

THE BALOCHISTAN LOCAL GOVERNMENT BOARD
(CONSTITUTION, AND CONDUCT OF BUSINESS)
RULE, 1993

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RULES

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NOTIFICATION

[16" November, 1993]

No. 3-17/92(PLGB)AO-IV/12274-12804. In exercise of the powers conferred by Section 150 of the Balochistan Local Government Ordinance 1980? (II of 1980) read with Part-VI of West Pakistan Local Councils and Municipal Committees Service Rules, 1963, the Government of Balochistan is pleased to make the following rules: —

1. Short title and commencement.— (1) These rules may be called the Balochistan Local Government Board (Constitution, and Conduct of Business) Rule, 1993.

(2) They shall come into force at once.

2. Definitions. — (1) In these rules, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

(a) "Accounts Officer" means Account Officer of the Board.

(b) "Board" means the Balochistan Local Government Board;

(c) "Budget" means an official statement of income and expenditure of the Board or a Local Council prepared for a financial year, and includes revised or supplementary budget of the year.

(d) "Chairman" means the Chairman of the Board.

(e) "Fund" means fund of the Board and Local Council.

(f) "Meeting" means a meeting of the Board.

(g) | "Member" means member of the Board.

(h) "Ordinance" means Balochistan Local Government Ordinance, 1980? (II of 1980);

(i) "Secretary" means the Secretary of the Board;

(G) "Servants" means the servants of the Local Council employed under the Ordinance.

7 These rules have been issued by the Local Government, Rural Development and Agrovilles Department, Government of Balochistan, vide its Notification No. 3-17/92(PLGB)AO-IV/12275-12804, dated 16 November, 1993; and published in the Balochistan Gazette (Extraordinary) No. 31/F, dated 16" November, 1993. Saved firstly by section 196 (3) of the Baln. Ord. XV of 2001 and then by section 3 (2) of the Balochistan Local Government Act, 2010 (Act V of 2010).

2 Now the Balochistan Local Government Act, 2010 (Act V of 2010); passed by the Balochistan Assembly on 10" May, 2010:

assented to by the Governor of Balochistan on 11" May, 2010; published in the Balochistan Gazette (Extraordinary) No. 418, dated 13" May, 2010, which repealed the earlier Baln. Ord. XVIII of 2001.

Baln. Ordinance II of 1980 was made on 28" January, 1980 by Governor Balochistan; published in the Balochistan Gazette (Extraordinary) No. 22, dated 2" February, 1980. Saved and validated by Article 270-A of the Constitution of Islamic Republic of Pakistan; and repealed by Baln. Ordinance XVIII of 2001.

(k) "Service" means the Balochistan Local Council Service.

3. Local Government Board. — (1) There shall be the Balochistan Local Government Board which shall comprise of a Chairman and not less than two and more than five members to be appointed by the Government.

(2) The Board shall have its own seal which shall be kept in the custody of the Secretary.

(3) The Office of the Board shall be located in Quetta and the staff of the Board shall be entitled to all the facilities and fringe benefits as admissible to the staff of the Civil Secretariat, Government of Balochistan.

(4) The Board shall be the successor of the Provincial, Divisional and District Local Government Boards, established under the West Pakistan Local Councils and Municipal Committees Service Rules, 1963.

(5) The Secretary to Government of Balochistan, Local Government Department shall be the ex-officio Chairman of the Board.

(6) Government may remove any member from the membership of the Board at any time without assigning any reason.

(7) The Government may fill-up causal vacancy of a member at any time if he considers necessary.

(8) There shall be a Secretary of the Board to be appointed by the Government from the service, to deal with the day to day administration of the Board and subject to the provisions of these rules, perform such other functions and exercise such powers as may be assigned to him by the Board or the Government.

(9) The Chairman shall subject to the approval of the Board draw up a schedule of establishment setting forth the staff for the Board, however, the posts of the Board shall be filled in from amongst the members of the service.

(10) The Board shall not be competent to create any post not provided in the schedule of establishment.

(11) The Board may, subject to the budget provision create any post not provided for in the schedule of establishment for a period not exceeding Six months for the purpose of pay and allowances only.

4. Conduct of Business of the Board. — (1) The business of the Board shall be conducted in its ordinary meeting.

Provided that the Chairman may call a special meeting to consider and approve the budget or any urgent matter or special item.

(2) An ordinary meeting of the Board shall be held at least once in a quarter on such date and time as may be fixed by the Chairman.

