

SINDH ORDINANCE NO.XV OF 2013

THE SINDH LOCAL GOVERNMENT (THIRD AMENDMENT) ORDINANCE, 2013

[13th December, 2013]

An Ordinance to amend the Sindh Local Government Act, 2013.

WHEREAS it is expedient to amend the Sindh Local Government Act, 2013, in the manner hereinafter appearing; **Preamble.**

AND WHEREAS the Provincial Assembly is not in session and the Governor 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, 1973, the Governor is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Sindh Local Government (Third Amendment) Ordinance, 2013. **Short title and commencement**

(2) It shall come into force at once and shall be deemed to have taken effect on and from 16th September, 2013.

2. In the Sindh Local Government Act, 2013, hereinafter referred to as the said Act, in section 2, after clause (liii), the following shall be inserted:- **Amendment of section 2 of Sindh Act No.XLII of 2013.**

“(liii-a) “Political Party” means an association of citizens or a combination or groups of such associations formed with a view to propagate or influence political opinion and participate in elections for any elective public office or for membership of a legislative body or a Council;”.

3. In the said Act, in section 13, in sub-section (1), the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:- **Amendment of Section 13 of Sindh Act No.XLII of 2013.**

“Provided that where the delimitation officer has come to the conclusion that an area which is rural, has acquired the status of urban area at the time of delimitation under this Act, he may

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declare such rural area to be urban area and such area shall be deemed to be an urban area accordingly.”

4. In the said Act, in section 18 –

[Amendment of Section 18 of Sindh Act No.XLII of 2013.](#)

- (a) in sub-sections (3), (4), (6), (7), (8) and (9), in clauses (b), the words “to be indirectly elected by the members elected in terms of clause (a)” shall be omitted;
- (b) in sub-section (10), first proviso shall be omitted;
- (c) after sub-section (10), the following sub-sections shall be added:-

“(11) Where a contesting candidate of a panel dies before the poll and if such candidate belongs to a panel which is elected subsequently, the vacant seat shall be filled through bye-election to be held within three months of the date of declaration of result.

(12) There shall be a panel consisting of nine contesting candidates, including general members, woman, peasant or labourer and non-muslim for contesting election in a Union Council or a Union Committee, as the case may be:

Provided that the panel so constituted may act through one of its members duly authorized by it:

(13) In case, no person files nomination paper for a seat of non-muslim in a Union Council or a Union Committee, the panel of eight members shall be deemed as a complete panel and the vacant seat shall be filled through bye-election.

(14) In case a political party or independent candidates fail to form a panel for contesting election, the nomination papers of all other independent candidates or nominees of a political party shall be deemed to have been rejected.

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5. In the said Act, after section 18, the following shall be inserted:- [Insertion of section 18-A in Sindh Act No.XLII of 2013.](#)

“18-A. (1) For the purpose of election to the seats reserved for woman, peasant or labourer and non-muslim in a Council other than Union Council and Union Committee, the political party contesting election for such seats shall within the period fixed by the Commission for submission of nomination papers, file separate lists of their candidates in order of priority for seats reserved for woman, peasant or labourer and non-muslim with the District Returning Officer who shall also act as the Returning Officer for the aforementioned reserved seats in the District.

(2) The lists submitted under sub-section (1) with the Returning Officer shall be published forthwith for information of public at large.

(3) The parties’ lists referred to in sub-section (1) may contain as many names of additional candidates as the political party may deem necessary for contesting seats reserved for woman, peasant or labourer and non-muslim to provide for any disqualification of candidates during scrutiny of nomination papers or for filling of any vacant seat during the term of Council concerned.

(4) Where a seat reserved for woman, peasant or labourer and non-muslim in a Council falls vacant due to death, resignation or disqualification of a member, it shall be filled in by the next person in order of precedent from the parties lists of the candidates submitted to the Returning Officer under sub-section (1).

(5) Every candidate contesting election on a seat reserved for woman, peasant or labourer and non-muslim shall, alongwith the nomination papers and other relevant documents submit to the Returning Officer appointed by the Commission in this behalf –

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- (a) copy of party list of the candidates' political party for such seat;
- (b) declaration and statements as required by law or rules in support of the nomination; and
- (c) the fee required under the law for the time being in force for filing nomination papers.

5. In the said Act, in section 36, after sub-section (1), the following shall be added:-

[Amendment of Section 36 of Sindh Act No.XLII of 2013.](#)

“(2) Whoever –

- (a) is found by the Election Commission to have contravened the provisions of sub-section (1), shall stand disqualified from being a candidate for election to any office of a Council for a period of four years;
- (b) having been elected as a member of a Council or is a holder of an elective office of the Council is found by the Election Commission to have contravened the provisions of sub-section (1) shall cease forthwith to be an elected member or to hold the office of such member and stand disqualified from being a candidate for election to a Council for a period of four years.

6. In the said Act, in section 39, in sub-section (3), for the words “the Councils” the words “respective Council” shall be substituted.

[Amendment of section 39 of Sindh Act XLII of 2013.](#)

7. In the said Act, in Schedule-I, in Part-B, in clause (b), under the heading “Union Committee in Metropolitan Corporation” for the figures “40000 to 50000” the figures “10000 to 50000” shall be substituted.

[Amendment of Schedule-I of Sindh Act No.XLII of 2013.](#)