. Town or Taluka Officer. -The functions and powers of the Town or Taluka Officer (TO) of the Town or Taluka Municipal Administration shall be to:

- (a) ensure that the business of the office under his administrative control is carried out in accordance with law and the rules and the human and material resources placed at his disposal are optimally utilized to improve governance;
- (b) co-ordinate and supervise the activities of the office and ensure efficient service delivery by the functionaries under his administrative control;

- (c) supply information to the Monitoring Committees of the Town or Taluka Council and Union Councils;
- (d) take appropriate corrective actions based on the information received from Monitoring Committees;
- (e) enforce relevant Federal, Provincial and municipal laws and rules;
- (f) prepare development plans and propose budgetary allocations for their execution;
- (g) implement approved plans and policies
- (h) authorize disbursement of performance bonuses to the employees;
- (i) prepare proposals for expenditures necessary for the proper conduct of programs, projects, services, and other activities;
- (j) propose relevant bye laws on service delivery to the Town or Taluka Municipal Officer; and
- (k) act as Departmental Accounting Officer for his respective office and be responsible to the Accounts Committee of the Town or Taluka Council"

9. **Amendment in Section 67(i):** In this sub-section, in line 2, replace the expression "Part-II" with the words "Part-III".

10. **Insertion of New Section 67-A:** The following new Section 67-A shall be inserted to read as follows:

"67-A. Functions and Powers of the Town Council: - The functions and powers of the Town Council shall be to:

- (a) approve taxes, cesses, rates rents, fees, user charges, tolls, levies, fines and penalties proposed by Town Municipal Administration specified in Part-IV of the Second Schedule;
- (b) approve annual budget and appropriation for the Town Municipal Administration;
- (c) approve long and short term development plans;

- (d) approve posts of personal staff for the office of Town Nazim and the terms and conditions of their service; provided that, no post of advisor special assistant, press or political secretary to the Town Nazim shall be sanctioned or approved;
- (e) elect monitoring committees of the Town Council to monitor the working of the Town Municipal Administration and the provision of municipal services;
- (f) ensure that monitoring committees perform their functions in a non-intrusive manner without interfering in the day to day working of the relevant offices of the Town Municipal Administration and do not assume a command and control role;
- (g) review the reports of the monitoring committees and make appropriate recommendations to the Town Nazim;
- (h) elect Ethics Committee which shall be responsible for enforcing the code of conduct for regulating the conduct of the members of the Town Council;
- (i) elect an *Insaaf* committee for interacting with the *Insaaf* committee of the Zola Council;
- (j) elect Town Accounts Committee to review the audit reports of the accounts of Town Municipal Administration;
- (k) review the performance of Town Municipal Administration presented by the Town Nazim;
- (l) recommend by resolution to City District Government to undertake measures for improving delivery of municipal services to the Towns.
- (m) to approve bye-laws for delivery of municipal services;
- (n) to approve land use, zoning and master plan of the town development and maintenance programmes or projects proposed by the Town Municipal Administration;
- (o) to require by resolution, the Town Municipal Administration to undertake measures for improvement in the delivery of municipal services; and

11. Amendment in Section 75: After the proviso to sub section (3) the following new sub section shall be inserted:

