

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND
RURAL DEVELOPMENT DEPARTMENT**

NOTIFICATION

Peshawar, dated the November 3, 2015

NO.SO(Dir)ROB/LGE&RDD/2015:-In exercise of the powers conferred by section 112 of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), the Government of Khyber Pakhtunkhwa is pleased to make the following Rules, namely;

**THE KHYBER PAKHTUNKHWA TEHSIL AND
TOWN MUNICIPAL ADMINISTRATION RULES OF BUSINESS, 2015**

**PART-I
GENERAL**

1. Short title and commencement.-

- (1) These rules may be called the Khyber Pakhtunkhwa Tehsil Municipal Administration and Town Municipal Administration Rules of Business, 2015.
- (2) They shall come into force at once.

2. Definitions:

- (1) In these rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say,
 - a) “Act” means the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013);
 - b) “business” means all work done by the Tehsil or Town Municipal Administration in pursuance of the provisions of the Act;
 - c) “bye-laws” mean the bye-laws made by the Council under section 113 of the Act;
 - d) “case” means a particular matter under consideration and includes all papers relating to it and necessary to enable the matter to be disposed of, viz., correspondence and notes and also any previous papers on the subject or subjects covered by it or connected

therewith;

- e) "Chief Officer" means an officer in-charge of the designated Urban Unit of the concerned Tehsil or Town Municipal Administration responsible for operation and maintenance of municipal services under the control of Tehsil or Town Municipal Officer;
- f) "Council" means Tehsil Council or Town Council as the case may be;
- g) "district government" means the district government as provided in section 11 of the Act;
- h) "Executive Authority" means the executive authority vested in the Nazim;
- i) "municipal services" include water supply, sanitation, conservancy, removal and disposal of sullage, refuse, garbage, sewer or storm water, solid or liquid waste, drainage, public toilets, express ways bridges, flyovers, public roads, streets, foot paths, traffic signals, pavements and lighting thereof, public parks, gardens, arboriculture, landscaping, bill boards, hoardings, fire fighting, land use control, zoning, master planning, classification declassification or reclassification of commercial or residential areas, markets, housing, Urban or Rural infrastructure, environment and construction, maintenance or development thereof and enforcement of any law or rule relating thereto.
- j) "Nazim" means Nazim of the Council;
- k) "Naib-Nazim" means the Naib Nazim of the Council;
- l) "Schedule" means a schedule appended to these rules; and
- m) "Standing Committee" means a Standing Committee elected under section 25(f) of the Act.

(2) Any word or expression used but not defined in these rules shall have the same meaning as provided in the Act or, rules made under the Act.

3. Allocation of Business.-

- (1) The Tehsil Municipal Administration Office or the Town Municipal Office shall consist of such offices, sub-offices as well as such other Units that are located within its jurisdiction. It shall include the offices and sub offices of the municipal committees, or as the case may be, town committees established under Khyber Pakhtunkhwa Local Government Act, 2012 (Khyber Pakhtunkhwa Act No. VIII of 2012).

(2) Business shall be allocated to various sub-offices as shown in the Schedule:

Provided that the functions assigned to the City District Government through notification by the Government shall stand deleted from the business allocated to the Town Municipal Administration falling within the area of that City District Government:

Provided further that the functions allocated in the Schedule shall include functions relating to planning, development, budgeting, maintenance of accounts, procurement of goods and services as well as service matters except those excluded through special or general order of the Government.

(3) In addition to the relevant provisions provided in the Act or these rules, as the case may be, the Tehsil or Town Municipal Administration shall have the following functional jurisdiction for the purpose of development investment as provided in the Planning and Development Guidelines for local governments:

- i. The water and sanitation services of Tehsil Municipal Administration at Divisional / Districts, shall rest with the concerned Water and Sanitation Services Company as per Government directives
- ii. Improvement in municipal service delivery
- iii. Construction and maintenance of water supply and sanitation projects, construction of tehsil level infrastructure, footpaths, tracks, street, pavement, culverts, bridges, public buildings and construction / maintenance of drains
- iv. Construction and improvement of playgrounds, graveyard, funeral places, eid gah, parks, public open spaces, community centers
- v. Organization of sports , cultural and recreational activities
- vi. Regulating grazing area, establish cattle ponds and protection against stray animals and animal trespass
- vii. Land use zoning and planning
- viii. Building Control
- ix. Tehsil Roads
- x. Establishment of solid waste dumping ground for collection and management of solid waste from all Village / Neighborhood Councils, situated in the jurisdiction of each Town Municipal Administration
- xi. Electrification

