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GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

No. Legis: 3(8)15/Vol-I
Dated: 10.12.2021.

W.P.
2808-10

GOVT. OF KP
Diary No. 10299
Date 13-12-21
L.G.E & R.D.

To

The Secretary,
Government of the Khyber Pakhtunkhwa,
Local Government, Elections and Rural Development Department.

SUBJECT: KHYBER PAKHTUNKHWA VILLAGE & NEIGHBORHOOD COUNCILS RULES OF BUSINESS, 2020.

Dear Sir,

P 368/c

I am directed to refer to your Department's letter No. SOG/LG/7-5/LG Reforms/2021, dated: 01.12.2021, and meeting held with your Departmental Representatives, on the subject noted above, and to enclose herewith draft rules duly vetted and stamped by this Department, for further necessary action.

2. The Administrative Department is advised that the draft rules may be examined minutely and to ensure that these are in order or otherwise serve the purpose.

3. The Administrative Department is further advised that before the draft rules are placed to the Provincial Cabinet for consideration and approval in terms of rule 19 of the Khyber Pakhtunkhwa Government Rules of Business, 1985, the same may be previously published in the official Gazette as required under section 112 (3) of the Khyber Pakhtunkhwa Local Government Act, 2013.

SSLE
Q
13/12/21

Yours faithfully,

(FASEEH ULLAH)
DEPUTY LEGISLATION OFFICER-I
LEGISLATION WING

ENDT. No. & Date (As Above).

Copy is forwarded for information to:

1. PS to Secretary to Government of the Khyber Pakhtunkhwa Law Department.
2. PA to Chief Legislation Officer, Law Department.
3. Master file.

AS (ERA)
SO

DEPUTY LEGISLATION OFFICER-I
LEGISLATION WING

14/12
14/12/2021
15/12
SO

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND
RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

Peshawar, dated the _____, 2021.

No. _____. The following draft rules which the Government of the Khyber Pakhtunkhwa, in exercise of the powers conferred by section 112 of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), read with sub-section (4) of section 5 thereof, proposes to make, are hereby published for information of persons likely to be affected thereby, and notice is hereby given that the proposed rules together with any objection and suggestion with respect thereto, which may be received by Secretary to Government, Local Government, Elections and Rural Development, within a period of _____, from the date of publication of this Notification in the official Gazette, shall be taken into consideration after expiry of the said period.

THE KHYBER PAKHTUNKHWA VILLAGE COUNCIL AND
NEIGHBORHOOD COUNCIL RULES OF BUSINESS, 2021

Part-I
General

1. Short title, application and commencement.---These rules may be called the Khyber Pakhtunkhwa Village Council and Neighbourhood Council Rules of Business, 2021.

(2) These rules shall apply to the village council and neighbourhood council.

(3) These rules shall come into force at once.

2. Definitions.---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) "Act" means the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013);
- (b) "Assistant Director" means the Assistant Director of the Department, posted in the City/Tehsil Local Government;
- (c) "business" means all work done by the council in pursuance of the Act or any rules or bye-laws made thereunder;
- (d) "bye-laws" mean the bye-laws made by council under section 113 of the Act;
- (e) "case" means a particular matter under consideration and includes all papers relating to it and necessary to enable the matter to be disposed of, viz, correspondence and notes and

also any previous papers on the subject or subjects covered by it or connected therewith;

- (f) "Chairman" means the Chairman of the council concerned;
- (g) "committee" means a committee, constituted for the purposes of section 29 of the Act and includes a special committee constituted by the council;
- (h) "council" means a village council or, as the case may be, a neighbourhood council;
- (i) "executive authority" means authority vested in the Chairman; and
- (j) "Secretary" means the Secretary of the council concerned.

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 Government of Punjab, Pakistan
 Law Department

(2) Words and expressions, used but not defined under these rules, shall have the same meanings as are assigned to them in the Act or rules made thereunder.

3. Functions of the council.---(1) The council shall exercise all the powers as specified in section 29 and other provisions the Act.

4. Disposal of business of the council.---(1) The business of the council shall be disposed of by the Secretary.

(2) The Secretary, under the supervision of the Chairman, shall coordinate and facilitate in the functioning of the committees and discharge of such functions as provided in the Act.

(3) Decision, relating to the administration and the business of the council, shall not be taken without the approval of the Chairman.

(4) The Secretary shall be responsible for implementation of decisions of the Chairman.

(5) In matters of policy and important decisions, the Secretary shall obtain prior approval of the Chairman before communicating such matters and decisions to the City/Tehsil Local Government or Assistant Director, as the case may be.

(6) Decisions, taken by the Chairman under the provisions of these rules, shall not be varied, reversed or infringed without consulting him and shall usually be construed as final. However, where the orders of the Chairman appear to involve a departure from the provisions of the Act, rules, regulations or Government policy, the Secretary shall re-submit the case to the Chairman inviting his attention to the relevant laws, rules, regulations or Government policy. In case Chairman does not agree with the contention or legal opinion of the Secretary, the matter shall be referred to the Assistant Director, who shall communicate appropriate guidance or clarification in light of Act and these rules or may refer it to Government for appropriate order.

