

**GOVERNMENT OF THE ¹[Khyber Pakhtunkhwa],
FINANCE DEPARTMENT.**

NOTIFICATION

Dated Peshawar, the 6th September, 2008.

No. **BO(PFC-1)/FD/1-1/A/2007-08**; --- In exercise of the powers conferred by section 120-L of the ²[Khyber Pakhtunkhwa] Local Government Ordinance, 2001 (³[Khyber Pakhtunkhwa] Ord. No. XIV of 2001), the Government of the ⁴[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:

**THE ⁵[Khyber Pakhtunkhwa]
FINANCE COMMISSION (CONDUCT OF BUSINESS)
RULES, 2008.**

1. Short title and commencement.--- (1) These rules may be called the ⁶[Khyber Pakhtunkhwa] Finance Commission (Conduct of Business) Rules, 2008.

(2) It shall come into force at once.

2. Definitions.--- (1) In these rules, unless the context otherwise requires,-

- (a) "Chairman" means the Chairman of the Finance Commission established under section 120-A of the Ordinance, as amended from time to time;
- (b) "Commission" means the Provincial Finance Commission;
- (c) "member" means a member of the Commission;
- (d) "Ordinance" means the ⁷[Khyber Pakhtunkhwa] Local Government Ordinance, 2001, as amended from time to time;
- (e) "Professional Member" means a member of the Commission appointed on the terms and conditions appended in the Seventh Schedule of the Ordinance;
- (f) "report" means annual report of the Finance Commission;
- (g) "section" means a section of Ordinance; 2

¹ Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.

² Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.

³ Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.

⁷ Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.

(h) "Secretary" means Secretary to Government of the ⁸[Khyber Pakhtunkhwa], Finance Department; and

(i) "Cell" means the Cell of the Provincial Finance Commission.

(2) The words and expressions used in these rules but not defined shall have the same meanings as respectively assigned to them under the Ordinance and the Fiscal Transfer Rules, 2004.

3. Seat of Commission. --- The headquarter of the Commission shall be at Peshawar but the Chairman may summon the meeting/s of the Commission at any place in the Province.

4. Functions and duties of the Commission.--- The Commission shall perform its functions and duties as prescribed in the Ordinance and the Fiscal Transfer Rules, 2004.

5. Financial power.— (1) The funds provided by Government in the annual budget of the Commission shall be placed at the disposal of the Secretary of the Commission, who shall be the Principal Accounting Officer in relation to the funds.

(2) All the expenses incurred from the funds under sub-rule (1) shall be subject to the consent of the Chairman and subsequent approval of the Commission.

6. Meeting of the Commission. --- (1) The Chairman shall from time to time summon meeting fo the Commission to meet at such time and place as he thinks fit. There shall be at least four meetings in a financial year.

(2) In the absence of the Chairman, if urgency requires, the Secretary of the Commission shall, on the desire of the majority of members summon the Commission to meet at such time, place and date as may be specified by him in consultation with members concerned.

(3) Intimation for the date and time of a meeting shall be sent to the members of the Commission at least seven days before a normal meeting and three days before a special meeting.

(4) The minutes of a meeting shall be confirmed by the Commission in the subsequent meeting.

7. Agenda.--- (1) The agenda of the meeting shall be issued by the Secretary of the Commission with the approval of the Chairman.

(2) The disposal of business shall be undertaken by the Commission in such order as given in the agenda.

⁸ Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.

(3) Any member desirous of bringing any matter before the Commission for its consideration may, subject to the approval of the Chairman, get such matter included in the agenda by giving a prior notice of at least three days in case of any normal meeting and two days in case of a special meeting.

8. Presiding Officer of meetings.--- The meeting shall be presided over by the Chairman, or, in his absence, by one of the professional members to be elected by members present at the meeting.

9. Executive authority.--- (1) The executive authority of the Commission shall vest in the Chairman and be exercised by him directly or through the Secretary of the Commission.

(2) The correspondence on behalf of the Commission shall be authenticated under the signatures of the Member-cum-Secretary of the Commission or an officer of the Cell authorized by the Secretary of the Commission.

10. Disposal of business.--- (1) All the correspondence from members shall be addressed to the Chairman of the Commission and shall be received in the Commission's Cell.

(2) The business shall be listed in the form of an agenda for consideration of the Commission and after obtaining approval of the Chairman shall be circulated by the Cell of the Commission to the members of the Commission.

(3) The Secretary, with the approval of the Chairman, shall fix the date time and venue of the meeting which shall be communicated to the members alongwith the agenda.

(4) (i) Minutes of the meetings containing the deliberations of the Commission shall, after approval of the Chairman, be circulated amongst the members.

(ii) Decision of the Commission shall be taken by majority vote in case of dissenting views.

(5) In every meeting the minutes of the previous meeting shall be ratified by the Commission before opening discussion on the agenda.

(6) In every meeting the Commission shall be apprised of implementation status of the previous meeting's decision and all the decisions not yet implemented.

11. Provincial Finance Commission Cell.--- (1) The Provincial Finance Commission Cell shall be responsible for:-

- (i) implementation and monitoring of the decision of the Commission;
- (ii) all the Functions, Duties, Powers contained in the relevant Rules under Chapter II, III, IV and VII of Fiscal Transfer Rules, 2004;
- (iii) preparation and circulation of agenda with the approval of the Chairman;

- (iv) recording and circulation of minutes of the meeting of the Commission with the approval of Commission; and
- (v) any other assignment given by the Chairman of the Commission or by its members.

(2) A professional member of the Finance Commission shall be provided all necessary support staff, resources and equipment for carrying out his functions.

12. Budget.--- (1) The Annual Budget of the Commission, including its Cell, shall be prepared as part of the Budget Estimate of the Finance Department.

(2) Special Funds may be allocated for undertaking studies, analysis and logistic support to the Commission.

(3) The Cell funds will be utilized/disbursed by drawing and disbursing officer to be nominated by the Secretary of the Commission.

13. Resignation.--- Any professional member may resign from his office under his hand addressed to the Governor and resignation will become effective immediately.

14. Removal of professional member.--- No member shall be removed from his office except as provided in the Ordinance.

**SECRETARY TO GOVERNMENT OF
[Khyber Pakhtunkhwa],
FINANCE DEPARTMENT.**

⁹ Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.