

EXTRAORDINARY

Registered No. M324



The Sindh Government Gazette

Published by Authority

KARACHI, FRIDAY, DECEMBER 24, 2021

PART-IV

PROVINCIAL ASSEMBLY OF SINDH NOTIFICATION

KARACHI, THE 24TH DECEMBER, 2021

NO.PAS/LEGIS-B-40/2021-The Provincial Assembly of Sindh in its sitting held on 26th November, 2021 passed the Sindh Local Government (Amendment) Bill, 2021 and was sent to the Governor for accord his assent as required under clause (2)(a) of Article 116 of Constitution of the Islamic Republic of Pakistan, 1973 but he, instead of accord assent to the Bill, returned the same with message in exercise of powers vested upon him under clause 2(b) of Article 116 of the Constitution.

The Provincial Assembly of Sindh in its sitting held on 11th December, 2021 reconsidered the Bill under clause (3) of Article 116 and passed the same with amendments thereof which was again sent to the Governor for assent.

The period of ten days has been elapsed and the subject bill shall be deemed to have been assented by the Governor under clause (3) of Article 116 of the Constitution and is hereby published as an Act of the Legislature of Sindh.

THE SINDH LOCAL GOVERNMENT (AMENDMENT) ACT, 2021.

SINDH ACT NO. XXXII OF 2021

AN
ACT

to amend the Sindh Local Government Act, 2013.

L(civ)-126 - EXT-IV-32

(21-E)

Price RS. 50.00.

WHEREAS it is expedient to amend the 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, 2021. **Short title and commencement.**
- (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 – **Amendment of section 3 of Sindh Act No.XLII of 2013.**
 - (a) in clauses (xvi), for the word "District", the word "Town" shall be substituted;
 - (b) clause (xxii) shall be omitted;
 - (c) after clause (xiv), the following new clause shall be inserted:-

"(xiv-a) "Municipal Corporation" means a Municipal Corporation constituted in a city area in a Divisional headquarters except Metropolitan Corporation under this Act;"
 - (d) after clause (li), the following new clause shall be inserted:-

(li-a) "person with disabilities" shall have the same meaning as assigned to it under clause (s) of the Sindh Empowerment of 'Persons with Disabilities' Act, 2018 (Sindh Act No.XLVIII of 2018);"
 - (e) after clause (lxxxiv), the following new clauses shall be inserted:-

"(lxxxiv-a) "Town in Metropolitan Corporation" means a Town in a Metropolitan Corporation notified under this Act;

(lxxxiv-b) "Town in Municipal Corporation" means the Town Municipal Corporation in a Municipal Corporation notified under this Act;"
 - (f) after clause (lxxxv), the following new clause shall be inserted:-

"(lxxxv-a) "transgender person" is a person who is, –

 - (i) inter-sex (khunsa) with mixture of male and female genital features or congenital ambiguities; or
 - (ii) eunuch assigned male at birth, but undergoes genital excision or castration; or
 - (iii) a transgender man, transgender woman, khawajasira or any person whose gender identity and/or gender expression differs from the social norms and cultural expectations based on the sex they were assigned at the time of their birth;"

3. In the said Act, in section 8, in sub-section (2), in clause (a) for the words "District Municipal Corporation", the words "Town Municipal Corporation" shall be substituted. **Amendment of section 8 of Sindh Act No.XLII of 2013.**
4. In the said Act, in section 10 – **Amendment of section 10 of Sindh Act No.XLII of 2013.**
- (i) in sub-section (3), in clause (d), the semi-colon at the end shall be replaced by a colon and thereafter the following proviso shall be added:-
- "Provided that the population in a specific case, Government may, for the reasons to be recorded, waive the aforesaid conditions in this sub-section.";
- (ii) after sub-section (5), the following new sub-section shall be added:-
- "(6) Notwithstanding anything herein contained, the Election Commission while carrying out the delimitation, shall, as far as possible, conform to the delimitation carried out for local government elections held in 2015 under this Act."
5. In the said Act, in section 14 – **Amendment of section 14 of Sindh Act No.XLII of 2013.**
- (i) in sub-section (1) –
- (a) after clause (d), the following new clause shall be inserted:-
- "(d-i) a Town Municipal Corporation in a Municipal Corporation;
- (b) after clause (e), the following new clause shall be added:-
- "(f) a Town Municipal Corporation in a Metropolitan Corporation;"
- (c) in sub-section (2), after the words "Municipal Corporation" wherever appearing, the comma and words "Town Municipal Corporation" shall be inserted.
6. In the said Act, in section 15 – **Amendment of section 15 of Sindh Act No.XLII of 2013.**
- (i) in clause (a) –
- (a) for sub-clause (iv) and (v), the following shall be substituted:-
- "(iv) Town Municipal Corporation in each Municipal Corporation;
- (v) Town Municipal Corporation in Metropolitan Corporation;"
- (b) in sub-clause (vi), the semi colon at the end shall be replaced by a colon and thereafter the following proviso shall be added:-

