

**THE ¹[KHYBER PAKHTUNKHWA]
ESTABLISHMENT OF DISTRICT DEVELOPMENT
ADVISORY COMMITTEES ACT, 1989.**

(²[KHYBER PAKHTUNKHWA] ACT NO. IV OF 1989)

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¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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ESTABLISHMENT OF DISTRICT DEVELOPMENT
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[First published after having received the assent of the Governor of the ³[Khyber Pakhtunkhwa] in the Gazette of ⁴[Khyber Pakhtunkhwa] (Extraordinary), dated the 28th May, 1989].

**AN
ACT**

to provide for proper planning and supervision of local level development activities in the ⁵[Khyber Pakhtunkhwa].

Preamble.---WHEREAS it is expedient to provide for proper planning and supervision of local level development activities in the ⁶[Khyber Pakhtunkhwa];

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the ⁷[Khyber Pakhtunkhwa] Establishment of District Development Advisory Committees Act, 1989.

(2) It shall extend to the whole of the Province of the ⁸[Khyber Pakhtunkhwa].

(3) It shall come into force at once.

2. Definitions.---In this Act, unless the context otherwise require,-

(a) “Chairman” means the Chairman of the Committee appointed under section ⁹[3(3)];

(b) “Chief Minister” means the Chief Minister of the ¹⁰[Khyber Pakhtunkhwa];

(c) “Committee” means the District Development Advisory Committee of the District concerned, established under section 3;

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁹Substituted vide Khyber Pakhtunkhwa Act No. V of 1991

¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

- (d) “Department and Attached Department” shall have the same meaning as respectively assigned to them in the ¹[Khyber Pakhtunkhwa] Rules Rules of Business, 1985;
- (e) “Government” means the Government of the ²[Khyber Pakhtunkhwa];
- (f) “Member” means a member of the Committee;
- ³[(g) "Project Director" means any Officer to be appointed by the Government;]
- (h) “Secretary” means the Secretary of the Committee; and
- (i) “Section” means a section of this Act.

3. Establishment of District Development Advisory Committee.---(1) There shall be established, with immediate effect, a Committee to be known as the District Development Advisory Committee in each District, consisting of--

- (a) all the Members of the Provincial Assembly from the District concerned;
- (b) such other elected representative, as the Government may specify to be taken on the Committee as co-opted members; and
- (c) such Heads of Attached Departments at the District level as may be co-opted by the Committee for their expert opinion.
- ⁴[(d) The District Nazim, City District Nazim and Tehsil Nazim/Town Nazim, as the case may be, shall be co-opted members of the Committee.]

(2) A co-opted member shall have no right of vote to exercise in any deliberation of the Committee.

(3) The Chief Minister shall appoint one of the members to be the Chairman of the Committee who shall hold office during the pleasure of the Chief Minister.

(4) The Committee shall take all decisions by consensus of opinion, but where such consensus is not achieved, the matter shall subject to the provisions of sub-section (2), be decided by majority of votes:

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

³Substituted vide Khyber Pakhtunkhwa Act No. X of 2010.

⁴A^{dded} vide Khyber Pakhtunkhwa Act No. XXVIII of 2015.

Provided that in case of equality of votes, the Chairman shall have a second or casting vote:

Provided further that where a quota has been allocated to a Member in the development schemes of the Province or the schemes approved are to be divided quota-wise, then there shall be no need for obtaining consensus of opinion regarding the allocation of projects or selection of sites, as the case may be, and it shall be the sole discretion of the member concerned to select sites or allocate projects, as the case may be, within his own quota.

(5) No act or proceeding of the Committee shall be invalid by reason only of the existence of a vacancy in, or defect in the establishment of the Committee.

4. Functions of the Committee.---(1) The Committee shall formulate and recommend-

- (i) proposals for Annual Development Programme (ADP) of the District and Communicate it to the Planning and Development Department;
- (ii) the list of schemes to be implemented under the Rural Development Programme, other than those of the Union Councils. This list may also include those schemes to be funded from such Federal Grants for the purpose as may be provided;
- (iii) location and selection of sites, subject to such planning criteria, as may be prescribed by Government for Development schemes in the following sectors/sub-sectors;
 - (a) Primary, Middle and High Schools;
 - (b) rural health (establishment of basic health unit and rural health centres);
 - (c) public health engineering (rural drinking water supply and sanitation schemes);
- (iv) locations or sites for such other development projects in other sectors as may be included in local programme of ADP including electrification of villages; and
- (v) the allotment of Ration Depots in the respective Districts.

(2) The Committee shall be responsible for conducting periodical reviews of the District Development Programmes approved by it in order to monitor its progress and ensure its timely implementation.

¹**[5. Administrative approval and implementation of schemes.**---All other schemes included in the Annual Development Programme, which are subject to the advice of the Committee, shall be administratively approved and implemented by the Government Departments concerned in accordance with the prescribed procedure of the Department or as may be directed by Government:

Provided that the District Local Fund shall not be included in the purview of District Development Advisory Committee:]

²[Provided further that all developmental schemes executed through Non-Governmental Organizations (NGOs) shall be routed through the District Development Advisory Committees in order to avoid any duplication.]

6. Meetings of the Committee.---(1) The Chairman shall convene meetings of the Committee as and when he considers necessary for the performance of the functions assigned to it under this Act; provided that at least one meeting shall be held in every two months.

(2) The meeting shall be convened on such date and at such time, as the Chairman may appoint and unless otherwise directed all such meetings shall be held at the District Headquarter in the office of the Chairman of the Committee or the Secretary of the Committee, as the case may be.

(3) The Secretary shall, by notice, inform all the members about the date, time and venue of the meeting. The notice shall be accompanied by a duly attested list of business (hereinafter called the Agenda).

(4) The Agenda shall be forwarded to the Members at least three days before the day fixed for the meeting.

7. Quorum.---(1) It shall be obligatory for all members to attend the meeting of the Committee. Whenever the member, for reasonable cause, is unable to attend a meeting, he shall inform the Chairman of his inability to do so.

(2) No business shall be transacted in a meeting unless a quorum of one-third of total number of members of the Committee is present throughout the meeting; provided that where one-third of the total number of members in a Committee is less than two, then at least two members shall constitute the quorum.

(3) Notwithstanding the foregoing provisions, absence of a member from a meeting shall not invalidate the action taken or decision made by the Committee.

8. Returns and Statements.---The Committee or Government may require the implementing agency, through which a scheme or project is being implemented under

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2010.
²Added vide Khyber Pakhtunkhwa Act No. XXVIII of 2015

section 4, to furnish it with any return, statement, estimates, or other information or report regarding any matter pertaining to the scheme or the project.

9. Staff.---The Assistant Director, Local Government ¹[or any other Officer to be appointed by the Government] and Rural Development Department, of the district concerned, shall act as Secretary of the Committee and all other officers and officials borne on the office of the Assistant Director shall assist and obey the Committee in the performance of its functions within the purview of this Act.

10. Over riding effect.---(1) The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any law for the time being in force.

(2) **Power to make rules.**---Government may make rules for carrying out the purposes of this Act.

11. Repeal.---The following laws are hereby repealed:

- (i) The North-West Frontier Province (Establishment of District Planning and Development Advisory Committees) Act, 1987 (N.-W.F.P. Act No VII of 1987); and
- (ii) The North-West Frontier Province Establishment of District Development Advisory Committees Ordinance, 1989 (N.-W.F.P. Ordinance No III of 1989).

¹Added vide Khyber Pakhtunkhwa Act No. X of 2010.