(7) The Secretary, after receiving the advice of the Assistant Director concerned, shall resubmit the case along with guidance or clarification of the concerned Assistant Director for order of the Chairman.

(8) The Secretary may submit the case along with the guidance or clarification of the concerned Assistant Director to the Local Government Commission for its perusal. However, this shall not cause to cease or delay the subject action or decision of the Chairman.

(9) For the purpose of consolidation of accounts and ensuring financial discipline in the council, the concerned Assistant Director shall act as Principal Accounting Officer for the budget activities for their respective tehsil under the overall policy guidelines of Government.

5. Establishment of office of the council.---(1) Every council shall have an office at a convenient place and location within the jurisdiction of concerned council, for performance of its functions and duties, conduct meetings and disposal of official business as required under the Act.

(2) In case of non-availability of Government building, the concerned Assistant Director or any officer duly authorised by the concerned council, shall arrange suitable rented building within the jurisdiction of concerned council:

Provided that the rent shall be paid from the operational budget of relevant council.

6. Functions and powers of the Chairman.---(1) Without prejudice to the functions and powers of the Chairman, as specified in the Act, the Chairman may call for-

- (a) any case or information from the Secretary or, as the case may be, functionary of the respective council; and
- (b) reports regarding the performance of functionaries of Government offices, located in the council, for the purposes of clause (ix) of sub-section (1) of section 29 of the Act.

(2) The Chairman shall be the approving authority of operational expenditure within the prescribed sphere of responsibility, and the Tehsil Supervisor shall be the co-signatory of the cheque along with Secretary. However, in case of developmental expenditures, sanction shall be obtained from the Principal Accounting Officer concerned before incurring the expenditure.

(3) The Chairman shall issue licenses to Marriage Registrar, as prescribed under clause (a) of rule 4 of the Khyber Pakhtunkhwa Births, Deaths, Marriages and Divorce or Dissolution of Marriages (Registration and Certification) Rules, 2021.

7. Powers and functions of the Chairman for presiding over meetings of the council.---(1) The Chairman shall have the following functions and powers with regard to meetings of the council:

- (a) preside over the meeting of the council as and when convened;
- (b) call the sitting to order;
- (c) preserve order and decorum;

Deputy Legislation Officer
Government of Punjab
Law Department

- (d) in case of disturbance or disorder in the galleries, have the power to cause them to be cleared;
- (e) decide all points of order;
- (f) supervise the elections of the committees of the council;
- (g) as soon as may be, after the commencement of every session, nominate, from among the members a panel of not more than two, any one of whom may preside at a meeting of the council in his absence:

Provided that the member competent to preside over a sitting of the council shall have the same powers as the Chairman and all references to the Chairman in the rules and bye-laws shall in that case be deemed to be references to any such person so presiding.

8. Duties, functions and powers of the Secretary.---(1) The Secretary shall-

- (a) assist the Chairman in coordinating the activities of the council;
- (b) assist the Chairman and council to supervise and oversee the implementation of development schemes;
- (c) prepare periodical reports including reports on implementation of developmental schemes for presentation in the council after approval of the Chairman;
- (d) provide information required by the council for the performance of its functions;
- (e) provide information and data required to the tehsil local government, district administration and Local Government Commission through concerned Assistant Director after approval of the Chairman;
- (f) act as the focal person for the council;
- (g) ensure that the business of the council is carried out in accordance with the Act, rules and byelaws made thereunder;
- (h) assist the Chairman in preparation of reports on the performance of offices within the limits of the council;
- (i) assist the Chairman in formulation of policy for the council and bring the important cases in his notice, submit all proposals for taxation, along with the supporting rules and bye-laws to the council through the Chairman, subject to the condition that the taxation proposals shall be processed as per standard procedure provided in the local government taxation rules for the time being in force;

- (j) assist the Chairman in the proper conduct of the business of the council;
- (k) ensure proper record keeping of all the business of the council;
- (l) assist the Chairman in making arrangements for the amicable settlement of disputes as provided in clause (c) of sub-section (1) of section 28 of the Act;
- (m) ensure registration and certification of vital events. i.e. birth, death, marriage and divorce, as prescribed under the Khyber Pakhtunkhwa Births, Deaths, Marriages and Divorce or Dissolution of Marriages (Registration and Certification) Rules, 2021; and
- (n) ensure formulation of profile of the respective council in consultation with all relevant stakeholders, to annually update the same and display with the approval of the respective council.

Deputy Registration Officer
 Government of Khyber Pakhtunkhwa
 Law Department

Part-II **Office Procedure**

9. General procedure for disposal of business.---(1) All orders shall be made in writing.

(2) Where a verbal order is made, the Secretary upon receiving the order shall take appropriate action if the situation so demands and reduce it in writing and as soon as may be, submit it to the Chairman for confirmation.

10. Orders, instruments, contracts and litigation.---(1) All executive actions of the council shall be expressed to be taken in the name of council and shall be executed by the Secretary duly approved by the Chairman.

(2) The council may sue and be sued in its name through the Secretary.

11. Information to be supplied to committees.---(1) The Chairman or a member of a committee shall ask for information in writing and the Secretary shall supply the information as early as possible.