"Provided that no area shall be deemed to be rural area in a Metropolitan area;"

- (ii) in clause (b), in sub-clause (ii), for the proviso, the following shall be substituted:-

"Provided that there shall be no District Council in Karachi Division and Hyderabad District."

7. In the said Act, in section 17, after the words "Municipal Corporation", wherever appearing, the words "Town Municipal Corporation" shall be inserted.

**Amendment of
section 17 of Sindh
Act No.XLII of 2013.**

8. In the said Act, in section 18 –

**Amendment of
section 18 of Sindh
Act No.XLII of 2013.**

- (i) for the figures and words "5% for youth members, 5% for non-Muslim members and 5% for labourer or peasant member" wherever occurring, the figures and words "5% for youth members (at least one), 5% for non-Muslim members (at least one), 5% for labourer or peasant members (at least one), 1% for person with disabilities members (at least one) and 1% transgender person members (at least one)" shall be substituted;
- (ii) in sub-section (3), for the heading "District Municipal Corporation", the words "Town Municipal Corporation in a Metropolitan Corporation" and for the word "District" wherever appearing, the word "Town" shall be substituted;
- (iii) in sub-section (4), in clause (a), for the word "Districts", the word "Towns" shall be substituted;
- (iv) after sub-section (7), the following new sub-section shall be added:-

"7-A. Town Municipal Corporation in a Municipal Corporation. There shall be a Town Municipal Corporation for each Town in a Municipal Corporation and shall comprise of the following members:-

- (a) all the elected Vice-Chairmen of the Union Committees falling within that Town;
- (b) reserved seats to the extent of 33% for women members, 5% for youth members (at least one), 5% for non-Muslim members (at least one) and 5% for labourer or peasant members (at least one), 1% for person with disabilities members (at least one) and 1% transgender person members (at least one) elected in the manner provided in section 18-A;

(c) the Town Municipal Corporation so constituted shall elect a Chairman and Vice Chairman respectively from amongst its members elected by show of hands."

9. In the said Act, in section 96 –

**Amendment of
section 96 of Sindh
Act No.XLII of 2013.**

(a) in sub-section (1), for the second and third provisos, the following shall be substituted:-

"Provided further that where a tax, toll or fees is leviable both by the Metropolitan Corporation or Municipal Corporation and a Town Municipal Corporation, the Town Municipal Corporation shall not levy such tax, toll or fees except with the previous sanction of the Metropolitan Corporation or Municipal Corporation, as the case may be:

Provided also that Government may direct the Metropolitan Corporation or Municipal Corporation to levy any tax, rates, toll or fees leviable by the Town Municipal Corporation, subject to such conditions as Government may specify."

(b) in sub-section (2), for the word "District", the word "Town" shall be substituted.

10. In the said Act, in section 121, for sub-section (4), the following shall be substituted:-

**Amendment of
section 121 of Sindh
Act No.XLII of 2013.**

"(4) The Councils constituted under this Act shall have their own service, subject to rules made under this Act or any other law, for the time being in force."

11. In the said Act, in sections 133, in sub-section (1), in the proviso –

**Amendment of
section 133 of Sindh
Act No.XLII of 2013.**

(a) in serial number 5, for the words "District Municipal Corporation", the words "Town Municipal Corporation" shall be substituted;

(b) after serial number 5, the following new serial number shall be added:-

"6.	Municipal Corporation	Five (each)."
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12. In the said Act, after section 153-B, the following new section shall be inserted:-

**Insertion of new
section 153-C in
Sindh Act No.XLII of
2013.**

"153-C. **Over-riding effect.** Notwithstanding anything contrary contained in this Act or any other law, for the time being in force, the provisions of the Sindh Local Government Act (as amended), shall have over-riding effect."

