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SIND ORDINANCE NO. IX OF 1983

THE SIND LOCAL GOVERNMENT (SECOND AMENDMENT) ORDINANCE, 1983

[13th August, 1983]

An Ordinance to amend the Sind Local Government Ordinance, 1979.

Preamble.

WHEREAS it is expedient to amend the Sind Local Government Ordinance, 1979, in the manner hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977 and the Provincial Constitution Order, 1981, the Governor of Sind is pleased to make and promulgate the following Ordinance :-

Short title and Commence-ment.

1. (1) This Ordinance may be called the Sind Local Government Second (Amendment) Ordinance, 1983.

(2) It shall come into force once.

Amendment of section 21 of Sind Ordinance XII of 1979.

2. In the Sind Local Government Ordinance, 1979, hereinafter referred to as the said Ordinance, in Section 21, for Sub-Section (2), the Following Shall be Substituted —

"(2) If a Member:----

(a) has Incurred Any of the disqualifications mentioned in Sub-Section (2)of Section 37,or

(b) has acted or is acting in contravention of the provisions of this Ordinance, rules or bye-laws, or

(c) is a member of, or is in any manner, associated with, a Group or Association formed before or after his election, to work as such Group or Association in connection with the activities of the council or anything Incidental thereto, or styles himself as leader of the House or the opposition in the council, or

(d) has absented himself without reasonable cause from three consecutive ordinary meetings of the council, or

(e) refuses to take oath of office,

he may after an opportunity of being heard is given to him, be removed from membership by Government.".

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Substitution of section 37 of Sind Ordinance XII of 1979.

3. In the said ordinance, for section 37, the following shall be substituted:----

Qualification and disqualifications of a Candidate

"37(1) A person shall subject to the provisions of sub-section (2) be qualified to be elected as, and to be a member if----

(a) he has attained the age of twenty five years;
(b) his name appears on the electoral rolls of the local area of the Council to which he proposes to contest election.

(2) A person shall be disqualified from being elected as and from being a member if----

(a) he is not or has ceased to be a citizen of Pakistan;

(b) he is an undischarged insolvent unless a period of ten years has elapsed since his being adjudged as insolvent;

(c) he is of unsound mind and stands so declared by a competent court or is physically incapacitated;

(d) He has, on conviction for any offence, been sentenced to imprisonment and a period of three years or such less period as Government may, in any case specify, has not elapsed from the date of expiration of the period of sentence;

(e) he is a salaried person in the service of Pakistan or in the service of a statutory body or two years have not elapsed since his retirement or removal from such service;

(f) he is under contract for work to be done or goods to be supplied to the council or has otherwise any pecuniary interests in its affairs;

(g) he is opposed to the ideology of Pakistan or is or has been, or is known to be or is a member of a group of persons involved in activities prejudicial to the interest, security, integrity or solidarity of Pakistan;

Explanation:-For the purpose this clause, the expression "activities prejudicial to the interest, security, integrity or solidarity of Pakistan" shall include instigation to any section of people with a view to creating lawlessness and disorder;

(h) he is for the time being disqualified for membership of an elective body under any law for the time being in force.

(3) No person shall be eligible to be elected as, and to be a member if he has at any time on or after the 20th December, 1971, been a member of an Executive Committee, by whatever name called, or an office bearer, of a political party at local, district, provincial or national level, provided that nothing herein-contained shall apply to a person who is a member of the Federal or Provincial Cabinet or of Federal or Provincial Council or of any Council, immediately before the coming into force of the Sind Local Government (Second Amendment) Ordinance, 1983.

(4) Notwithstanding anything contained in sub-section (3), Government may, on a representation made to it, allow any person, by an order in writing to be candidate.".

Substitution of section 37-A of Sind Ordinance, XII of 1979.

4. In the said ordinance, for section 37-A, the following shall be substituted:-

Bar on Election on Party basis.

"37-A (1) Notwithstanding any other provisions of this Ordinance, no person contesting an election under this Ordinance shall, for the purpose of such election directly or indirectly-

(a) give out himself as a candidate or nominee of political party, or display or carry any insignia, flag or any such other thing indicating his association with or affiliation to such party;

(b) seek vote or support on party basis or in terms of the manifesto of any political party or by attributing party affiliation to his opponent;

(c) claim or receive any financial or other assistance from any political party;

(2) if the Election Authority or a Member thereof or any person as may be authorized by it after such enquiry as deemed fit, is satisfied that any person is acting or has been elected in contravention of the provisions of sub-section (1), it or he shall order that such person shall cease to be a candidate for such election or, as the case may be, to be a member, and shall

stand disqualified for being elected as a member for a period of four years:

Provided that no such order shall be passed without affording the person concerned, an opportunity of being heard.".

Insertion of section 39-A in Sind Ordinance XII of 1979.

5. In the said Ordinance, after section 39, the following shall be added:-

"39-A No Court shall entertain any proceedings nor shall it make any order or grant any injunction in relation to any action taken, proceedings held or order made by any authority or Officer in connection with elections to the councils and matters connected therewith.".

Amendment Schedule V to Sind Ordinance XII of 1979.

6. In the said Ordinance, in Schedule-V, in Part II, entry No. 4 shall be omitted.