

THE SINDH LOCAL GOVERNMENT (CITIZEN COMMUNITY BOARDS) RULES, 2004.

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PART –I
GOVERNMENT OF SINDH
LOCAL
GOVERNMENT DEPARTMENT
NOTIFICATION

Karachi, the 6th May, 2004.

No. LGD/PTW/CCB/R/2003/382: In exercise of the powers conferred by sub-section(1) of Section 191 of the Sindh Local Government Ordinance, 2001, the Government of Sindh proposes to make the Sindh Local Government (Citizen Community Boards) Rules, 2004 which is hereby published as required by sub-section(3) of the said section of the Ordinance, for the information of all persons likely to be affected thereby, and notice is hereby given that objections and suggestions if any with respect thereof, may be sent to the Additional Chief Secretary, Local Government Department within a period of 14 days of the publication in the official gazette, which shall be taken in to consideration after the expiry of the said period.

PART-I
PRELIMINARY

- 1. Short Title and Commencement --** (1) These rules shall be called the Sindh Local Government (Citizen Community Boards) Rules, 2004.
 - (2) They shall come into force at once.

- 2. Definitions—**(1) In these rules, unless the subject or context otherwise requires:
 - (i) “Board ” means a Citizen Community Board constituted under the Ordinance;
 - (ii) “charter” means the constitution of the Board to be subscribed and signed by the founder members;
 - (iii) “form” means a form prescribed under these rules;
 - (iv) “founder member” constitutes the signatory to the charter;
 - (v) “member” means a person whose name has been include in the register of members;
 - (vi) “official” means in the case of the District Government the Executive District Officer(Community Development) in the case of Town or Taluka Municipal Administration the Town or Taluka Officer and in the case of a Union Administration, the Secretary Community Development;
 - (vii) “Ordinance” means the Sindh Local Government Ordinance, 2001;
 - (viii) “project proposal” means the proposal which submitted by a Board to

the concerned official for approval by the Council concerned;

- (ix) "register" means a register to be kept at the designated office of a Board wherein the names, address and particulars of members are recorded;
- (x) "Registration Authority" means the District Officer (Registration), working under the Executive District Officer (Community Development) who is declared as such by a District Government;
- (xi) "responsible person" means-
 - a) The Chairman of a Board;
 - b) The Secretary of a Board;
 - c) Any other member of a Board which is, in writing, declared as such by any of the persons mentioned above; and
- (xii) "Schedule" means a schedule to these rules.

(2) The words and expressions used herein but not defined in these rules shall have the same meaning as are assigned to them in the Ordinance.

PART-II REGISTRATION OF CITIZEN COMMUNITY BOARDS.

3. Application for availability of name for a Board. (1) Any persons desirous of being registered as a Board under these rules shall make an application on a plain paper duly signed by atleast two founder members alongwith photocopy of their National Identity Cards to the concerned Registration Authority requesting information as to whether the proposed name is available for registration.

(2) Each Board registered under these rules shall include the name of the Union Council at the end, within whose territorial jurisdiction its office is situated. The name of the Board shall be on the following format-

Name of Board with the Name of the Union Council in
Which the office is to be registered.

(3) A Board shall not be registered by the name identical to or so nearly resembling that of a registered Board or other entity.

(4) A confirmation of availability of name by the Registration Authority shall be provided in form-1.

(5) If for any reason the Registration Authority does not respond within fifteen days of the receipt of application, approval to use the name proposed by such Board shall be deemed to have been given.

(6) The name of the proposed Board shall be reserved for a period of one month, by the Registration Authority after which the Board shall have to apply again for ensuring the availability of the name.

4. Change of name of a registered Board.-(1) A registered Board intending to change its name, shall follow the same procedure as provided in rule-3.

(2) Notwithstanding anything to the contrary contained in these rules, if the Registration Authority is of the opinion that the name of a registered Board is deceptive, inappropriate or may exploit or offend religious susceptibilities of the people, the Registration Authority shall require such Board to change its name.

5. Application for registration of Board.- (1) A group of persons not less than twenty-five non-elected persons may, by subscribing to the Charter, get themselves registered with the Registration Authority as a Board in accordance with First Schedule.

(2) The Board shall be registered at the office stated in the Charter of the Board: provided that such office shall be within the limits of the district concerned.

(3) There shall be no limit on the number of Boards, which may be registered in a local area.

