

THE BALOCHISTAN LOCAL COUNCILS
(REMOVAL OF CHAIRMAN, VICE CHAIRMAN AND MEMBER)

RULES, 2013

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RULES

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Form- I

**'THE BALOCHISTAN LOCAL COUNCILS
(REMOVAL OF CHAIRMAN, VICE CHAIRMAN AND MEMBER)**

RULES, 2013

NOTIFICATION

[18 January, 2013]

No. 5-1/2010(BLCEC)/104-118. In exercise of the powers conferred by Section 141 read with Section 31 of the Balochistan Local Government Act, 2010? (Act No. V of 2010), the Government of Balochistan is pleased to make the following Rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Balochistan Local Councils (Removal of Chairman, Vice Chairman and Member) Rules, 2013.
(2) They shall come into force at once.
2. Definitions.— (1) In these rules, unless there is anything repugnant in the subject or context,—
 - (a) "Act" means the Balochistan Local Government Act, 2010? (Act No. V of 2010);
 - (b) "Competent Authority" means the Government or any Officer to whom powers have been delegated under Section 144 of the Act; and
 - (c) "Form" means the form appended to these rules.
(2) The words and expressions used but not defined in these rules, shall have the same meaning as are respectively assigned to them in the Act.
3. Institution of Proceedings.— Any proceedings under sub section (1) of Section 31 of the Act for removal of a Chairman, Vice Chairman or any Member of a Local Council (hereinafter referred to as the respondent), may be initiated by Government either suo moto or on a complaint received in this behalf.
4. Procedure for Complaints.— (1) A complaint against a Chairman, Vice Chairman or any Member of a Local Council for action under sub section (1) of Section 31 of the Act, shall be addressed to the Secretary, Local Government and Rural Development Department, Government of Balochistan.
(2) No complaint under sub rule (1) shall be entertained unless it is accompanied by an affidavit of complainant about the facts stated or allegations leveled in the complaint and such documents as are in his possession in support thereof.
(3) Upon receipt of a complaint, the Government may take all or any of the following actions:-
 - (a) dismiss the complaint;
 - (b) call for the comments of the respondent within a time to be specified;

These rules have been issued by the Local Government, Rural Development and Agrovilles Department, Government of Balochistan, its Notification No. 5-1/2010(BLCEC)/104-118, dated 18th January, 2013; and published in the Balochistan Gazette (Extraordinary) No. 48, dated 18th January, 2013.

This Act was passed by the Balochistan Assembly on 10th May, 2010: assented to by the Governor of Balochistan on 11th May, 2010: published in the Balochistan Gazette (Extraordinary) No. 48, dated 13 May, 2010.

- (c) call for a report from any officer, authority or person; or
- (d) pass any order as it may deem fit other than an order of removal.

(4) On receipt of the comments or the report under hereinabove sub rule (3) (b) or (c)

respectively the Government may take any of the following action:-

- (a) dismiss the complaint;
- (b) order the removal of the respondent subject to the proviso to rule 6; or
- (c) direct that a formal inquiry into the allegations be conducted by such officer or authority as it may appoint.

(5) Government may initiate proceedings against the complainant under Section 181 or 182 of the Pakistan Penal Code, 1860? if the complaint or the affidavit in support thereof is false or frivolous.

5. Conduct of inquiry An inquiry under sub rule (4) of rule 3, shall be conducted within the period of forty five days of receipt of the order of inquiry:

Provided that an inquiry shall not stand vitiated if it is not completed within the aforementioned period.

6. Action by Government.— On receipt of the report of inquiry, the Government may pass such order as it deems fit:

Provided that the respondent shall not be removed under sub section (1) of Section 31 of the Act without issuing a show-cause notice to him on the Form-I appended to these rules and giving him an opportunity of being heard if he so desires.

7. Representation.— (1) The respondent may file a review petition to the Government within a period of ten days from the date of the order of removal.

(2) In computing the period of limitation, the time requisite for obtaining a copy of the order represented against shall be excluded.

8. Appearance of counsel.— No party of any proceedings under these rules shall be represented by a legal practitioner or counsel.

9. Manner of filing representation— (1) Every representation shall be preferred in the form of a memorandum, and may be submitted to the Government either personally or through representative or by a registered post.

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

(3) Every memorandum of representation shall be duly signed by the person submitting the representation.

(4) The Government may issue an interim order staying the execution of the order

represented against where, in its opinion, such execution is likely to materially affect the relief sought for by the person submitting the representation.

10. Decision.— The decision of the Government shall be communicated to the Election Commission / Provincial Election Commissioner for issuance of notification under Section 36 of the Act and to the person concerned.

3 That is Act XLV of 1860.

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11. Cessation. A Chairman or a Vice Chairman removed under these rules shall also cease to

be member of the Local Council and shall not be eligible for re-election to the said office of any Local Council during the unexpired period of the term of his office.

BY ORDER OF

GOVERNOR BALOCHISTAN

SECRETARY
LOCAL GOVERNMENT DEPARTMENT

(See FORM- I on next page)

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BY THE COMPETENT AUTHORITY UNDER BALOCHISTAN LOCAL COUNCILS
(REMOVAL OF CHAIRMAN AND MEMBER) RULES, 2013

SHOW CAUSE NOTICE

WHEREAS, you Mr.

have rendered yourself liable for removal as Chairman/member of the

(Name of the Local Council)

AND WHEREAS, you are charged to have incurred disqualification(s) under Balochistan Local Government Act, 2010 (Act No. V of 2010).

NOW, THEREFORE, you are hereby called upon, under Rule 6 of the Balochistan Local Councils (Removal of Chairman, Vice Chairman and Member) Rules 2013, to show cause, within fourteen days of the receipt of this notice, as to why you should not be removed from office.

Statement of allegation(s) duly signed by this Authority is attached.

Secretary
Government of Balochistan
Local Government Department

To

(Address)

Dated: