



9th July, 2021

Mr. Mukesh Kumar Chawla,
Minister for Excise Taxation & NC and Parliamentary Affairs and
Chairman,
Sindh Public Procurement Regulatory Authority,
Karachi

**Sub: Non Implementation of mandatory requirement of holding meeting of the Review
Committee under SPPRA Rule No 32 (10)**

Dear Sir,

In order to comply with SPPRA Rule 32 (10), the matter of suspension of meetings of the SPPRA Review Committee Meetings since 4 May 2021, was discussed in the SPPRA Board Meeting No 36, held on 11 June 2021.

The Board was informed that due to the transfer of MD SPPRA, no meetings of the SPPRA Review Committee were being held, and as the new MD has been appointed, the Board to consider the mandatory requirement for Review Committee meetings be held immediately, to decide the appeals within 10 days of their receipt, under Rule No 32 (10), as 36 appeals are pending with SPPRA.

On this, the Managing Director Ms. Rubina Asif informed the Board that the Director General Audit Sindh is not attending SPPRA Board Meetings, as well as Review Committee Meetings since last two years, and therefore till a new Member of Review Committee is nominated, the meetings cannot be held.

After threadbare discussions in the SPPRA Board Meeting the Chairman SPPRA directed the MD to start RC meetings immediately, even if one of the 5 member is not available, and the other members of Board agreed. The Board also decided to recommend to the cabinet to amend the SPPRA Rules, and nominate another member of SPPRA Board in place of Director General Audit Sindh, and also in the Review Committee.

However, the MD did not comply with the Chairman SPPRA/ SPPRA Board decision taken on 11 June 2021.

After a lap of 17 days, a letter was sent by me to MD SPPRA on 28.6.2021, requesting to convene RC Meetings as decided by the SPPRA Board.

On 5th July 2021, a meeting of the RC Committee was convened by the MD SPPRA to discuss this issue, where the MD again raised the issue of quorum, and that without full quorum of 5 members, the RC meeting can not be held.

It was pointed out to the MD that the issue of quorum was also raised by the MD in the 36th Board meeting, and the Board had directed the MD to start RC meetings. MD's attention was also drawn towards the SPPRA Rules 2010, in which the no requirement of quorum is stated for Review Committee in Rule No 33, whereas quorum is stated in Rule No. 67/ 68,



for Consultants Selection Committee, which is 3 out of five. And as there is no requirement of quorum in Rule No. 33, RC meetings with four members were being held since last two years.

The MD SPPRA informed the three RC members that she is recommending SPPRA Board to amend the SPPRA ACT, and nominate another Member on RC in place of Director General Audit Sindh, and after the Rules are amended, the RC meeting will be held.

The three RC Members reminded the Managing Director that Rule of Business and Code of Conduct for government servants states that the business of government cannot be brought to standstill, and if opinion of the subordinate officer is over ruled by the superior officer, the orders of superior are to be implemented.

On such circumstances, Supreme Court Judgements are also available, e.g PLD 1995 SC 530, P L D 2010 Supreme Court 759, that in case the subordinates are directed to implement an illegal order "they should put on record their dissenting note" (PLD 2010 SC 759).

The Chairman SPPRA is requested to take notice of non-compliance of SPPRA Board decisions, and Rule 32(10), and, as the RC was informed that over 40 appeals are pending and SPPRA has already defaulted the time limitation on most of these appeals.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

With Regards,

With Regards,


Syed Adil Gilani
MD, Transparency International Pakistan,
Member Board of SPPRA

Copy forwarded for information and necessary action to,

Deputy Chairman SPPRA, and all SPPRA Board Members