(4) A request for registration as a Board shall be accompanied by-

- (i) an application on a plain paper duly assigned by its Chairman and Secretary;
- (ii) three copies of the charter duly subscribed and witnessed;
- (iii) a copy of the confirmation received from the Registration Authority that the proposed name for the Board is available or evidence that a copy of the application was deposited at least fifteen days prior to the date of application for registration; and
- (iv) a list of at least twenty five founder members in form-2.

(5) The Registration Authority on being satisfied, after such enquiry and after obtaining such further information, as it may consider necessary, shall register the Board and issue and certificate of registration within fifteen days in form-3.

(6) The registration shall be valid within the district under the jurisdiction of the Registration Authority and shall not require renewal.

(7) The Registration Authority by an order, for the reasons to be recorded in writing may refuse registration if it is satisfied that the objectives functions or activities proposed to be carried out are opposed to public policy or contrary to the rules.

(8) Before making an order under sub-rule (7), the Registration Authority shall give a notice in writing within fifteen days of the application made for registration to the Chairman or Secretary of the Board to show cause or on before a date specified therein which shall not be less than fifteen days, as to why the application for registration should not be rejected.

(9) (1) Any person aggrieved by an order of the Registration Authority under sub-rule (7), may appeal in writing to the concerned District Coordination Officer within thirty days of such order.

(2) The District Coordination Officer, after providing an opportunity of being heard to the appellant, shall communicate his decision in writing to the Board within thirty days of the appeal.

(10)(1) Any person after the rejection of the appeal by the District Coordination Officer may appeal to the concerned Zila Council within thirty days of such rejection by the District Coordination Officer or where no reply is received within thirty days, of the expiry of the period of appeal.

(2) Such appeal shall be taken up by the Zila Council in the next meeting and the decision of the Zila Council shall be final.

6. Documents to be filled with the Registration Authority: (1) Once in every year, on or before the 31st August, each Board shall file with the Registration Authority, the following documents:-

- (i) List of its members with their National Identity Card Numbers;
- (ii) Particulars of its Chairman, members of the Executive Committee and the Secretary;
- (iii) Copies of the audited annual accounts of the previous year to be submitted by 31st December the close of the financial year in June; and
- (iv) List of development projects undertaken.

(2) If and when deemed appropriate the registration Authority may request for copies of such documents as it may require.

7. Mode of submission of documents:- (1) Every application, form or documents submitted by a Board shall, in addition to complying with any other requirement of the Ordinance or these rules, be

- (i) signed and certified by a responsible person of the Board;
- (ii) accompanied by documents referred to in the application;
- (iii) accompanied by one spare copy, duly signed, dated and verified; and
- (iv) accompanied by the original receipt of the treasury or bank or post office, as the case may be, as evidence of payment of the prescribed fee where applicable.

(2) An application, document, statement, return, or report shall be delivered either in person or through an agent, against receipt, to address or sent to such addressee by registered post.

(3) Any person may inspect the record of a Board available with the Registration Authority upon a written request indicating the reason for inspection.

8. Change in Charter.- (1) If a Board is desirous to make any change in its Charter, it may by written notice, intimate the change to be made to the Registration Authority

(2) Such change in the Charter shall become effective upon confirmation by the Registration Authority in writing.

(3) In case the Registration Authority does not confirm the change within thirty days of the date on which such intimation was received by the Registration Authority, such change shall be deemed to be effective to the extent that it does not contravene the provisions of the Ordinance or these rules.

9. Payment of fee.- (1) There shall be paid fee specified in the Second schedule in respect of the matters mentioned therein.

(2) Government may, through a notification in the official Gazette, change the fee structure mentioned in the Second schedule.

PART-III DISSOLUTION OF THE BOARD

10. Dissolution of the BOARD.- (1) A Board may be dissolved or deregistered by the Registration Authority the approval of the Zila Council if-

- (i) in the opinion of the Registration Authority, based on the report of an inquiry officer, the Board is unable to carry out its functions in accordance with the Ordinance or these rules; or
- (ii) The Board, by a resolution passed by not less than seventy five percent of its members, resolves to be dissolved or deregistered.

(2) The Board, through the Zila Nazim, shall put up the case of dissolution to the Council.

(3) The Zila Council shall allow dissolution after examination of the Charter and accounts including liabilities and other documents of the Board.

