

**¹[Khyber Pakhtunkhwa] DISTRICT PLANNING AND
DEVELOPMENT ADVISORY COMMITTEES CHAIRMAN
(VOTE OF NO-CONFIDENCE) RULES, 1987**

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

No. Admn. (LG) 9(162)/86, Vol. II V. N.C.--- 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 Chairman (Vote of No-Confidence) Rules, 1987.

(2) They shall come into force at once.

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

(a) "Chairman" means the Chairman of a Committee;

(b) "Committee" means a Committee established under Section 3 of the ⁷[Khyber Pakhtunkhwa] (Establishment of District Planning and Development Advisory Committees) Act, 1987 (⁸[Khyber Pakhtunkhwa] Act VII of 1987);

(c) "Divisional Director" means the Divisional Director of the Local Government and Rural Development, Department of the Division concerned;

(d) "Member" means a member of a Committee; and

(e) "Voting Member" means a member of a Committee having right to vote in a meeting of the Committee.

3. Requisition for convening a meeting for moving a vote of no-confidence.—(1) Not less than one-third of the voting members may, by a written notice signed by them, call upon the Divisional Director to convene a special meeting of the Committee to consider a motion of no-confidence against the Chairman who shall within one month of such requisition convene a special meeting of the Committee for the purpose.

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.

(2) Ten clear days notice shall be given for a meeting convened under the provisions of this rule.

(3) The quorum for such a meeting shall be one-half of the voting members of the Committee.

4. Presiding Officer.—The Divisional Director shall preside at the meeting convened under rule 3.

5. Motion for no-confidence.—(1) At the meeting convened under rule 3, any voting member, who had signed the requisition referred to in sub-rule (1) of rule 3, may move a motion of no-confidence against the Chairman.

(2) No member shall speak on the motion for more than once. The Presiding Officer may limit the period for which a member may speak on such a motion.

(3) The Chairman shall:--

(a) if present at the meeting, have the right to offer personal explanation, if any; or

(b) If, for any reason, he does not attend the meeting, be entitled to send a written explanation which should reach at the meeting before vote is taken on the motion.

(4) The meeting and the proceedings thereof shall not be deemed to be invalid merely on the ground that the Chairman was not personally present at the meeting or has not sent a written explanation, if despite due and proper notice he fails to attend the meeting or send his explanation.

6. Procedure for Voting.—(1) When in the opinion of the Presiding Officer the motion of no-confidence has been sufficiently discussed, he shall call upon the voting members supporting the motion to raise their hands. The Presiding Officer shall count the number of such members and record their names, and if such members form majority of the total number of members constituting the Committee, the Chairman of the meeting shall declare that the motion has been passed. If the motion is not supported by the requisite majority, or if there is a tie, it shall be deemed to have been dropped:

Provided that the Chairman against whom a motion of no-confidence has been moved shall, if present in the meeting be entitled to vote.

(2) A declaration made by the Presiding Officer under sub-rule (1) shall be final and shall not be questioned in any proceedings.

7. Vacation of Office.— A Chairman against whom a vote of no-confidence has been passed shall forthwith vacate his office.

8. Two Members Committee.—These rules shall not apply to Committees consisting of only two voting members.
