

# The Tehsil/Taluqa and Su-Divisional and the Local Committees (Removal of Chairman and Members) Rules, 1982.

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**N\_O\_T\_I\_F\_I\_C\_A\_T\_I\_O\_N :**

No. PZA/DAC/73/81: In exercise of the powers conferred by section 26 of the Zakat and Ushr Ordinance, 1980(XVIII of 1980), read with section 21-A thereof, and at the direction and with the approval of the Central Zakat Council, the Sind Provincial Zakat Council makes the following rules.

**1. SHORT TITLE, APPLICATION AND COMMENCEMENT:-**

(1) These rules may be called the Tehsil/Taluqa and Sub-Divisional and the Local Committees (Removal of Chairman and Members) Rules, 1982.

(2) They shall apply to all the Chairman of the Tehsil, Taluqa and Sub-Divisional Committees and the Local Committees and the selected members of the Local Committee in the Province of Sind.

(3) They shall come into force at once.

**2. DEFINITIONS:** In these rules, unless there is anything repugnant in the subject or context, the terms not defined in these rules shall have the same meaning as assigned to them in the Zakat and Ushr Ordinance, 1980(XVIII of 1980), hereinafter referred to as the Ordinance; and the Sind Local Committees and Tehsil, Taluqa and Sub-Divisional Committees (Constitution) Rules, 1979, hereinafter referred to as the Rules and-

- (a) 'appointed place' includes the place fixed for the purpose of holding a special meeting of the Committee or arranging the gathering for the purposes of these rules;
- (b) 'appointed time' includes the date and time fixed for the purpose of holding special meeting of the Committee or arranging a gathering for the purposes of these Rules;
- (c) 'Committee' means a Tehsil, Taluqa or Sub-Divisional Committee or a Local Committee;
- (d) 'person' means an adult Muslim resident of the locality of the Committee concerned;
- (e) 'special meeting' means a special meeting of the Committee called for the purposes of these Rules; and
- (f) 'team' included a team of two or more person, including at least one non-official member of the District Committee.

**3. INITIATION OF PROCEEDINGS BY THE DISTRICT COMMITTEE:-** (1) Where

- (a) the District Committee receives a petition signed by not less than one half of the total number of the members of a Committee saying that the members of the Committee no longer have confidence in its Chairman, or
- (b) on information received from some other source or on their own information, the majority of the members of the District Committee present

in the meeting are of the opinion that the members of a Committee may no longer be having confidence in its Chairman, the District Committee may proceed further as hereinafter prescribed.

(2) Where—

- (a) the District Committee receives a petition signed by not less than one hundred persons saying that the adult Muslim residents of the locality no longer have confidence; in a member selected by them, or
- (b) on information received from some other source or on their own information, the majority of the members of the District Committee present in the meeting are of the opinion that the adult Muslim residents of the locality may no longer be having confidence in a member selected by them, the District Committee may proceed further as hereinafter prescribed.

**4. ENQUIRY B Y THE DISTRICT COMMITTEE:-** After the District Committee have decided to proceed further as indicated in rule 3, it may, unless it decides to take action under rule 5 straightway, appoint a team to hold a detailed enquiry in the matter. The team shall submit its report to the District Committee in Fifteen days.

**5. CONVENING A SPECIAL MEETING OF THE COMMITTEE OR ARRANGING A GATHERING IN THE LOCALITY.-**

(1) If after considering the petition or the information received by it as given in rule 3 or after considering the report of the team referred to in rule 4, the District Committee is of the opinion that there are reasonable grounds to believe that the members of a Committee no longer have confidence in their Chairman or the persons no longer have confidence in the member selected by them, the District Committee shall convene a special meeting of that Committee or arrange for the gathering of the persons, as the case may be, at the appointed them and the appointed place:

Provided that when such a special meeting of the Committee is convened at a place other than the seat of the Committee or a gathering is arranged outside the local limits of the locality, the District Committee shall recorded reason for doing so.

(2) The notice of the special meeting of the Committee shall be sent to the Chairman and members of the Committee at least ten days before the holding of the meeting.

(3) The notice for the gathering shall be so publicised in the locality that the persons get at least ten days' notice and a copy thereof shall be sent to the member against whom the motion is to be moved.

**6. PRESIDING OVER THE SPECIAL MEETING AND THE GATHERING.-** (1) The District Committee shall nominate one of its non-official members to preside over the special meeting of the Committee.

(2) The District Committee shall appoint a team to conduct the proceedings at the gathering.

