

**¹[Khyber Pakhtunkhwa] DISTRICT PLANNING AND
DEVELOPMENT ADVISORY COMMITTEES (ELECTION
OF CHAIRMAN) RULES, 1987**

[Gazette of ²[Khyber Pakhtunkhwa], Extraordinary, 2nd December, 1987]

No. Admn(LG)9(162)/86, Vol. II E.C., dated 5-10-1987.— In exercise of the powers conferred by section 11 of the ³[Khyber Pakhtunkhwa] (Establishment of District Planning and Development Advisory Committees) Act, 1987 (⁴[Khyber Pakhtunkhwa]. Act VII of 1987), the Government of the ⁵[Khyber Pakhtunkhwa] is pleased to make the following Rules, namely:

1. Short title and commencement.—(1) These rules may be called the ⁶[Khyber Pakhtunkhwa] District Planning and Development Advisory Committees (Election of Chairman) Rules, 1987.

(2) They shall come into force at once.

2. Definition.— In these rules, unless the context otherwise requires: -

- (a) "Act" means the ⁷[Khyber Pakhtunkhwa] (Establishment of District Planning and Development Advisory Committees) Act, 1987 (⁸[Khyber Pakhtunkhwa]. Act No. VII of 1987);
- (b) "Chairman" means the Chairman of a Committee;
- (c) "Committee" means a Committee established under section 3 of the Act;
- (d) "Government" means the Government of the ⁹[Khyber Pakhtunkhwa];
- (e) "Member" means a member of a Committee; and
- (f) "Voting Member" means a member of a Committee having right to vote in a meeting of the Committee.

3. Notice of the first meeting.— Government or an Officer authorized by Government in that behalf shall convene the, first meeting of each Committee at three clear days notice, on such date and at such time and place as may be specified in the notice.

¹ Sub by the Khyber Pakhtunkhwa Act No IV of 2011.

² Sub by the Khyber Pakhtunkhwa Act No IV of 2011.

³ Sub by the Khyber Pakhtunkhwa Act No IV of 2011.

⁴ Sub by the Khyber Pakhtunkhwa Act No IV of 2011.

⁵ Sub by the Khyber Pakhtunkhwa Act No IV of 2011.

⁶ Sub by the Khyber Pakhtunkhwa Act No IV of 2011.

⁷ Sub by the Khyber Pakhtunkhwa Act No IV of 2011.

⁸ Sub by the Khyber Pakhtunkhwa Act No IV of 2011.

⁹ Sub by the Khyber Pakhtunkhwa Act No IV of 2011.

4. Presiding Officer.— The meeting convened under rule 3 shall be presided over by the Divisional Director of Local Government and Rural Development Department of the Division concerned.

5. Election of Chairman.— (1) All voting members of a Committee present in the meeting will be eligible for election as Chairman of the Committee.

(2) The voting members of a Committee may, by consensus of opinion, choose from amongst themselves a member to be the Chairman of the Committee. When such consensus is not achieved, the Chairman shall be elected by majority of votes of the voting members.

(3) Any voting member present in the meeting may, by a notice in writing addressed to the Presiding Officer, declare his intention to contest election for the office of the Chairman and thereupon he shall be deemed to be a candidate for the Chairmanship.

(4) Any candidate may withdraw his candidature before the Presiding Officer proceeds to take the poll.

(5) If there is only one candidate for the office, he shall be declared by the Presiding Officer to have been duly elected as the Chairman of the Committee concerned. If there are more candidates than one, the issue shall be decided by taking a poll.

(6) Where Committee consists of only two voting members and there is no consensus of opinion between them on the Chairmanship, each member shall hold the office of Chairman for a financial year in rotation. The question as to who should hold the office first will, where necessary, be decided by draw of lot by the Presiding Officer.

6. Poll.--- (1) The voting members shall cast their votes in favour of a candidate by raising of their hands which shall be recorded by name by the Presiding Officer.

(2) After election to the office, every Chairman shall take oath of office on the same date in the form provided in the Annexure to these rules.

7. Adjournment.— If for any reason the Election of Chairman is not held on the date fixed under rule 3, a fresh date shall be fixed for election at a subsequent meeting in accordance with the procedure provided for in these rules.

8. Election Petition.— (1) No Election of the Chairman of a Committee shall be called in question, except by an Election petition made to Government by a voting member within thirty (30) days of the declaration of result.

(2) The Election petition under sub-rule (1) may be presented by any member and in the election petition the petitioner may claim any of the following declarations:---

(i) that the election of the returned candidate is void, or

- (ii) that the election of the returned candidate is void and that the petitioner or some other persons has been duly elected, or
- (iii) that the election as a whole is void.

(3) Government may, after such enquiry as it considers necessary, uphold the election or award a declaration prayed under sub-rule (2), for any material irregularity or any other sufficient reasons to be recorded.

Explanation.— For the purpose of this rule "material irregularity" means non-compliance with any provision of the Act or these rules which materially affects the result of an election.

(4) Where an election is held to be void, a fresh election shall be held in the manner provided for by these rules.

9. Resignation.— A Chairman may resign his office by tendering resignation in writing to Government.

ANNEXURE

[RULE 6(2)]

I.....having been elected as Chairman.....of.....do hereby solemnly affirm that I will bear true faith and allegiance to Pakistan and will strive to preserve and upkeep the dignity of Islam and Ideology of Pakistan and that I will faithfully perform the duties of my office according to law and to the best of my ability, knowledge, judgment without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Chairman.....except as may be required for the due discharge of my duties as Chairman.

Date.....

Signature/Thumb Impression.