

GOVERNMENT OF ¹[Khyber Pakhtunkhwa]
LOCAL GOVERNMENT, ELECTION AND RURAL DEVELOPMENT DEPARTMENT.

NOTIFICATION

8th March, 1988.

No. SO (LG-1) 2-8/87.--- In pursuance of the provisions contained in the proviso to section 46 of the ²[Khyber Pakhtunkhwa] Local Government Ordinance, 1979 (³[Khyber Pakhtunkhwa] Ord: IV of 1979), read with section 172 thereof, the Government of the ⁴[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:---

⁵[Khyber Pakhtunkhwa] LOCAL COUNCIL BOARD
(CONSTITUTION AND CONDUCT OF BUSINESS) RULES, 1988

1. *Short title and commencement.*---(1) These rules may be called the ⁶[Khyber Pakhtunkhwa] Local Council Board (Constitution and Conduct of Business) Rules, 1988.

(2) They shall come into force at once.

2. *Definition.*--- 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) "Board" means the Local Council Board constituted under the proviso to section 46 of the Ordinance;
- (b) "Chairman" means the Chairman of the Board'
- (c) "employees" means the employees borne on the Service and include the persons working in the Board's Secretariat, as the case may be;
- (d) "Meeting" means a meeting of the Board;
- (e) "member" means a member of the Board;
- (f) "Ordinance" means the ⁷[Khyber Pakhtunkhwa] Local Government Ordinance, 1979;

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

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

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

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

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

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

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

- (g) “Secretary” means the Secretary of the Board;
- (h) “section” means the Secretary of the Board;
- (i) “Service” means the ⁸[Khyber Pakhtunkhwa] Local Councils (Provincial Unified Group of Functionaries) Service.

3. *Local Council Board.*--- (1) The Board shall comprise of a chairman and not less than three and more than six members to be appointed by Government.

(2) The Secretary to Government of ⁹[Khyber Pakhtunkhwa], Local Government Department shall be ex-officio Chairman of the Board.

(3) Government may remove any member from the membership of the Board at any time without assigning any reason.

(4) Government may fill-up any casual vacancy of a member at any time it considers necessary.

(5) There shall be a Secretary of the Board to be appointed by Government from amongst the members of the Service to deal-with the day to day administration of the Board and perform such other functions as may be assigned to him by the Board.

(6) The office of the Board shall be located at Peshawar.

4. *Conduct of Business of the Board.*--- (1) The business of the Board shall be conducted in its ordinary meeting:

Provided that the Chairman may call a special meeting to consider and decided any matter of immediate importance.

(2) An ordinary meeting of the Board shall be held at least once in every month on such date and time as may be fixed by the Chairman:

Provided that in case of unavoidable circumstances to be recorded in writing by the Chairman the holding of an ordinary meeting in any month may be dispensed with.

(3) The meeting shall be presided-over by the Chairman and in his absence by a member nominated by the Chairman for the purpose.

(4) Intimation for the date and time of an Ordinary meeting and a special meeting shall be sent to the members at least seven days and three days in advance respectively.

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

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

(5) A vacancy in the membership of the Board shall not restrain it from holding meeting and transacting the business relating to its functions:

Provided that at least two members excluding the Chairman are present in the meeting.

(6) All decisions by the Board shall be taken by majority of votes of the members present:

(7) The minutes of a meeting shall be approved by circulation within 7 days from the date on which such meeting takes place and shall be confirmed by the Chairman.

(8) The minutes of the previous meeting shall be circulated by the Secretary in the next meeting for the information of the Board.

5. *Agenda.*--- (1) For every meeting, the agenda for consideration of Board shall, alongwith the notice of the meeting, be issued to the members by the Secretary with the approval of the Chairman.

(2) The disposal of business, as far as possible, shall be undertaken by the Board in order in which it is entered in the agenda.

(3) Any member desirous of bringing any matter before the Board for its consideration may subject to the approval by the Chairman, get such matter included in the agenda by giving a notice of atleast 3 days in the case of an ordinary meeting and 2 days in case of a special meeting.

6. *Committees.*--- Government may constitute Selection committee or Committees for the purpose of recommending suitable persons to the Board for appointment of the Service or on the establishment of the Board and may assign it such other functions as it may deem appropriate.

7. *Function of the Board.*--- The Board shall be responsible for---

- (a) administration of all service matters in respect of the employees, including their appointment promotion, transfer, etc;
- (b) conducting departmental examination, if any, prescribed for the employees;
- (c) arranging training facilities, seminars and conferences, etc., to improve the working and offioency of the employees;
- (d) operating the funds of the Board; and
- (e) performing such other functions as may be assigned to it by Government.

8. *Forms and Registers.*--- The Forms and Registers for maintenance of the accounts of the Board shall be the same as are applicable to the Local Councils.

9. *Budget of the Board.*---(1) The Board shall prepare its own budget in accordance with the ¹⁰[Khyber Pakhtunkhwa] Local Councils (Budget) Rules, 1980.

(2) After approval of the Budget by the Board it shall be authenticated by the Chairman.

(3) Subject to the provisions in the sanctioned budget, the expenditure at a time on a single item other than the Pension, Pay and allowances of the staff of the Board may be incurred---

- (i) Upto five thousand rupees with the approval of the Secretary;
- (ii) Exceeding five thousand rupees but not exceeding one lac rupees, with the approval of the Chairman; and
- (iii) Exceeding one lac rupees, with the approval of the Board.

(4) The routine expenditure on Pensions, Pay and Allowances of the establishment of the Board shall be incurred with the sanction of the Secretary.

10. *Executive Powers of the Chairman.*--- The executive Powers of the Board with regard to the following matters shall vest in and be exercised by the Chairman directly or through officers subordinate to him---

- (i) execution of contracts and works on behalf of the Board;
- (ii) powers to appoint, promote, transfer, suspend and punish persons borne on the establishment of the Board in B—16 and above;
- (iii) power to grant leave, joining time, etc., and to sanction pension/gratuity to the employees of the Board;
- (iv) receipt of all money on behalf of the Board;
- (v) defence of suit and all other legal proceedings by or on behalf of the Board;
- (vi) execution of resolutions of the Board; and
- (vii) such other powers and functions as may, from time to time, be delegated by the Board.

¹⁰ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

11. *Administration of the Board.*--- The Secretary of the Board will be responsible for---

- (a) conducting meeting of the Board;
- (b) undertaking correspondence on behalf of the Board and performing such other functions; duties, etc, as are assigned to him in connection with the affairs of the Board;
- (c) supervision maintenance and management of the records of the Board;
- (d) exercising all powers referred to in clause (ii) of rule 10 in respect of employees in P—15 and below;
- (e) maintaining the funds of the Board;
- (f) signing all types of payment vouchers, cheques, etc., and maintaining accounts concerning income and expenditure authorized by the chairman and the Board;
- (g) keeping the Chairman informed about the day to day administrative and financial matter concerning the Board; and
- (h) preparing annual report showing the performance and achievement of the board.

12. *Audit of the Funds/Accounts of the Board.*--- The funds/accounts of the Board shall be audited in accordance with the ¹¹[Khyber Pakhtunkhwa] Local Councils (Audit) Rules, 1980.

General.--- In all other matters not expressly provided for in these rules, the rules framed under the Ordinance shall be applicable *mutates mutandis* to the affairs of the Board.

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Secretary to Government of ¹²[Khyber Pakhtunkhwa],
Local Government, Election and Rural
Development Department.

¹¹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

¹² Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.