xii. Solarization

4. Organization and Working of Tehsil or Town Offices:

- (1) Each Tehsil or Town Office as the case may be, shall consist of a Tehsil or Town Municipal Officer, Municipal Officers and such other officials of the local council service as the Government may determine.
- (2) The Tehsil or Town Municipal Officer, shall, by means of a standing order and with the approval of the Nazim, distribute the work among the offices, branches and sections of each Tehsil or Town Office.
- (3) The duty lists of all the officials in Tehsil or Town Municipal Administration shall be prepared and compiled in the form of a booklet by Tehsil or Town Municipal Officer for ready reference.
- (4) The duty lists shall be reviewed by the Tehsil or Town Municipal Officer and the Municipal Officers on yearly basis for identifying redundant posts in the office concerned and issue such revised lists with the approval of the Nazim.
- (5) The Tehsil or Town Municipal Officer, on the basis of the review carried out under sub-rule (4), may recommend reduction of posts or otherwise in the annual budget of his office.
- (6) If in the opinion of the Tehsil and Town Municipal Officer or Municipal Officer, as the case may be, new posts are required in the office under his jurisdiction, he shall submit a detailed justification for creation of such new posts along with the budget proposal to the Council, the Council shall submit their recommendation through the Nazim to the Government through Local Council Board.

Provided the recommendation shall not be binding upon the government.

- (7) The Tehsil or Town Municipal Officer shall supervise the work assigned to the offices, branches and sections under his control.
- (8) The Tehsil Council shall ensure transfer of funds to the Water and Sanitation Services Companies (WSSCs) in the Divisional Headquarters proportionate to the areas of its jurisdiction in a tehsil

5. Functions and Powers of the Nazim.-

- (1) The Nazim shall be the executive head of Tehsil or Town Municipal Administration and shall perform such functions and exercise such powers as have been assigned to him under the Act.

- (2) Tehsil Nazim shall be the approving authority for expenditure within prescribed sphere of responsibilities however, he shall not be the co-signatory of the cheques with the Tehsil Municipal Officers;
- (3) In the case of any disciplinary action against employees belonging to the Provincial Unified Group of Functionaries (PUGF), the Nazim, as the case may be, shall take up the matter with the Government, through Local Council Board, for initiating action in accordance with the provisions of the relevant Efficiency and Discipline Rules on the subject. The Nazim shall be informed of the final outcome within thirty days by the Government.
- (4) In matters of policy and important decisions, the Tehsil or Town Municipal Officer shall obtain approval of Nazim before communicating such matters and decisions to the district government and Government.
- (5) The Nazim may call for:-
 - a) any case or information from any Municipal Officer or, as the case may be, Tehsil or Town Municipal Officer of the respective Tehsil or Town;
 - b) reports, regarding the performance of functionaries of Government offices located in the Tehsil or Town, for the purposes of section 22 (a) of the Act.
 - c) monitor the performance of functionaries of government offices located in the Tehsil and Town as the case may, and send such performance reports to the district government or the Government for consideration and action.
- (6) Nazim Tehsil or Town Council shall be a non-voting co-opted member of District Development Advisory Committee of their respective district to avoid duplication and overlapping of development schemes.

6. Powers and functions of the Naib Nazim.-

- (1) The Naib Nazim shall have the following functions and powers with regard to Council meetings;
 - (a) Preside over the Council meeting as and when convened by the Nazim.
 - (b) The Naib-Nazim shall:
 - (i) call the sitting to order;
 - (ii) preserve order and decorum;
 - (iii) have all powers necessary for the purpose of enforcing his decisions in the

Council;

- (iv) in case of disturbance or disorder in the galleries, have the power to cause them to be cleared;
- (v) decide all points of order;
- (vi) supervise the elections of the Standing and other Committees of the Council;
- (vii) act as Nazim in case of situation warranted by the provision of Section 59(3) of the Act;
- (viii) have the powers to withdraw his consent already communicated for the presentation of a privilege motion, an adjournment motion or a resolution if some fresh material is furnished to him on account of which he is satisfied that the withdrawal of the consent already granted was necessary to be revoked;
- (ix) as soon as may be, after the commencement of every session, nominate, from among the members a panel of not more than two chairmen, any one of whom may preside at a meeting of the Council in the absence of the Naib Nazim, when so requested by the Naib Nazim: Provided that where no such request has been made by the Naib Nazim, any one of them may preside in the order in which their names appear in the panel.

