

SINDH ACT NO.XI OF 1989

THE SINDH PUBLIC SERVICE COMMISSION ACT, 1989

[7th August, 1989]

An Act to repeal and with certain modifications, re-enact the Sindh Public Service Commission Ordinance (Sind Ordinance VI of 1978).

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Sindh Public Service Commission Ordinance (Sind Ordinance VI of 1978); **Preamble.**

It is hereby enacted as follows:—

1. (1) This Act may be called the Sindh Public Service Commission Act, 1989. **Short title and commencement.**

(2) It shall come into force at once.

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

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

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

(c) "Member" means a Member of the Commission and, unless the context otherwise requires, includes the Chairman thereof; and

(d) "Prescribed" means prescribed by rules made under 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. **Composition of Commission.**

(2) The Commission shall consist of a Chairman and such number of Members as the Government may determine.

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(3) Not less than one-half of the Members shall be persons who have held office in the Service of Pakistan for not less than twenty years.

4. (1) The Chairman and Members shall be appointed by the Government.

**Appointment
Chairman
and
Members.**

(2) The term of office of a Member shall not exceed five years;

Provided that a Member may be re-appointed for another term not exceeding three years.

(3) A member may resign his office by writing under his hand addressed to the Government.

5. (1) The terms and conditions of service of the Chairman or Member shall be such as may be determined by the Government;

**Terms
and
Conditions of service
of Chairman
and
Members.**

Provided that the terms and conditions shall not be varied to the disadvantage of the Chairman or Member during the term of his office.

(2) On ceasing to hold office, a Member shall not be eligible for re-employment, in the service of Government or in autonomous corporation or body established by Government by law or otherwise;

Provided that nothing contained in this sub-section shall debar a Member from becoming a Chairman;

Provided further that nothing contained in this sub-section shall apply to a Member who, immediately before his appointment as the Member, was in service of Pakistan, and has not attained the age of superannuation under the law applicable to him as Civil Servant.

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6. (1) If the Government is of the opinion that the Chairman or Member, by reason of Physical or mental in-capacity, is unable to perform his duties or is guilty of misconduct, the Government shall appoint a Judge of the High Court, to inquire into the matter.

**Removal
Chairman
Members.**

**of
and**

(2) If after holding the enquiry, the Judge submits a report that the Chairman or Member is incapable of performing his duties or is guilty of misconduct, the Government may, notwithstanding the provisions of section 4, remove such Chairman or 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 a gentleman and includes any act on the part of the Chairman 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 Chairman or Member, punishment, retirement or other conditions of his service and includes—

- (i) conviction for an offence involving moral turpitude;
- (ii) active participation in sectarian, communal or political controversy;
- (iii) persistent disregard of the regulations relating to conduct of affairs of Commission;
- (iv) assuming a style of living beyond his legitimate means.

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(3) For the purpose of enquiry under this section the Judge 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:—

- (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 or documents.

7. The functions of the Commission shall be—

Functions of the Commission.

- (i) to conduct tests and examinations for recruitment for initial appoint 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—
 - (a) the matters relating to qualifications for, and methods of recruitment to, the posts referred to in clause (i), and
 - (b) any other matter which Government may refer to the Commission;
- (iii) to hold such departmental or language examination as may be prescribed.

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8. Where Government does not accept the advice of the Commission it shall give such intimation to the Commission with reasons, if any, therefor. **Commission to be informed when its advice not accepted.**

9. (1) The Commission shall annually present to the Government a report on the work done by it during the year. **Report of the Commission.**

(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 therefor;

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

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

10. Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. **Power to make rules.**

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

12. The Sind Public Service Commission Ordinance, 1978, is hereby repealed. **Repeal.**