(4) An application for dissolution submitted by a Board to the Registration Authority under sub-rule (1)(ii) shall be deemed to have been accepted by the concerned Zila Council after a period of sixty days unless reasons for the delay are intimated to the Board in writing by the Registration Authority.

(5) Upon dissolution, the Registration Authority shall appoint an administrator to deal with the matters relating to the dissolution of the Board but the assets of the Board shall continue to be used for community welfare by the concerned Local government.

PART-IV

DEVELOPMENT PROJECT PREPARATION, APPROVAL AND IMPLEMENTATION.

11. Development Project identification by the Boards.- (1) The Board project shall be identified within the policy guidelines and framework of the local government concerned to which the Board project shall be submitted for funding.

(2) The funds are earmarked in the development budget at all levels of local governments and the Board may submit project proposals to any level of local government.

(3) The Board shall identify project proposals in accordance with the classification of project issued by the local government concerned and submit to the concerned local government in accordance with the time frame provided in the Third Schedule or as notified by such local government.

(4) The projects shall be initiated at the grass-root level in every local area, and the residents thereof shall primarily be involved in determine the development needs for such local area.

(5) Project concepts shall be discussed with the concerned sectoral office of the local government to which the project relates and the concerned Board official shall arrange the meetings of the Board with the sectoral offices.

(6) The Board shall identify projects subject to the following:-

- (i) needs of the community;
- (ii) capacity to implement the project;
- (iii) cost-benefit analysis;
- (iv) duration of the project;
- (v) financial implications;
- (vi) compatibility with availability of the resources; and
- (vii) sustainability.
- (viii) Classification of schemes issued by the concerned local governments.

12. Preparation of project proposals by the Board:- (1) The concerned local government sectoral office shall prepare the cost estimates, determining the viability and other issues relating to the project.

(2) The Board shall prepare project proposal in form-4 and submit it to the concerned Board official according to the time frame in the Third Schedule or as notified by the concerned local government each year.

(3) The Board may, in addition to twenty percent share mentioned in rule 13(iii), make contribution towards the cost of a project "In Kind".

EXPLANATION: The "In Kind" contribution shall be considered as additional contribution and included in the ranking and evaluation of the proposal.

(4) Where two or more local governments of the same level are involved in a project, the concurrence of the concerned Nazims shall be included in the proposal.

13. Processing of the project by Local Government.- (1) The Board official shall confirm before submitting the project proposal to the concerned Development and Planning Officer that-

- (i) the Board concerned is duly registered under the Ordinance and these rules;
- (ii) the project proposal is in conformity with the classification issued by the local government concerned;
- (iii) the Board draft of the amount equal to the twenty percent share in a project is attached, which shall be returned to the concerned Board after the decision of the council concerned. The draft shall be in the name of the Board and
- (iv) the project proposal is in conformity which the Board form-4.

14. Ranking of Project Proposals By Development and Planning Officer.-

(1) The concerned Development and Planning Officer shall draw up a first statement specifying the projects proposed by the Board by classification including the total amount of a contribution for a particular classification of the project based on the policy frame work specified in Fifth Schedule.

(2) A second statement shall determine contribution amounts for a particular classification for the project as a ratio of the total contributions for all projects of the Board for that year and the statement shall be used to determine amount of allocations for a classification of projects from the budgets reserved for the purpose in the Fifth Schedule.

(3) A third statement shall be drawn up which shall identify the number of projects included in a particular classification beginning with the projects containing the highest contribution by the Board in a classification, until all the projects in this classification are selected or the funds allocated for that particular classification, in the amount determined under sub rule (2) above are exhausted.

(4) The determination of the market value of the "In Kind" contribution shall be made by the sectoral office of the local government concerned to which the project relates.

EXPLANATION: The "In Kind" contribution shall be considered as additional contribution of the Board while making the ranking in the Third Statement.

(5) The Development and Planning Officer shall submit the Projects to the Finance and Budget Officer for inclusion in the Annual Development Programme.

15. The Development of project proposals by the Council.- (1) The concerned Councils shall approve such Project Proposals in the manner and to the extent it deems fit.

(2) The approval of the Councils in respect of the projects shall be communicated to the Board concerned, after approval of the budget.