Provided that If at any time at a sitting of the Council neither the Naib Nazim nor any member of the panel of chairmen is present, the Council shall, if there is a quorum, by motion elect one of its member present to preside and act as Naib Nazim and for this purpose the secretary shall hold the election by show of hand.

Provided further that the member competent to preside over a sitting of the Council shall, have the same powers as the Naib Nazim and all references to the Naib Nazim in the rules and bye-laws shall in that case be deemed to be references to any such person so presiding.

7. Posting and transfer of officers in Tehsil or Town Municipal Administration:

The transfers and posting of officers & officials (Local Council Services of Provincial Unified Group of Functionaries (LCS-PUGF)) in Tehsil or Town Municipal Administration shall be regulated by the Government transfer and posting policy for the time being in force as per following table:-

<i>S#</i>	<i>Officers</i>	<i>Authority</i>
<i>1</i>	<i>Posting of Tehsil Municipal Officer (PUGF Cadre)</i>	<i>Local Government &RDD</i>
<i>2</i>	<i>Posting of Tehsil Officers, Regulation, Finance and Infrastructure and Chief Officers Urban Unit (PUGF Cadre)</i>	<i>Local Government &RDD</i>
<i>3</i>	<i>Other officers & Officials (Non PUGF) posted at Tehsil Municipal Administration</i>	<i>Tehsil Municipal Officer as per rules and regulations.</i>

8. Powers and Functions of Tehsil or Town Municipal Officer:

(1) The Tehsil Municipal Officer shall be responsible to:

- a) redress public complaints relating to Tehsil or Town Municipal Administration;
- b) liaise with the Local Government Commission, through the Council, for resolution of disputes relating to Tehsil or Town Municipal Administration;
- c) ensure that the business of the Tehsil or Town Municipal Administration is carried out in accordance with section 22 of the Act and any other law relating to municipal services for the time being enforced;
- d) ensure that the human and material resources placed at his disposal are optimally utilized to improve governance;
- e) obtain approval of the Nazim in matters of policy and important decisions and before communicating such matters and decisions to the Government.
- f) assist the Nazim in performance of his functions and formulation of policy of the Tehsil Municipal Administration.
- g) act as the Secretary of the Council to coordinate matters relating to secretarial functions of the Council.
- h) co-ordinate the municipal activities of the Tehsil or Town Municipal Administration within the Tehsil or Town for coherent planning and development of municipal infrastructure and for effective and efficient functioning of the Tehsil or Town Municipal Administration;
- i) co-ordinate the activities of all Municipal Officers and shall be responsible for execution of sanctioned policy relating to the Tehsil or Town Municipal Administration;
- j) oversee implementation of programs, including district, provincial, federal government programs and foreign funded projects as per policy guidelines of the Government;

- k) prepare periodical reports including reports on implementation of development plans for presentation in the Council;
 - l) provide information required by the Council for the performance of their functions;
 - m) issue standing orders specifying the cases or class of cases which may be disposed of by an officer subordinate to him;
 - n) have the powers to call for any case or information from any Municipal Officer under his supervision;
 - o) refer the case to the Government for decision, where the Nazim's orders appear to involve a departure from rules, regulations or Government policy; and
 - p) act as Principal Accounting Officer of the Tehsil or Town Municipal Administration and be responsible to the Accounts Committee of the Council and Public Accounts Committee of the Provincial Assembly.
- (2) While submitting a case for the orders of the Nazim, it shall be duty of the Tehsil or Town Municipal Officer to suggest a definite line of action.