13. In the said Act, in Schedule-I, for Part-B, the following shall be substituted:-

**Amendment of
Schedule-I of Sindh
Act No.XLII of 2013.**

"Part-B

1. **METROPOLITAN CORPORATION**
Population above 5 million
2. **MUNICIPAL CORPORATION**
Population between 0.3 million to 5 million
3. **TOWN IN METROPOLITAN CORPORATION**
Population between 0.5 million to 0.75 million
4. **TOWN IN MUNICIPAL CORPORATION**
Population between 125000 to 350000
5. **MUNICIPAL COMMITTEES**
Population between 50000 to 0.3 million
6. **UNION COMMITTEES IN A METROPOLITAN CORPORATION**
Population between 45000 to 75000
7. **TOWN COMMITTEES**
Population between 15000 to 50000
8. **UNION COUNCIL**
Population between 10000 to 25000
9. **UNION COMMITTEE IN MUNICIPAL CORPORATION**
Population between 10000 to 25000
10. **WARD IN MUNICIPAL COMMITTEE**
Population between 4500 to 7000
11. **WARD IN TOWN COMMITTEE**
Population between 2500 to 5000."

14. In the said Act, in Schedule-II -

**Amendment of
Schedule-II of Sindh
Act No.XLII of 2013.**

- (i) In Part-I, for the heading "FUNCTIONS TO BE PERFORMED BY THE METROPOLITAN CORPORATION EXCLUSIVELY", the heading "FUNCTIONS TO BE PERFORMED BY THE METROPOLITAN CORPORATION AND MUNICIPAL CORPORATION" shall be substituted and under the heading so substituted -
 - (a) the entries at (5) shall be omitted;
 - (b) in the entries at (13), after the words "Metropolitan Corporation" appearing second time, the words "from the jurisdiction of metropolitan area" shall be added;
- (ii) Part-1-A shall be omitted;

(iii) in Part-II, for the heading "FUNCTIONS TO BE PERFORMED BY CORPORATIONS, OTHER THAN METROPOLITAN CORPORATION, MUNICIPAL COMMITTEES AND TOWN COMMITTEES", the heading "FUNCTIONS TO BE PERFORMED BY TOWN MUNICIPAL CORPORATIONS, MUNICIPAL COMMITTEES AND TOWN COMMITTEES" shall be substituted and under the heading so substituted –

- (a) the entries at Sr.No.4 shall be omitted;
- (b) the entries at Sr. No.5 shall be omitted;
- (c) the entries at Sr. No.14 shall be omitted;
- (d) under the heading "OPTIONAL FUNCTIONS" –
 - (i) the entries at Sr.Nos.3 and 4 shall be omitted;
 - (ii) the entries at Sr.No.5 (b) shall be omitted;
 - (iii) the entries at Sr.Nos.6, 7, 17, 57, 58 and 59 shall be omitted.

15. In the said Act, in Schedule-III -

Amendment of
Schedule-III of Sindh
Act No.XLII of 2013.

- (a) in Part-I, the entries at Sr. Nos.28 and 29 shall be omitted;
- (b) in Part-II –
 - (i) clause (a) and entries thereunder shall be omitted;
 - (ii) in clause (d), the entries at Sr. Nos. 50 to 56 shall be omitted;
- (c) after Part-II, the following new Part-III, shall be added:-

"Part-III
FUNCTIONS EXCLUSIVELY PERFORMED BY TOWN COMMITTEES AND MUNICIPAL COMMITTEES

Registration of birth, death and marriages, subject to any other law for the time being in force, within the local area and providing information of such births, deaths and marriages in the manner to be provided by the bye-laws."

16. In the said Act, in Schedule-IV, after entry at Sr. No.(47), the following new entry shall be added:-

Amendment of
Schedule-IV of Sindh
Act No.XLII of 2013.

"(48) Registration of birth, death and marriages, subject to any other law for the time being in force, within the local area and providing information of such births, deaths and marriages in the manner to be provided by the bye-laws."

17. In the said Act, in Schedule-V -

Amendment of
Schedule-V of Sindh
Act No.XLII of 2013.

- (i) in Part-I, under the heading, after the words "METROPOLITAN CORPORATION", the words "MUNICIPAL CORPORATIONS" shall be inserted and after the heading so amended, for the entries at Sr. No.12 and 13, the following shall be substituted:-

"12. Advertisement tax from roads, bridges, underpasses etc. being maintained by the Metropolitan Corporation

13. Fire and building safety inspection fees

14. Tax on marriage halls/clubs

15. Cess on any taxes levied by the Government.";

- (ii) in Part-II, under the heading, for the words "MUNICIPAL COMMITTEES, TOWN COMMITTEES AND CORPORATIONS EXCLUDING THE METROPOLITAN CORPORATIONS", the words "TOWN MUNICIPAL CORPORATION, MUNICIPAL COMMITTEES AND TOWN COMMITTEES" shall be substituted and after the heading so amended, the entries at Sr. No.15 shall be omitted;

18. In the said Act, after Schedule-VIII, the following new Schedule shall be added:-

Addition of
Schedule-IX in Sindh
Act No.XLII of 2013.

