

CHAPTER - I

PRELIMINARY

SECTION 1: SHORT TITLE, EXTENT AND COMMENCEMENT.

- (1) This Ordinance may be called the Sindh Local Government Ordinance, 2001.
- (2) It extends to the whole of the Province of Sindh other than the areas notified as Cantonments under the Cantonments Act, 1924 (II of 1924), ¹[or the Cantonments Ordinance, 2002 (CXXXVIII of 2002)], in relation to the matters covered ²[thereunder].
- (3) It shall come into force on the fourteenth day of August, 2001, except the provisions as contained in Section 39(k), Chapter XVII and Section 196(1)(ii) of Chapter XIX which shall come into force on such date or dates as the Government may, by notification in the official Gazette, appoint:

³[Provided that the order of the Governor in Section 120-D(6) shall remain in force as notified.]

SECTION 2: DEFINITIONS.

In this Ordinance, unless there is anything repugnant in the subject or context,-

- (i) **'body corporate'** means a body having perpetual succession and a common seal, with power to acquire and hold movable and immovable property, and transfer any property held by it, and enter into any contract and may sue and be sued in its name;
- (ii) **'budget'** means an official statement of income and expenditure for a financial year;
- (iii) **'building'** includes any shop, house, hut, out-house, shed, stable or enclosure built of any material and used for any purpose, and also includes wall, well, veranda, platform, plinth, ramp and steps;
- (iv) **'building line'** means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed;
- (v) **'bye-laws'** means the bye-laws made under this Ordinance;
- (vi) **'Council'** means a Zila Council, Taluka Council, Town Council, Union Council, Village Council and Neighbourhood Council;
- (vii) **'decentralise'** or **'decentralised'** means conferment by the Government under this Ordinance of its administrative and financial authority for the ⁴[operation, functioning and] management of specified offices of the Provincial Government to the Local Governments;
- (viii) **'dependent'** means wholly or partially dependent parents, spouse, guardians, children, step and adopted children;
- (ix) **'disaster'** includes famine, flood, cyclone, fire, earthquake, drought, and ⁵[damage] caused by force majeure;
- (x) **'District'** means a District notified under the Sindh Land Revenue Act, 1967 (W.P. XVII of 1967), and includes a largely urban District or Districts declared to be City District under this Ordinance;

- (xi) **'drain'** includes a sewer, a house drain or a drain of any other description, used for carrying sullage or rain water;
- ⁶ (xii) [XXX]
- (xiii) **'Government'** means the Government of the Sindh;
- (xiv) **'land'** includes vacant land or on which any structure has been raised or is being raised or is covered with water or is under cultivation or is fallow or is barren and, in relation to a Town Improvement Scheme, includes land as defined in clause (a) of Section 3 of the Land Acquisition Act, 1894 (IV of 1894);
- (xv) **'Local Area'** means an area specified in Chapter II;
- (xvi) **'Local Government'** includes-
 - (a) a District Government or a City District Government and Zila Council;
 - (b) a Taluka Municipal Administration and Taluka Council;
 - (c) a Town Municipal Administration and Town Council; and
 - (d) a Union Administration and Union Council;
- ⁷ (xvii) **["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, favouritism, 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.]
- (xviii) **'market'** means a place notified as market under this Ordinance or any other law for the time being in force;
- (xix) **'member'** means an elected member of a Council;
- (xx) **'Deh'** means a revenue estate declared under the Sindh Land Revenue Act, 1967 (W.P.Act XVII of 1967);

⁸ [(xx-a) **'misconduct'** means transgression of prescribed Code of Conduct or dereliction from duty or deliberate unlawful behaviour or violation of law or rules or lawful directions or orders of Government and includes-

- (a) gross negligence in performance of duties with manifest wrongful intent or evil design;
- (b) an act that results in wrongful gain to any person by wrongful application of law; or
- (c) making or managing appointment, promotion or transfer of an officer or official in violation of law or rules or for extraneous consideration;]

(xxi) **'municipal offences'** means the offences specified in the ⁹[Fourth Schedule] or any other law for the time being in force;