**7. PROCEEDINGS IN THE SPECIAL MEETING OF THE COMMITTEE.** (1) At the special meeting, the presiding officer shall call upon the members present to move motion of no confidence against the Chairman.

(2) The meeting may be moved by a member and seconded by another member. If the motion is not seconded by any other member, it shall be declared by the presiding officer to have failed.

(3) If the motion is seconded by another member, it shall be open to consideration by the member and any member may speak for or against the motion:

Provided that no member shall speak on the motion more than once and the presiding officer may limit the period of time for which a member may speak.

(4) The Chairman of the Committee shall:-

(a) If present at the meeting, have a right to offer personal explanation, if any; and

(b) If, for any reason, does not, or is unable to, attend the meeting, be entitled to send a written explanation which shall be read out at the meeting before the vote is taken on the motion.

(5) When, in the opinion of the presiding officer, the motion of no confidence has been sufficiently discussed, he shall call upon the members of the Committee present at meeting to give their votes for or against the motion, by the raising of the hands.

(6) If the number of votes supporting the motion for no confidence is not less than two thirds of the total number of members constituting the Committee, excluding the Chairman, the presiding officer shall declare that the motion has been passed. If the motion is not supported by the above number of members, the presiding officer shall declare it to have failed.

(7) A declaration made by the presiding officer under sub-rule (2) or sub-rule (6) shall be final and shall not be called in question before any authority.

(8) The Chairman of the Committee against whom a vote of no confidence is declared to have been passed shall be deemed to have vacated his office forthwith.

## **8. ARRANGEMENTS FOR AND THE PROCEEDINGS IN THE GATHERING**

(1) The arrangements for the gathering shall be made and the procedure in the gathering shall be adopted by the team, as far as possible, according to the corresponding arrangements and procedure prescribed in the Rules.

(2) The motion shall be deemed to have failed if there are less than one hundred adult Muslims of the locality present in the gathering.

(3) The team shall call upon the persons present in the gathering to move a motion of no confidence against the member concerned.

(4) The motion may be moved by any person and seconded by another person. If the motion is not seconded by any other person it shall be declared by the team to have failed.

(5) If the motion is seconded by another person the team may allow a specified number of persons to speak for and against the motion but that number shall not exceed five each:

Provided that no person shall speak on the motion more than once and the team may limit the period of time for which a person may speak.

- (6) The member against whom the motion is moved shall-
- (a) If present, have a right to offer his personal explanation, if any; and
  - (b) If, for any reason, does not, or is unable to, attend the meeting, be entitled to send a written explanation which shall be read out by the team.

(7) If the team finds, by whatever means it deems Feasible and appropriate, e.g. by rising of the hands, that not less than two thirds of the persons present are in favour of the motion, it shall declare the motion to have been passed. If the team finds that the above number of persons are not in favour of the motion, the team shall declare the motion to have failed.

(8) The member against whom a vote of no confidence is declared to have been passed shall be deemed to have vacated his office forthwith.

#### **9. REPORT ON THE PROCEEDINGS OF THE SPECIAL MEETING OF THE COMMITTEE OR AT THE GATHERING.**

As soon after the special meeting of the Committee or the proceedings in the gathering as possible, the presiding officer of the team, as the case may be, shall send a report to the District Committee.

(2) In the report shall be given a brief account of the proceedings indicating the procedure adopted by the presiding officer or the team. The name of the member/person who proposed the motion and of the member/person who seconded it shall be given. The gist of the speeches made by various members/persons will also be given. In case the Chairman or the member against whom the motion has been moved had sent his written explanation, it shall be attached with the report in original or its attested copies will be sent. The number of the votes of the members for and against the motion will be given. Number of the person present in the gathering, the number of the persons who voted for the motion and against the motion will also be given. The procedure adopted by the team to determine the number of the persons for the above purpose will also be indicated. The result of the proceedings will be clearly indicated. In the report shall also be mentioned any other noteworthy aspect of the proceedings.

(3) The report shall be given by the presiding officer/all the members of the team as the case maybe, and shall be delivered to the District committee at the earliest.

#### **11. MOTION OF NO CONFIDENCE TO BE MOVED ONLY AFTER ONE YEAR OF ELECTION/SELECTION OR FAILURE OF THE PREVIOUS MOTION.**

No motion of no confidence shall be allowed against a Chairman or a member of

a committee unless one year has passed since his election or selection, as the case may be or of the failure of the previous motion against such Chairman or the member.

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