16. Board bank accounts etc.- (1) After approval of a project by the Councils, the Board shall-

- (i) open an account for the project with the bank or post office within the limits of the local area in which the Board has its office; and
 - (ii) deposit its share of the cost of the project approved by the Council.
- (2) The Board shall open separate accounts for each project.
- (3) The accounts, opened and maintained by the Board, shall be operated jointly by the Chairman and Secretary of the Board.
- (4) A Board shall not incur debt.

17. Project implementation by Board:- (1) The Board, upon receipt of approved project budget estimates, shall submit the following documents to the concerned Board official;

- (i) certificate of a bank or post office showing that a twenty percent share of the Board is deposited;
 - (ii) copy of duly executed agreement with the local government concerned in form-5; and
 - (iii) reference for first installments in form-6.
- (2) The Board shall implement duly approved projects as specified in the project agreement by itself.
- (3) The Board shall implement the project within the allocated funds and within the allowed time frame.
- (4) Upon submission of the documents under sub-rule (1) above the Board official shall, in accordance with the disbursement schedule in the agreement referred to in sub-rule (1) transfer the first installment into the account specified by the Board.
- (5) Subsequent transfer of installments by the local government concerned shall be made in accordance with the schedule agreed to between the Board and the local government concerned.
- (6) The release of subsequent installment shall be subject to the approval of the concerned local government.
- (7) The installment shall be released to the Board as per agreed schedule within thirty days from the receipt of the reference made by the Board.
- (8) In case of delay in the release of installment within 30 days the Board may approach the Council for release of the installment, which shall take up the matter in its next meeting.
- (9) The release of installments to Board shall have priority over other expenditures of the local government.

- (10) The respective accounts official shall not make any payment against the budget if-
- (i) Twenty five percent of the development budget has not been reserved for the Board; and
 - (ii) The unspent balance from the previous reserved Board amount has not been added to the Board's allocation in the current year budget.
- (11) The respective Accounts Officer shall ensure that the reserved amount for the Board is safeguarded during the budget year and is spent solely for that purpose.

18. Project Monitoring and Evaluation.- (1) Projects of the Board shall be subject to monitoring and evaluation by the respective Monitoring Committee constituted by the local government concerned.

- (2) The Monitoring Committee shall prepare a monitoring and evaluation report of the Projects and shall submit the same to the Council and the Nazim of the Council.
- (3) The Monitoring Committee shall not interfere in the day to day affairs of the Board.
- (4) The Board shall provide access, to all its record, to the Monitoring Committee.
- (5) Monitoring of the Board by a local government shall be non-intrusive.

19. Budget re-appropriation.- (1) The Board shall remain within the approved budget allocation.

- (2) The re-appropriation upto a maximum of twenty percent of the approved budget in any head may be done by the Board.
- (3) For the re-appropriation beyond twenty percent in a head, prior approval of the Board officials shall be required.
- (4) The request for re-appropriation shall be submitted in form-7.

20. Excess and Surrenders in the Budget.- (1) The authority to accept or reject any additional expenditure over and above the approved budget shall vest in the respective Councils.

- (2) The Council shall consider the recommendation of the concerned sectorial office of the local government in this respect and the availability of budgetary provisions.
- (3) Excess requirements of funds shall be granted by the respective council on such conditions as it may deem fit.
- (4) Surrenders shall be allowed upon the following conditions:-

- (i) the Board shall have completed the project as per the approved budget proposal and the agreement with the local government concerned; and
- (ii) the funds so surrendered by the Board shall be deemed as the share or part of the share of such Board for the purposes of future project proposals submitted by the Board.

(5) Request for excesses and surrenders shall be made in form-8.

21. Audit and Accounts.- (1) The Secretary of the Board under the general supervision and control of the Executive Committee shall maintain proper records of all transactions, assets and liabilities of the Board.

- (2) The Board shall follow the procurement and executing procedure approved by its General Body, on the principle of financial propriety and sound procurement practices.
- (3) The respective local government may require the Board to furnish such financial information, as it may deem necessary.
- (4) The accounts of the Board shall be audited as prescribed by the Auditor General of Pakistan, in case of project being carried out with the assistance of District Government, and by Local Fund Audit Department, in case of projects being carried out with the assistance of Town, Taluka Municipal Administration and Union Administration.
- (5) The Board shall provide access to all its record to the auditor.

Schedule

Forms

ADDITIONAL CHIEF SECRETARY
LOCAL GOVERNMENT DEPARTMENT

