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PART-I

LOCAL GOVERNMENT AND HOUSING TOWN PLANNING DEPARTMENT

Karachi, dated the 24th January, 2017

No.RO(LG)/MISC:4(74)/2016: In exercise of the powers conferred by Section 138 of the Sindh Local Government Act, 2013, read with Section-120 and entry 22 of Schedule VII therelo, the Government of Sindh are pleased to make the following Rules:-

CHAPTER-I
PRELIMINARY

Short title and commencement.

1. (1) These rules may be called the Provincial Local Government Commission (Conduct of Business) Rules, 2017.

(2) They shall come into force at once.

Definitions.

2. (1) In these Rules, unless the subject or context otherwise requires

(i) "Act" means the Sindh Local Government Act, 2013;

(ii) "Audit Officer" means a person appointed by the Commission to conduct special audit of a Local Council;

(iii) "business" means all work done by the Commission in pursuance of the provisions of the Act and the rules framed there under;

(iv) "Chairperson" means the Chairperson of the Commission;

(v) "Commission" means the Provinical Local Govrnment Commission;

(vi) "Inspection" means the inspection of all the Local Councils conducted under these Rules;

(vii) "Inspecting officer" means the Chairperson the member or the Secretary of the Commission or any Officer authorized or appointed by the Commission for the purpose of inspection of Local Council;

(viii) "Member" means the member of the Commission;

(ix) "Province" means the province of Sindh;

(x) "Secretary" means the Secretary of the Commission; and

(xi) "special audit" means the special audit of the Local Councils ordered by the Commission.

(2) The Words and expressions used herein but not defined in these Rules shall have the same meanings as are assigned to them in the Act.

CHAPTER - II
CONDUCT OF BUSINESS OF THE COMMISSION

Conduct of business of the Commission.

3. (1)The business of the Commission shall beconducted in its ordinary meeting:

Provided that the Chairperson may call a special meeting to consider any urgent matter or special items.

(2) An ordinary meeting of the Commission shall be held at least once in every month on the date and time fixed by the Chairperson;

Provided that, after recording reasons, the Chairperson may not hold an ordinary meeting for a particular month.

(3) The meeting shall be presided over by the Chair person and in his/her absence by a member chosen for that purpose by the members present in the meeting.

(4) Intimation for the date and time of an ordinary meeting and a special meeting shall be sent to the memebrs of the Commission at least seven days before an ordinary meeting and three days before special meeting.

(5) The Commission shall not be restrained from holding meeting and transacting its business merely because of a vacancy in the membership of the Commission:

Provided that at least one half of the existing members are present in the meeting.

(6) All decisions shall be taken by the majority of votes of the members present andvoting:

Provided that in case of equality of votes the Chairperson shall have a casting vote.

(7) The minutes of a meeting shall be confirmed by the Commission in the subsequent meeting.

Agenda.

4. (1)The agenda of the meeting shall be issued by the Secretary with the approvalof the Chairperson.

(2) The disposal of business shall be undertaken by the Commission in order as given in the agenda.

(3) Any member desirous of bringing any matter before the Commission for its consideration may, subject to approval by the Chairperson, get such matter included in the agenda by giving a prior notice of at least theree days in case of an ordinary meeting and two days in case of a special meeting.

Division of business.

5. The Chairperson maydistribute the business of the Commissionregarding inspections, special audits and inquiries among the members of the Commission with regard to territorial or functional jurisdiction.

Executive authority.

6. (1) The executive authority of the Commission shall be exercised bythe Chairperson through the Secretary.

(2) The correspondence on behalf of the Commission shall be authenticated under the signature of the Secretary or an officer authorized by him.

Powers of the Commission.

7. (1)The Commission, any of its members, an inquiry officeror an inspecting officer duly appointed by the Commission while conducting an inspection or holding an inquiry shall have the power of civil court under section 27 of the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters; -

(i) summoning and enforcing the attendance of any person and examining him on oath;

(ii) requiring the discovery and production of any document;

(iii) receiving evidence on affidavits; and

(iv) issuing commissions for the examination of witnesses or documents.