Provided that in case of unavoidable circumstances to be recorded in writing by the Chairman, the holding of an ordinary meeting in a quarter may be dispensed with.

(3) The meeting shall be presided over by the Chairman and in his absence by a member nominated by the Chairman for the purpose.

(4) Intimation for the date and time of an ordinary meeting and a special meeting shall be sent to the Members at least seven days and three days in advance respectively.

(5) A vacancy in the membership of the Board shall not restrain it from holding meeting and transacting the business relating to its functions.

Provided that at least two Members excluding the Chairman are present in the meeting.

(6) All decisions by the Board shall be taken by majority of votes of the members present.

Provided that in case of equality of votes the Chairman shall have his casting vote.

(7) The minutes of a meeting shall be approved by the Chairman within 10 days from the date on which such meeting takes place and the minutes shall be confirmed by the Board in a subsequent meeting.

(8) The minutes of the previous meeting shall be circulated by the Secretary in the next meeting for the information of the Board.

5. Agenda.— (1) For every meeting the agenda for consideration of Board shall alongwith the notice of the meeting be issued to the members by the Secretary with the approval of the Chairman.

(2) The disposal of business, as far as possible shall be undertaken by Board in order in which it is entered in the agenda.

(3) Any Member desirous of bringing any matter before the Board for its consideration may subject to approval by the Chairman get such matter included in the agenda by giving a notice of at least three days in the case of an ordinary meeting and two days in case of a special meeting.

6. Committees. — For disposal of various types of business and function of the Board, the Board may constitute such committees or sub-committees consisting of such number of members and may co-opt such other members as may be deemed necessary by the Board.

7. Function of the Board. — (1) The Board shall, subject to any other Law for the time being in force, conduct such test and examination and hold such interviews in such manner and subject to such conditions as may be determined by Government from time to time for recruitment to posts, in-service promotion and regularization of member of service and servants.

(2) To operate Pension Fund, Group Insurance Fund, Benevolent fund and other funds for the benefits of the service.

(3) To maintain and administer the Institute or Academy or other Trainings for the Service and servants.

(4) To function as planning Commission for Local Councils.

(5) To arrange training within the country or abroad for the members of the service and servants.

(6) To advise and evolve organization and methods (O&M) techniques for the benefits of Local Councils.

(7) To act as an Advisory Body to Government in service matter in respect of the members of the service.

(8) To function as Finance Department for Servants and all Local Councils creating/collecting funds from their own resources or granted by Federal or Provincial Government or other agencies.

(9) To sanction such honoraria as it deems expedient to its staff.

(10) Auction any of its unserviceable items in such manner as is followed in Government Department.

(11) (a) Take disciplinary action and deal with other service matters in respect of the Members of the service and servants in accordance with such manner and procedure and subject to such conditions as prescribed or may be prescribed.

(b) To operate funds of the Board.

Any other function assigned by the Government to the Board.

8. Local Government Board Fund.— (1) There shall be a fund of the Board to be known as the "Balochistan Local Government Board Fund".

(2) The funds shall comprise of—

i) The balance of the Provincial Local Government Board;

ii) The contribution from the Local Councils.

iii) The grants from Government or any other agency;

iv) Rents and other receipt in respect of the properties vesting in the Board;

Vv) All money raised by the Board from Banks, or any other agency as Loans;

vi) All profits or interests accruing from investment; and

vii) All other proceeds and such other amounts as the Government may direct to be placed at the disposal of the Board.

9. Utilization and maintenance of funds. — (1) The fund shall be exclusively utilized for the maintenance of the Board, payment of emoluments to the staff, incurring any

contingent expenditure and for such other purpose as may be deemed necessary from time to time.

(2) The accounts of the Board shall be maintained in such scheduled Bank(s) as may be determined by the Board from time to time.

10. Forms and Registers. — The forms and Registers for maintenance of the accounts of the Board shall be the same as are applicable to the Local Councils.

11. Budget of the Board. — (1) The Board shall prepare its own budget.

(2) The budget shall be prepared by the Accounts Officer or any other officer assigned the responsibility and place it before the Board that it is passed on or before 30th June, of every year.

(3) After approval of the Budget by the Board it shall be authenticated by the Chairman.

(4) Subject to the Provisions in the sanctioned Budget the expenditure at a time on a single item, other than the Pension, Pay and Allowances of the staff of the Board, may be incurred if the amount of expenditure is:

(i) Upto five thousand rupees with the approval of the Secretary.

(ii) Above five thousand rupees but not exceeding one lac rupees with the approval of the Chairman and.