(xxii) **'municipal services'** include, but not limited to intra-City or intra or inter-Town or Taluka network of water supply, sanitation, conservancy, removal and disposal of sullage, refuse, garbage, sewer or storm water, solid or liquid waste, drainage, public toilets, express-ways, bridges, flyovers, public roads, streets, footpaths, traffic signals, pavements and lighting thereof, public parks, gardens, arboriculture, landscaping, billboards, hoardings, fire fighting, land use control, zoning, master planning, classification, declassification or reclassification of commercial or residential areas, markets, housing, urban or rural infrastructure, environment and construction, maintenance or development thereof and enforcement of any law or rule relating thereto;

(xxiii) **'Naib Nazim'** means Naib Zila Nazim, Naib Taluka Nazim, Naib Town Nazim, or, as the case may be, Naib Union Nazim:

(xxiv) **'Nazim'** denotes Zila Nazim, Taluka Nazim, Town Nazim or, as the case may be, Union Nazim;

(xxv) **'Neighbourhood'** means a *Mohallah*, a group of streets, lanes or roads, designated by Taluka Municipal Administration or Town Municipal Administration to be the Neighbourhood;

(xxvi) **'peasant'** means a person who is a landless farm worker or, one who during the period of five years preceding the year in which election is held, has been the owner of not more than five acres of land and depends directly on it for subsistence living;

(xxvii) **'prescribed'** means prescribed by rules made under this Ordinance;

¹ ¹⁰ [(xxvii-a) **'Provincial Director General Audit'** means an officer of the Auditor General of Pakistan nominated for the purposes;]

¹¹ [(xxvii-b) **'Provincial Allocable Amount'** means ¹²[monies] 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;]

(xxviii) **'public place'** means any building, premise or place to which the public have access;

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- (xxix) **'rent'** means whatever is lawfully payable in money or kind by a tenant or lessee on account of the occupation of any building or land ¹³[or use any machinery, equipment or vehicle;]
 - (xxx) **'street line'** means a line dividing the land and forming part of a street from adjoining land;
 - (xxxi) **'tax'** includes any cess, fee, rate, toll or other impost leviable under this Ordinance;
 - (xxxii) **'Taluka'** means a Taluka notified under the Sindh Land Revenue Act, 1967 (W.P. Act XVII of 1967);
 - (xxxiii) **'Taluka Municipal Administration'** includes the Taluka Nazim and the officials and employees of the Taluka Municipal Administration specified in Section 49;
 - (xxxiv) **'Town'** means an area notified by the Government under Section 9 to be a Town in a City District;
 - (xxxv) **'Town Municipal Administration'** includes the Town Nazim and the officials and employees of the Town Municipal Administration specified in Section 50;
 - (xxxvi) **'Union'** means a Local Area notified under Section 6 to be a Union under this Ordinance;
 - (xxxvii) **'Union Administration'** includes the Union Nazim, Union Naib Nazim, the Union Secretaries, and other Union employees;
 - (xxxviii) **'Village'** means an integrated and contiguous human habitation commonly identified by a name and includes a *dhok, chak killi, goth, gaown, basti* or any other comparable habitation;
 - (xxxix) **'water reservoir'** includes a spring, well, tube well, pond, tank, water course, culvert, and any channel used for supplying water other than canal, river, lake or stream;
 - (xl) **'work'** includes a survey, whether incidental to any other work or not; and
 - (xli) **'worker'** means a person directly engaged in work, or is dependent on personal labour, for subsistence living and includes a worker as defined in the ¹⁴[Industrial Relations Ordinance, 2002 (XCI of 2002).]

SECTION 3: ORDINANCE TO OVER-RIDE OTHER LAWS.

The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

SECTION 4: LOCAL GOVERNMENTS TO WORK WITHIN PROVINCIAL FRAMEWORK.

(1) The Local Governments established under this Ordinance shall function within the Provincial framework and adhere to the Federal and Provincial Laws.

(2) In performance of their functions, the Local Governments shall not impede or prejudice the exercise of the executive authority of the Government.