(2) The Commission, any of its members, an inquiry officer or inspecting officer duly appointed by the Commission shall information as may be useful for the subject matter of the inquiry or inspection.

(3) Any member, any officer authorized by the Commission, an inquiry officer or inspecting officer duly appointed by the Commission, may enter into any building for inspection, survey of immovable property, any work in progress under the supervision of local Government or place where there is reason to believe that any article, books of accounts or other documents relating to subject matter of inspection or inquiry are found and such officer or member shall take into custody or seal such article, things, books of accounts, documents or take extracts or copies from such books or documents.

(4) The proceedings under these Rules shall be deemed to be judicial proceedings within the meaning of section 193 and 228 of the Pakistan Penal Code, 1860 (XLV to 1860).

(5) The Government, its departments and agencies shall aid and assist the Commission in performance of its functions.

(6) The Government may, after serving a notice in leading daily newspaper and giving opportunity of hearing, remove a member of the Commission after recording reasons.

Finances.

8. The annual budget of the Commission shall be within the authorizedappropriation and control of the Secretary who shall, for this purpose exercise all the financial and administrative powers as are delegated to Administrative Secretary of Principal Accounting Officer of a department.

Secretariat.

9. (1)The Local Government, Housing and Town Planning Department shall establisha separate secretariat of the Commission and shall render assistance in the proper functioning of the Commission.

(2) Without prejudice to the generality of this provision, the Secretariat shall be responsible for -

(i) the proper functioning of the Commission and shall provide all assistance to the members and Chairperson of the Commission;

(ii) preparation of working paper and its circulation amongst the member and recording minutes of the meeting of the Commission;

(iii) implementation and monitoring of the decision of the Commission;

(iv) preparation of annual reports about the performance of the Local Councils at District level;

(v) preparation of drafts, reports or summaries and other assignments to be presented to the Chief Executive of the Province with the approval of the Chairperson; and

(vi) any other assignment given by the Chairperson of the Commission or by the Chief Executive of the province.

CHAPTER - III
INSPECTIONS

Regular annual inspection of Local Councils.

10. The working of the Local Councilsshall be inspected at least once every financial year by the inspecting officer or such other officers as may be appointed by the Commission for this purpose.

Special inspection.

11. The special inspection of a Local Council may be undertaken bythe Commission when the Commission considers it necessary or when a direction is received from Chief Executive of the Province.

Manner of inspection.

12. (1) The Commission shall draw and approve a schedule of regularannual inspection for each month.

(2) The dates of inspection shall be communicated by the respective inspecting officer appointed by the Commission to the concerned Local Council in shape of letter or memo at least fifteen days before the inspection.

(3) As soon as the letter of inspection issued under sub rule (2) is received by the respective Local Councils, the concerned Mayor or, as the case may be, the Chairperson shall circulate the letter so received to all officers responsible for keeping the record.

(4) A notice shall also be affixed at conspicuous places by the concerned Mayor or, as the case may be, the Chairperson for information of general public that the inspecting officer named in this behalf is undertaking inspection of Local Council on given dates, so that any citizen, registered voter or tax-payer of Local Council may make complaint or representation to the inspecting officer during inspection.

inspection report.

13. (1) The inspection report shall be discussed by the inspecting officerwith the Mayor or, as the case may be, the Chairpersonconcerned in a meeting and both of them shall affix their signature on the report as a token of discussion. The inspection report shall be submitted by the inspecting officer to the Commission within thirty days after inspection of a Local Council.
(2) The inspection report so received shall be examined and evaluated by the members of Commission in the ensuing meeting of the Commission.

(3) A copy of the inspection report shall be sent to the Local Council council concerned with the recommendations and orders of the Commission, if any, for immediate necessary action.

Action on inspection report

14. (1) On receipt of inspection report from the Commission, theconcerned Mayor or, as the case may be the Chairperson of Local Council shall take immediate steps to act upon the recommendations of the Commission.

(2) After attending to the observation of the inspection report and implementing the recommendations of the Commission, the Mayor, or, as the case may be, the Chairperson of the respective Local Council shall send compliance report to the Commission within thirty days.

CHAPTER - IV
DISPUTE AND INQUIRIES

Settlement of dispute.

15. The Commission shall be responsibel for the settlement ofdisputes between any department of the Government and the Local Council and between two Local Council.

Manner of settling the dispute.

16. (1) When two or more Local Councils are unableto settle their dispute arnicably, the aggrieved Local Council shall refer the matter of dispute to the Commission for settlement.

(2) The formal request to the Commission by a Local Council shall be made in writing in shape of memorandum containing the details of dispute and the matter containing the claim of Local Council.

(3) On receipt of memorandum or request of settlement of claim or dispute, the Commission shall discuss the matter in its meeting and may appoint an officer or committee for inquiring into the dispute, if deemed necessary.

(4) The Commission, inquiry officer or the inquiry committee, as the case may be, shall examine the record and hear the representatives of concerned Local Councils and may also make such inspections as are considered necessary in setting the disputes.

(5) After completion of hearing and inspection, the inquiry officer or the inquiry committee shall sent the inquiry report along with recommendations to the Commission within thirty days of the orders of such inquiry.

(6) The Commission shall discuss the inquiry report on the dispute and pass an appropriate order which shall be binding on the parties in dispute.

Inquiries.

17. The Commission may conduct inquiry into any matter concerning a Local Council on its own initiative or whenever it is directed by the Chief Executive of the Province

Instances of inquiries.

18. The inquiries may be initiated by the Commission in the followinginstances:-

(i) on receipt of direction from the Chief Executive of the Province or on such other grounds upon which the Commission itself comes to the conclusion that an inquiry is necessary into the affairs of a Local Council;

(ii) on the directions of the Chief Minister under Section-120 of the Act, where the performance of a Chief Executive of a Local Council is reported by the concerned Mayor or, as the case may be, the Chairperson to be unsatisfactory, and the Government considers that an inquiry into the matter is necessary;

(iii) on the report of Chief Executive under section-120 of the Act, where in the opinion of the Chief Executive an order of Mayor or, as the case may be, the Chairperson is motivated or unlawful, and he seeks recourse in writing to the Commission; and

(iv) in case of dispute between two or more Local Councils and a department of the Government, when recourse is sought to the Commission in writing for settling the dispute.

Procedure and manner of inquiry.

19. (1) The Commission shall look into the materialavailable to it for the purpose of initiating inquiry proceedings into the affairs of a Local Council and frame the issues containing points to be determined and shall decide whether the inquiry is to be

conducted by the Commission itself or through administrative department of the Local Councils.

(2) In case the Commission decides to refer the matter to the administrative department for inquiry, the issues framed under sub rule (1) shall be sent to the Secretary to Government of administrative department concerned for initiating inquiry proceedings and sending his report within thirty days.

(3) Where the Commission decides to hold the inquiry by itself, if may appoint inquiry officer or inquiry committee to proceed further into the matter.

(4) The inquiry officer or inquiry committee shall complete inquiry within thirty days. In case inquirty is not completed within the prescribed time, inquiry officer or the inquiry committee, as the case may be, may seek the extension of time by giving reasons in writing to the Commission.

(5) The inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral and documentary evidence as may be necessary.

(6) The inquiry officer or inquiry committee, as the case may be, shall send the inquiry report with recommendations, within seven days of the completion of inquiry, to the Commission.

Action on the inquiryreport.

20. (1)On receipt of inquiry report by the Commission from theinquiry officer or inquiry committee, it shall be examined by the Commission or member concerned who shall evaluate it and send the matter for discussion in the meeting of the Commission.

(2) The inquiry report along-with recommendations of the members of the Commission shall be reviewed in meeting of the Commission and final recommendations shall be prepared and approved by the Commission for onward transmission to the quarter concerned as mentioned under Rule 18 which ordered or requested the inquiry for further necessary action.

(3) The findings, recommendations and orders of the Commission related to the disputes or other matters concerning the Local Council shall be sent to the parties concerned and the respective administrative department.

Acts done in good faith.

21. No suit, prosecution or other legal proceedings shall lie against any member of the Commission for any thing done or action taken under these Rules in good faith.

-MUHAMMAD RAMZAN AWAN-
SECRETARY TO GOVERNMENT OF SINDH