9. Duties and functions of Municipal Officers.-

A Municipal Officer, shall:-

- a) act as the focal person for the sub-office of the Tehsil or Town Municipal Administration placed under his charge and duly execute the sanctioned policy;
- b) exercise supervision over programmes, projects, services and activities of the sub-office under his control;
- c) assist the Tehsil or Town Municipal Officer, as the case may be in formulation of policy and bring the cases to the notice of the Tehsil or Town Municipal Officer which are required to be submitted to the Tehsil or Town, as the case may be;
- d) submit all proposals for taxation, quote the rules and bye-laws, to the Council through the Tehsil or Town Municipal Officer and Nazim; provided the taxation proposals shall be scrutinized by the Tehsil or Town Officer (Regulation) before submission to Tehsil or Town Municipal Officer, Nazim and Council, as the case may be;
- e) be responsible to the Tehsil or Town Municipal Officer for the proper conduct of the business of the Tehsil or Town Office:
- f) subject to any general or special order of Government in this behalf, issue standing orders specifying the cases or classes of cases, which may be disposed of by an officer

subordinate to the Municipal Officer; and

- g) be responsible for the careful observance of rules in Tehsil or Town Offices under his control.

10. Servants of the Local Council.-

The servants of the Local Council within the Tehsil or Town shall be governed by the same terms & conditions and rules under which they were originally appointed, unless the rules are amended or altered by the Government.

11. General Procedure for Disposal of Business. ---

- (1) The Tehsil or Town Municipal Officer shall circulate instructions about the manner of disposal of the business of the Tehsil or Town Municipal Administration.
- (2) If any doubt or dispute arises as to which Municipal Officer a case pertains, the matter shall be referred to the Tehsil or Town Municipal Officer, who shall obtain orders of Nazim, if necessary, and the orders thus passed shall be final.
- (3) All orders shall be in writing; however, in case of a verbal order, the officer receiving the order shall reduce it to writing and submit it to the authority making the order for confirmation, at an earliest opportunity thereafter for confirmation.
- (4) If an order is in contravention of any law, rules, regulations or Government policy, the subordinate authority next below the authority making such order shall point it out to the authority and if the latter does not agree, it shall refer the case to the next higher authority for appropriate decision.
- (5) Failure to comply with sub-rules (3) and (4) shall constitute a ground for disciplinary proceedings.

12. Orders, Instruments, Contracts and Litigation.-

- (1) All executive actions of the Tehsil or Town Municipal Administration shall be expressed to be taken in the name of Tehsil or Town Municipal Administration and shall be executed by the Nazim or an officer duly authorized by him for this purpose.
- (2) Save in cases where another officer has been specifically empowered by the Nazim to sign an order or instrument on behalf of Tehsil or Town Municipal Administration, every order or instrument shall be signed by the Nazim, and such signature shall be deemed to be proper authentication of such order or instrument.

- (3) The Tehsil or Town Municipal Administration may sue and be sued in its name through the Tehsil or Town Municipal Officer.

13. Executive Committee.-

- (1) The Nazim shall constitute an Executive Committee in each Town or Tehsil as the case may be, with the Tehsil or Town Municipal Officer as its Chairman and all Municipal Officers its members to:
- a. deal with administrative, financial or public policy matters of two or more sub-offices;
 - b. facilitate coordination among the sub-offices of the Tehsil or Town Municipal Administration,
 - c. provide avenue for the consideration of matters of common interest;
 - d. tender advice in any case that may be referred to the Council or the Nazim.
- (2) A Tehsil or Town Officer or a Chief Officer, who wants a particular matter to be discussed in the Executive Committee meeting, shall apprise the Tehsil or Town Municipal Officer of his intention of doing so and forward ten copies of a brief note on the subject which would form the basis of discussion.
- (3) The Tehsil or Town Municipal Officer shall issue notice of the meeting together with the agenda, well in advance of the meeting provided that urgent items may be considered at short notice.
- (4) ~~Municipal Officer meeting shall attend the debating of the proposals and by the Tehsil or Town Minutes after approval by the Tehsil or Town Municipal Officer.~~

14. Processing and disposal of official business.-

- (1) All official business and cases submitted to any officer in the Tehsil Municipal Administration shall be processed and disposed of efficiently.
- (2) No case shall be kept pending for more than three working days by an officer. If processing of a case requires more time, the immediate superior shall be informed. A report of the pending cases in an office shall be prepared at the end of every month and submitted to the Tehsil or Town Municipal Officer. Reasons for delay in the disposal of such cases shall be recorded.

15. Administrative and Financial Powers.-

The administrative and financial powers shall be exercised by concerned officers as per rules and delegation of powers. No senior officer of the Tehsil or Town Municipal Administration shall exercise the powers specifically delegated to a junior officer. If a

situation requires the exercise of such authority by a senior officer, he shall record the reasons for exercising the authority and submit the case to the Nazim for information.

