

THE PUNJAB LOCAL GOVERNMENT COMMISSION (CONDUCT OF BUSINESS) RULES, 2003

[8th May, 2003]

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TEXT

[SOV(LG)5-50/2002(P)]

[8th May, 2003]

CHAPTER - I PRELIMINARY

1. Short title and commencement.- (1) These rules may be called the Punjab Local Government Commission (Conduct of Business) Rules, 2003.

(2) They shall come into force at once.

2. Definitions.- (1) In these rules, unless the subject or context otherwise requires-

(i) "audit officer" means a person appointed by the Commission to conduct special audit of a local government;

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

(iii) "Chairman" means the Chairman of the Commission;

(iv) "Commission", means the Punjab Local Government Commission;

(v) "inspection" means the inspection of all the local governments conducted under these rules;

(vi) "inspecting officer" means the Chairman, the member or the Secretary of the Commission or any officer authorized or appointed by the Commission for the purpose of inspection of local government;

(vii) "member" means the member of the Commission;

(viii) "Ordinance" means the Punjab Local Government Ordinance, 2001 (XIII of 2001);

(ix) "province" means the province of the Punjab;

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

(xi) "Special audit" means the special audit of the local governments - ordered by the Commission.

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

CHAPTER - II

CONDUCT OF BUSINESS OF THE COMMISSION

3. Conduct of business of the Commission.- (1) The business of the Commission shall be conducted in its ordinary meeting. Provided that the Chairman 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 Chairman: Provided that, after recording reasons, the Chairman may not hold an ordinary meeting for a particular month.

(3) The meeting shall be presided over by the Chairman and in his 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 members of the Commission at least seven days before an ordinary meeting and three days before a 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 and voting: Provided that in case of equality of votes the Chairman shall have a casting vote.

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

4. Agenda.- (1)The agenda of the meeting shall be issued by the Secretary with the approval of the Chairman.

(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 Chairman, get such matter included in the agenda by giving a prior notice of at least three days in case of an ordinary meeting and two days in case of a special meeting.

5. Division of business.- The Chairman may distribute the business of the Commission regarding inspections, special audits and inquiries among the members of the Commission with regard to territorial or functional jurisdiction.

6. Executive authority.- (1)The executive authority of the Commission shall be exercised by the Chairman through the Secretary.

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

7. Powers of the Commission.- (1)The Commission, any of its members, an inquiry officer or an inspecting officer duly appointed by the Commission while conducting an inspection or holding an inquiry shall have the powers of civil court under 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 have the power to require any person to furnish such 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 may be found and such officer or member may 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 of 1860).

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

9. Secretariat- The Local Government and Rural Development Department shall be the secretariat of the Commission and shall render assistance in the proper functioning of the Commission. 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 Chairman 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 government at district and Tehsil 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 Chairman; and
- (vi) any other assignment given by the Chairman of the Commission or by the Chief Executive of the province.

CHAPTER - III

INSPECTIONS

10. Regular annual inspection of local governments.- The working of the local government shall 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.

11. Special inspection.- The special inspection of a local government may be undertaken by the Commission when the Commission considers it necessary or when a direction is received from Chief Executive of the Province.

12. Manner of inspection.- (1)The Commission shall draw and approve a schedule of regular annual 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 government 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 government, the concerned Nazim shall circulate the letter so received to all officers responsible for keeping the record.

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

13. Inspection report.- (1)The inspection report shall be discussed by the inspecting officer with the Nazim concerned 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 government.

(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 government concerned with the recommendations and orders of the Commission, if any, for immediate and necessary action.

14.Action on inspection report.- (1)On receipt of inspection report from the Commission, the concerned Nazim of local government 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 Nazim of the respective local government shall send compliance report to the Commission within thirty days.

CHAPTER - IV

DISPUTE AND INQUIRIES

15. Settlement of dispute.- The Commission shall be responsible for the settlement of disputes between any department of the Government and the District Government and between two District Governments.

16. Manner of settling the dispute.- (1)When two or more District Governments are unable to settle their dispute amicably the aggrieved District Government shall refer the matter of dispute to the Commission for settlement.

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

(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 District Governments and may also make such inspections as are considered necessary in settling the disputes.

(5) After completion of hearing and inspection, the inquiry officer or the inquiry committee shall send 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.

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

18. Instances of inquiries.- The inquiries may be initiated by the Commission in the following instances:-

- (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 government;
- (ii) on the directions of the Government under Section 30(4) of the Ordinance, where the performance of a District Coordination Officer of a District Government is reported by the concerned Nazim to be unsatisfactory, and the Government considers that an inquiry into the matter is necessary;
- (iii) on the report of District Co-ordination Officer under section 28(3) of the Ordinance, where in the opinion of the District Co-Ordination Officer an order of Zila Nazim is motivated or unlawful, and he seeks recourse in writing to the Commission; and
- (iv) in case of dispute between two or more District Governments and a department of the Government, when recourse is sought to the Commission in writing for settling the dispute.

19. Procedure and manner of inquiry.- (1) The Commission shall look into the material available to it for the purpose of initiating inquiry proceedings into the affairs of a local government 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 any administrative department of the Government.

(2) In case the Commission decides to refer the matter to the administrative department of Government for inquiry, the issues framed under sub rule (1) shall be sent to the Secretary to Government of an 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, it may appoint inquiry officer or inquiry committee to proceed further into the matter.

(4) The inquiry officer or inquiry committee shall complete the inquiry within thirty days. In case the inquiry is not completed within the prescribed time the 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.

20. Action on the inquiry report.- (1) On receipt of inquiry report by the Commission from the inquiry 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 the 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 government shall be sent to the parties concerned and the respective administrative department.

21. Acts done in good faith.- 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.