(2) Where the requisite information is of classified nature, the information shall be supplied after observing all the formalities as specified and prescribed in the relevant laws, rules and instructions.

(3) Where the requisite information relates to the office of Tehsil Local Government or district administration, as the case may be, the committee shall requisite such information through the Chairman.

12. Action on the reports of the committees.---(1) The reports of the committees of the council shall be examined by the Secretary and submit to the Chairman for action alongwith timelines.

(2) The Chairman shall inform the council about the action taken by him on the reports of the committees.

13. Inspections by the Local Government Commission.---(1) The council shall provide all necessary support to the inspection teams deputed by the Local Government Commission while conducting annual and special inspections of the council.

(2) The Secretary shall provide all the necessary assistance and relevant documents to the Local Government Commission promptly under intimation to the Chairman concerned.

14. Inspection by the Chairman.---(1) The Chairman shall inspect the working of the office of the Secretary on monthly basis or as and when deemed necessary by him. He shall pay special attention to-

- (a) compliance with the rules, standing instructions, orders and directives;
- (b) security arrangements for the council;
- (c) general office management;
- (d) proper use and care of finances, property, equipment and stationery etc. under the control of the council; and
- (e) stocks, assets, properties etc. in the council.

(2) A copy of the inspection report shall be submitted to the council. The report shall also indicate steps taken or required to be taken for corrective measures.

15. Posting and transfers.---The posting and transfer of officials and support staff in a council shall be regulated by the Government posting and transfer policy for the time being in force.

Part-III **Reference to the Chairman**

16. Reference to the Chairman.---(1) No order regarding the council shall be issued without the approval of the Chairman in cases involving any policy or departure from policy or in the following cases:

- (a) proposals for the levy of new taxes and making or withdrawal of bye-laws;
- (b) resource position and budget proposals before presentation of the budget and financial statements to the council;
- (c) vital social, political, economic and administrative policies of the council;
- (d) annual reports on the working and performance of council for submission to Government;
- (e) important reports and documents required to be laid before the council;

- (f) cases involving departure from an earlier policy decision or decision of the council; and
- (g) any other case required by the Chairman through general or special order to be submitted to him.

(2) Notwithstanding the provisions of sub-rule (1), the Chairman may, in cases of urgency or other exceptional circumstances, give directions as to the manner of disposal of case, without prior reference to him and the cases, so disposed of, shall be reported to the Chairman at an earliest opportunity thereafter for confirmation.

Explanation: For this purpose, "urgency or exceptional circumstances" means a situation where the routine administrative procedure is either not feasible or causes delay in timely response to the situation.

(3) With respect to any case, mentioned in sub-rule (1), the Secretary shall initiate a self-contained note titled as "Note for the Chairman", with specific recommendations and submit the case to the Chairman for orders.

(4) The Note, containing orders of the Chairman, shall be returned to the Secretary at the earliest but not later than ten (10) working days.

(5) The Secretary shall keep the Chairman generally informed of all the matters affecting public tranquillity in the council.

Part-IV Miscellaneous Provisions

17. Protection and communication of official information.---(1) A Government servant shall not communicate any information acquired directly or indirectly from official documents or otherwise to the media, non-officials or officials belonging to other Government offices, unless he has been, generally or specially, empowered or obligated to do so.

(2) Ordinarily all official news and information shall be conveyed to the press through the Secretary or official spokesperson of the council, nominated by the Chairman, in the manner prescribed generally or specially in each case.

(3) The concerned Assistant Director shall circulate instructions about the treatment and custody of official documents and information of a confidential or classified character as per rules.

18. Channel of correspondence.---Correspondence with Government, district administration and City/Tehsil Local Government shall be conducted by the Secretary through the concerned Assistant Director.

19. General.---The business of the council shall be transacted in accordance with the channels of communication laid down in these rules and instructions.

20. Performance Evaluation Report.---(1) The reporting line for the Annual Performance Evaluation Reports of officers or officials, posted in the council, and their supervisory staff, in the Tehsil Council concerned, shall be as under:

Deputy Legislation Officer
Government of Khyber Pakhtunkhwa
Law Department

Sr.No.	Officer/official.	Reporting Officer.	Counter-Signing Officer.
1	Tehsil Supervisor Local Government.	Assistant Director Local Government.	Director General, Directorate General Local Government, Elections and Rural Development, Khyber Pakhtunkhwa.
2.	Secretary Village and Neighbourhood Councils	Tehsil Supervisor Local Government.	Assistant Director Local Government.
3.	Naib Qasid Village/ Neighbourhood Council.	Secretary Village and Neighbourhood Council.	Tehsil Supervisor Local Government.

21. Repeal and savings.---(1) The Khyber Pakhtunkhwa Village Council and Neighbourhood Council Rules of Business, 2015 are hereby repealed.

(2) Notwithstanding the repeal of aforementioned rules, all orders and instructions, issued before commencement of these rules, not inconsistent to the provisions of these rules, shall be deemed to be valid within the meanings of these rules.

**Secretary
Government of Khyber Pakhtunkhwa
Local Government, Elections and Rural
Development Department**