

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

KARACHI, THE 15th JUNE, 2022.

NO.PAS/LEGIS-B-09/2022-The Sindh Public Service Commission Bill, 2022 having been passed by the Provincial Assembly of Sindh on 13th June, 2022 and assented to by the Acting Governor of

Sindh on 15th June, 2022 is hereby published as an Act of the Legislature of Sindh.

THE SINDH PUBLIC SERVICE COMMISSION ACT, 2022
SINDH ACT NO. IV OF 2022.

AN
ACT

to repeal with certain modifications, re-enact the Sindh Public Service Commission Act, 1989.

WHEREAS it is expedient to repeal with certain modifications, re-enact the Sindh Public Service Commission Act, 1989.

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Public Service Commission Act, 2022.

(2) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context —

(a) "Chief Minister" means the Chief Minister, Sindh;

(b) "Commission" means the Sindh Public Service Commission established under this Act;

(c) "Government" means the Government of Sindh;

(d) "Governor" means the Governor of Sindh;

(e) "Member" means a member of the Commission and includes the Chairperson thereof; and

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "Schedule" means Schedule appended to this Act.

3. (1) There shall be a Public Service Commission for the Province of Sindh which shall be called the Sindh Public Service Commission.

(2) The Commission shall consist of a Chairperson and such number of members as the Chief Minister may determine.

4. (1) The Governor, on the advice of Chief Minister, shall appoint the Chairperson and the Chief Minister shall appoint the members of the Commission but no person who is sixty-five years of age or above and no serving Government servant shall be so appointed.

(2) Not less than one-half of the Members shall be selected from amongst the persons who have held office in the Service of Pakistan for not less than twenty

years out of which at least five years shall be in BS-20 or above.

Preamble.

Short title and
commencement.

Definition.

Composition of
Commission.

Appointment of
Chairperson and
Members.

(3) The remaining members shall be selected from private sector from amongst the persons with minimum age of forty five years and maximum age of sixty five years representing the field of liberal arts, science and other professionals, having a Master's Degree with sufficient practical experience in the relevant field:

Provided that at least one Member shall be a woman and one shall be from Minorities.

(4) The Chairperson or a Member shall hold office for a single term of four years which shall not be extended for further term and/or shall hold office upto the age of sixty five years, whichever is earlier:

Provided that nothing contained in this sub-section shall debar a Member from becoming a Chairperson during the pendency of his term in case the office of Chairperson falls vacant.

(5) The Chairperson or a Member may resign from his office by writing under his hand addressed to the Governor or Chief Minister, as the case may be.

5. Before entering upon the office, the Chairperson and Members shall take oath in the form set out in the Schedule before the Governor in case of Chairperson and before the Chairperson in case of a Member.

6. (1) The terms and conditions of the Chairperson shall be such as may be determined by the Governor on the advice of Chief Minister and that of members shall be determined by the Chief Minister.

(2) On ceasing to hold office, a Member shall not be eligible for reemployment in the service of Government or in autonomous corporation or body established by Government.

7. (1) If the Governor in case of Chairperson and the Chief Minister in case of a Member is of the opinion that the Chairperson or a Member, by reason of physical or mental incapacity, is unable to perform his duties or is guilty of misconduct, he shall appoint a retired officer of at least BS-21 as Inquiry Officer, to inquire into the matter.

(2) If after holding the inquiry, the Inquiry Officer submits a report that the Chairperson or Member is incapable of performing his duties or is guilty of misconduct, the Governor on the advice of Chief Minister in case of Chairperson and the Chief Minister in case of a Member may notwithstanding the provisions of section 4, remove such Chairperson or a Member.

Explanation.- For the purpose of this sub-section, "misconduct" means a conduct prejudicial to the good order of service discipline or contrary to the rules of conduct applicable to civil servants of the Province of Sindh or unbecoming of an officer and includes any act on the part of the Chairperson or a Member, to bring or attempt to bring political or other outside influence directly or indirectly to bear on Government or any Government Officer, in respect of any matter relating to his retention as such Chairperson or Member, punishment, retirement or other conditions of his service and includes but not limited to the following:-

(i) allegations of an offence involving moral turpitude or corruption;

(ii) persistent disregard of the regulations relating to conduct of affairs

of Commission.

(3) For the purpose of inquiry under this section, the Inquiry Officer shall have power vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely:-

Oath of office.

Terms and
Conditions of
Service of
Chairperson and
Members.

Removal of
Chairperson and
Members.

- (i) enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery of documents;
- (iii) receiving evidence on affidavits;
- (iv) issuing commission for examination of witnesses of documents.

8. The functions of the Commission shall be —

- (i) to conduct tests and examinations for recruitment for initial appointment to -
 - (a) such posts connected with the affairs of the Province of Sindh;
 - (b) such posts in or under a Corporation or other Autonomous Body or Organization set up by Government under any law or otherwise as may be prescribed;
- (ii) to advise Government on any matter which Government may refer to the Commission;
- (iii) to hold such departmental or language examination as may be prescribed.

9. Where Government does not accept the advice of the Commission, it shall give such intimation to the Commission with justifiable reasons, thereof.

10. (1) The Commission shall present its report annually to the Provincial Assembly through the Secretary (Services), SGA&CD on the work done by it during the year.

(2) The report under sub-section (1) shall be accompanied by a memorandum setting out so far as is known to the Commission —

(a) the cases, if any, in which the advice of the Commission was not accepted and the reasons therefore;

(b) the matters, if any, on which the Commission ought to have been consulted but was not consulted and the reasons therefore.

(3) The Secretary of the Provincial Assembly shall cause a copy of the report to be laid before the Provincial Assembly.

11. All actions taken by the Commission, its Chairperson and Members shall be presumed to be taken in good faith.

12. Government may make rules for carrying out the purposes of this Act.

13. The Commission may frame regulations for performance of functions and transacting business assigned to it by or under this Act.

Functions of the Commission.

Commission to be informed when its advice not accepted.

Report of the
Commission.

Actions taken in
good faith.

Rules.

Regulations.

14. (1) The Sind Public Service Commission Act, 1989, is hereby repealed. Repeal and ; ; ; saving.

(2) Notwithstanding the repeal under sub-section (1) —

(i) all the actions taken under the repealed Act and the rules and regulations made thereunder, shall be deemed to have been validly taken;

(ii) the rules and regulations made under the repealed Act shall continue to be in force until amended, repealed or altered by the competent authority;

(iii) the Members appointed immediately before the commencement of this Act, shall continue to perform their functions till the expiry of their present tenure;

(iv) the Commission shall conclude the pending cases within ninety days from the date of commencement of this Act.

BY ORDER OF MADAM ACTING SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY

PROVINCIAL ASSEMBLY OF SINDH

SCHEDULE

(See Section - 5)

I, do solemnly swear that I will bear true faith and allegiance

to Pakistan.

That, as a Chairperson (or Member) of the Sindh Public Service Commission, I will discharge my duties, and perform any functions, honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the solidarity, integrity, well- being and

prosperity of Pakistan.

That, I will not allow my personal interest to influence my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment or appointment or in any other way, I will act without fear or

favour, affection or ill will.

May ALLAH Almighty help and guide me (A'meen")