

THE BALOCHISTAN LOCAL COUNCIL
(APPEAL) RULES, 1983

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RULES

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NOTIFICATION

[26" June, 1983]

No.1-95/81(PLGB)AO.IV: 7481-734. In exercise of the powers conferred by Section 150 of the, Balochistan Local Government Ordinance, 19803 (II of 1980) the Government of Balochistan is pleased to make the following rules, namely:—

1. Short title, commencement and application.— (1) These Rules may be called the Balochistan Local Council (Appeal) Rules, 1983.

(2) They shall come into force at once.

(3) These Rules shall apply to all appeals preferred against orders passed under the Balochistan Local Government Ordinance, 1980? (II of 1980), except appeals by servants of Local Council in matters relating to their service.

2. Definitions— (1) In these rules, unless there is anything repugnant in the subject or context—

(a) "Government" means Government of Balochistan;

(b) "Ordinance" means the Balochistan Local Government Ordinance, 19803 (I of 1980);

(c) "Secretary" means the Administrative Secretary of the Local Government, Rural Development and Agrovilles Department.

(2) The words and expressions not hereby expressly defined shall have the same meaning and definition as are assigned to them respectively in the Balochistan Local Government Ordinance, 1980°.

3. Appellate Authority.— Unless otherwise provided, appeals against the orders of the authorities specified in column No.1 of the Schedule annexed to these rules shall lie to the authorities specified in column No. 2 thereof.

These rules have been issued by Government of Balochistan, Local Government, Rural Development and Agrovilles Department vide its notification No.1-95/81(PLGB)AO.IV: 7481-734, dated 26" June, 1983; and published in Balochistan Gazette (Extraordinary) No. 169, dated 26" June, 1983.

Spelling of the word "Baluchistan", wherever it appears in this regulation, is corrected by insertion of letter per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

An Ordinance promulgated by the Governor of Balochistan on 28" January, 1980; published in the Balochistan Gazette (Extraordinary) No. 22, dated 2TM February, 1980; saved and validated by Article 270A of the Constitution of Pakistan (1973); repealed by the Balochistan Local Government Ordinance 2001 (Ordinance XVIII of 2001), which was further repealed by the Balochistan Local Government Act, 2010 (Act V of 2010) now in force in Balochistan, with a saving clause for the rules framed under previous enactments; S. 3 (2).

For Balochistan Local Government Act, 2010 (Act V of 2010), see Balochistan Gazette (Extraordinary) No. 418, dated 13"

May, 2010.

“a
(e)

instead of “u”; as

4. Period within which appeals are to be filed.— (1) Unless otherwise provided in any law for the time being in force or in any rules framed under the Ordinance, the period of limitation for an appeal to which these rules apply shall be 30 days from the date of the order appealed against.

(2) The provisions of Section 5 and 12 of the Limitation Act, 1908', shall apply in computing the aforesaid period of 30 days.

5. Manner in which appeals are to be filed— _ (1) Every appeal shall be preferred in the form of a memo, and shall be presented to the appellate authority, or an officer

authorized by it in this behalf, by the appellant personally or his authorized agent, or sent to such authority by registered post.

(2) Every memorandum of appeal shall be in writing and shall set forth concisely the grounds of objection to the order appealed against, and such grounds shall be numbered consecutively.

(3) Every memorandum of appeal shall be signed and verified by the appellant and shall unless the authority before which the appeal is filed, dispenses with such requirement, be accompanied by a certified copy of the order appealed against.

(4) Every appeal received by an appellate authority shall be entered in a Register of appeals in the form appended to these rules.

6. Hearing and decision of appeal.— (1) No appeal shall be decided under these rules without—

(i) notice to the authority passing the order appealed against;

(ji) considering any representation that may be made by such authority in respect of the matter under appeal; and

(ii1) giving an opportunity to the appellant, and any other party to proceedings in which the order appealed against was passed, of being heard in person or through his authorized agent.

(2) The appellate authority may, before deciding the appeal, call for the record of the case from the authority against whose order the appeal is preferred, and may cause such enquiry to be made or obtain such advice, as it may consider necessary.

(3) The appellate authority may, issue an interim order staying the execution of the order appealed against, where, in its opinion, such execution is likely to affect materially the redress sought for by the appellant.

(4) An appeal shall, as far as possible, be decided within ninety days of its filing.

(5) The decision of the appeal shall be communicated to the appellant and to the

authority passing the order appealed against and shall be given effect to by the latter immediately on its receipt.

(6) The appellant authority may determine the costs of an appeal and specify the

1 That is Act IX of 1908.

party by and to whom such costs shall be paid.

(7) Any costs awarded to a Local Council under the rule shall be recoverable as arrears of a tax.

7. Delegation. The Government may delegate all or any of its powers under these rules to any of its Administrative Secretary or to any of its officer enjoying equal status as such.

8. Transfer of appeals.— The Government may transfer an appeal made to it under the provision of rule 4 to Secretary and the Secretary shall in respect of appeals so transferred to him, exercise all the powers of the Government.

9. Pending Proceedings.— Nothing in these rules shall affect the continuance of any proceedings by or before any authority immediately before the commencement of these rules and such proceedings shall be continued and disposed of as if these rules had not come into force.

10. Repeal. The West Pakistan Municipal Committee (Appeal) Rules 1960, are hereby repealed.

BY ORDER OF
GOVERNOR BALOCHISTAN

CHIEF SECRETARY
GOVERNMENT OF BALOCHISTAN

(See Schedule on next page)

SCHEDULE

(Rule- 3)

S. Authority making the order under appeal Appellate Authority
No.

An officer or servant of a Municipal | Mayor or the Chairman as the case may

Corporation/ Committee as the case may be | be.
or any other person authorized in this behalf

or to whom the powers to pass orders have
been delegated by the Mayor/ Chairman of a
Municipal Corporation/ Committee, as the

case may be.

Municipal Corporation, Municipal Government.
Committee, its Mayor or Chairman as the
case may be.

REGISTER OF APPEAL

Rule- 5 (4)

Appellate Authority

Date of filling of the appeal.

Name(s) of the appellant.

Name(s) of the respondent.

Date and name of the Authority

vv | passing the order appealed against.

The redress sought for by the
appellant.

Interim order, if any, of the
appellate authority with date.

Date of decision of appeal.

Abstract of the decision of appeal.

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