(iii) | Above one Lac rupees with the approval of the Board.

(5) The routine expenditure on pension, pay and Allowances of the Establishment of the Board shall be incurred with the sanction of the Secretary.

12. Executive powers of the Chairman. — (1) The executive powers of the Board with regard to the following matters shall vest in and be exercised by the Chairman:

(i) Execution of contract and works on behalf of the Boards;

(ii) Award of punishment to the members of the service and servants

provided that the dismissal, removal from service, compulsory retirement or reduction in rank of such servants shall be ordered with the approval of the Board.

(iii) Grant of leave, extension of joining time, sanction of pension/gratuity to the persons belonging to “service” and “servants”.

(iv) Postings, transfers, suspension holding or ordering departmental enquiries in respect of members of “service” and “servants”.

(v) Supervision and control of the persons posted in the Board and conduct of day to day administration.

(vi) Receipt of all money on behalf of the Board and Local Councils.

(vii) | Execution of resolutions of the Board.

(viii) Issuance of Notice on behalf of the Board.

(ix) Exercise such other powers and functions as may from time to time be determined by the Board.

(x) The instruction and defence of suit and all other legal proceedings on behalf of the Board.

(2) The Chairman by an order in writing may delegate any of the powers vesting

in him under sub-rule (1) to the Secretary or any Member/Officer of the Board to the extent and subject to such terms and conditions as may be specified in such order and may in the same manner alter, modify or withdraw such delegate powers.

13. Administrator of the Board. — The Secretary of the Board shall be responsible

for the following:—

(1) Arrangement for Board meeting before and after.

(2) To carry-out all the correspondence of the Board and shall perform all such functions, duties etc: as are/to be assigned to him in connection with the affairs

of Board.

(3) To sign and issue notices of the Board meetings and will prepare agenda of the meeting.

(4) To be responsible for office Administration and management of necessary

record of the Board and the members of the Service.

(5) To control and supervise the establishment of the Board.

(6) To be responsible for disposal of all business affairs except the matters relating to the Chairman.

(7) To maintain the service record of all the members of service and the servants.

(8) To maintain the funds of the Board and shall ensure its safe custody and operation.

(9) To sign all type of payment vouchers and sanction the expenditure authorized under the rules or by the Chairman.

(10) To inform the Chairman about the day to day administrative and financial matters concerning the Board.

(11) To sign the cheques and account of income and expenditure of the Board.

(12) To ensure the observance of Rules effecting the terms and conditions of members of service.

(13) To prepare annual report showing the performance and achievement of the Board.

14. Cheques.— The withdrawal of money from the funds shall be through cheques by:—

(i) The Secretary for the amount upto five thousands;

(ii) The Chairman for the amount upto one Lac;

(iii) = The Chairman and Secretary jointly for amount exceeding one Lac.

15. Audit of the Funds/Accounts of the Board. — (1) The funds/ accounts of

the Board shall be audited by Director Local Fund Audit or by each officer as may be authorized by him in this behalf after close of such fiscal year, on payment of audit fee at such rates as may be fixed by Provincial Finance Department for audit of Local Councils, from time to time.

(2) The audit report alongwith action taken thereon shall be placed before the Board by the Chairman / Secretary within sixty days of the receipt of the report.

16. Request of appeal or representation. — (1) A member of — Service aggrieved by an order under these rules shall have a right to file an appeal to the Board against the Chairman who passed the order and when the order has been passed by the Board, to the

Government.

Provided that an appeal shall be on matter relating to determination of fitness of a person to hold a particulars post.

(2) No appeal under sub-rule (1) shall be entertained if it not filed within sixty days of the communication of order to the member of the service concerned.

17. Delegation of power. — The Board or the Chairman may delegate any of its power under these rules or the rules made applicable to the service by virtue of these rules to

any of the office subordinate to it.

18. General.— (1) Where these rules does not specifically provide for anything to be done in respect of the person by whom, or the manner in which it shall be done then it shall be done by such person and in such manner as the Board may direct.

(2) In all the matters not expressly provided for in these rules, the rules framed under the ordinance shall be applicable mutatis mutandis to the affairs of the Board.

(3) All executive action shall be expressed in the name of Board. Every order or instrument shall be signed by the Secretary of the Board and such signature shall be deemed to be proper authentication of such order or instrument.

BY ORDER OF
GOVERNOR BALOCHISTAN

SECRETARY
LOCAL GOVERNMENT RURAL DEVELOPMENT
AND AGROVILLES DEPARTMENT