"SCHEDULE-IX

RELATION BETWEEN ELECTED COUNCILS AND PROVINCIAL DEPARTMENTS WORKING IN THEIR RESPECTIVE ADMINISTRATIVE BOUNDARIES

1. **Education:** The Principal of a Primary/Secondary School would submit a quarterly report to the Union Council in a District Council or a Union Committee in case of a Corporation or a Town Committee or a Municipal Committee on overall functioning of such institution. The Council shall deliberate on such reports and send their observations to the head of the concerned institution and a copy to the School Education Department, Government of Sindh.
2. **Primary Health:** An in-charge of a Public Sector Primary Healthcare Institution would submit a quarterly report to the Union Council in a District Council or a Union Committee in case of a Corporation or a Town Committee or a Municipal Committee on overall functioning of the institution. The Council shall deliberate on such reports and send their observations to the head of the concerned institution and a copy to the Health Department, Government of Sindh.

3. **Secondary Health:** An in-charge of a Public Sector Secondary Healthcare Institution would submit a quarterly report to the District Council or the Metropolitan Corporation or Municipal Corporation or a Town Committee or a Municipal Committee on overall functioning of the institution. The Council shall deliberate on such reports and send their observations to the head of the concerned institute and a copy to the Health Department, Government of Sindh.
4. **Law & Order:** The Senior Superintendent of Police of a District shall coordinate with Chairman or Mayor of the Council for effective functioning of the police as per district policing plan but shall not include administration of the district police, investigation of criminal cases and police functions relating to prosecution, which shall vest with the police.
5. **Agriculture and Livestock:** The District incharge of Agriculture and Livestock shall submit quarterly report to the concerned District Council, Town Committee, Municipal Committee or Corporation on the situation in general, pest attacks, health of the crop, health of livestock, pandemic/epidemic and actions taken to mitigate such situation. The concerned Council shall deliberate on such report and assist in dissemination of information to the local population.
6. **Empowerment of Women:** The Council through its Mayor/Chairman would submit quarterly reports to the Government on challenges faced by women in their area of responsibility and specially highlight the role of female members of the Council in day-to-day business of the Council.
7. **Religious Affairs & Minority Affairs:** The District in-charge of Religious Affairs and Minorities shall submit quarterly report regarding events and general condition of shrines, dargahs, mosques, churches and all other places of worship in their area of jurisdiction to the Council concerned excluding the Union Council/Committee. The Council shall deliberate on such report and assist in dissemination of information to the local population.

8. **Sports:** The District in-charge of youth affairs and sports shall submit quarterly report regarding sports events and general condition of sporting facilities to the Council concerned excluding the Union Council/Committee. The Councils shall also submit an annual plan of sports events being planned by such Councils in its area of jurisdiction.

9. **Empowerment of Persons with Disabilities.** The Council shall take measures for welfare and betterment of persons with disabilities. The Council shall ensure that all development work carried out by such Council is inclusive in nature. Each Council shall also submit quarterly report to the Government on the challenges faced by persons with disabilities in their area of responsibility and especially highlight the role of person with disabilities members of the Council in day to day business of the Council."

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH

24.12.2021

KARACHI: PRINTED AT THE SINDH GOVERNMENT PRESS.



The Sindh Government Gazette

Published by Authority

KARACHI FRIDAY JANUARY 28, 2022

PART-I

GOVERNMENT OF SINDH
LAW, PARLIAMENTARY AFFAIRS AND
CRIMINAL PROSECUTION DEPARTMENT

Karachi, dated the 28th January, 2022.

CORRIGENDUM.

NO.S.LEGIS:2(27)/2013/~~27~~ In the Sindh Government Gazette Extraordinary issue, Registered No.M324, Part-IV, published on 24th December, 2021 in the titled Act "The Sindh Local Government (Amendment) Act, 2021 (Sindh Act No.XXXII of 2021)", in serial No.2(d) at page 21-F, the new clause "(li-a)" may be read as clause "(li-aa)".

ALI AHMED BALOCH
SECRETARY TO GOVERNMENT OF SINDH