16. Periodical report of activities of offices.-

There shall be prepared regular periodic reports of the activities of each sub-office by each Municipal Officer to be submitted to Nazim through Tehsil Municipal Officer.

17. Information to be supplied to a Standing Committee.-

Any information required by the Chairperson or a member of a Standing Committee shall be requisitioned from the Tehsil or Town Municipal Officer or in his absence, the next senior Municipal Officer.

18. Action on the reports of the Standing Committees.-

- (1) The reports of the Standing Committees regarding Tehsil or Town Municipal Administration shall be examined by the Tehsil or Town Municipal Officer and a summary shall be submitted to the Nazim for suggesting a line of action in the matter.
- (2) The Nazim shall inform the Council about the action taken by him on the reports of the Standing Committee.

19. Inspections by the Provincial Local Government Commission.-

- (1) The Tehsil or Town Municipal Administration shall extend all the necessary support to the Inspection Teams deputed by the Local Government Commission while conducting annual and special inspections of the Tehsil or Town Municipal Administration.
- (2) The offices of the Tehsil or Town Municipal Administration shall provide all the necessary assistance and relevant documents to the Commission promptly under intimation to the Nazim.

20. Inspection by the Tehsil or Town Municipal Officer.-

The Tehsil or Town Municipal Officer shall inspect the working of offices in Tehsil or Town Municipal Administration once every three months. He shall pay special attention to:

- a) compliance with the rules, standing instructions, orders and office directives;
- b) general office management;
- c) proper use and care of property, equipment and stationery etc. under the control of an

office.

- d) submit a report of such inspections to the Nazim indicating steps taken or required to be taken for corrective measures.

PART-II

REFERENCE TO THE NAZIM

21. Reference to the Nazim. ---

- (1) No order shall be issued without the approval of the Nazim in the following cases:
- a) involving important policy matters or departure from policy of the Tehsil Municipal Administration;
 - b) involving proposals for the levy of new taxes and making or withdrawal of bye-laws;
 - c) regarding resource position and budget proposals before presentation of the budget and financial statements to the Council;
 - d) involving vital social, political, economic and administrative policies of the Tehsil or Town Municipal Administration;
 - e) for requisition of meetings of the Council except meetings requisitioned for consideration of no confidence motion against him;
 - f) involving annual reports on the working and performance of Tehsil or Town Municipal Administration for submission to the Government;
 - g) requiring important reports and documents to be laid before the Council;
 - h) where Nazim has issued general or special order for submission to him.
- (2) With respect to a case mentioned in sub-rule (1), the Tehsil or Town Municipal Officer shall initiate a self contained note titled as “Note for the Nazim”, with specific recommendations and submit the case to the Nazim with appropriate advice.
- (3) The Note containing orders of the Nazim shall be returned to the initiating officer through Tehsil Municipal Officer.
- (4) Notwithstanding the provisions of sub-rule (1), the Nazim may, in cases of urgency or other exceptional circumstances, give directions as to the manner of disposal of a case, without prior reference to him and the cases so disposed of shall be reported to the Nazim at an earliest opportunity thereafter for confirmation.

Explanation: For the purpose of urgency or exceptional circumstances means a situation where the routine administrative procedure is either not feasible or causes delay in timely

response to the situation.

- (5) The Tehsil or Town Municipal Officer shall keep the Nazim generally informed of all matters affecting public order in the tehsil and cases having major political implications.

PART-III

PROCEDURE FOR CONSULTATION

22. Consultation among sub-offices.-

- (1) When the subject of a case concerns more than one sub-office -
- a) the Municipal Officer concerned shall be responsible for consulting the other offices; and
 - b) no orders shall be issued nor shall the case be submitted to the Nazim, until it has been considered by all the sub-offices concerned:

Provided that in cases of urgency, and with the approval of the Nazim, this requirement may be dispensed with, but the case shall, at the earliest opportunity, thereafter be brought to the notice of the other sub-office concerned in writing.

- (2) When a case is referred by one sub-office to another sub-office for consultation, all relevant facts and the points necessitating the reference shall be clearly brought out.
- (3) A Municipal Officer may ask through Tehsil or Town Municipal Officer to see a case of another sub-office, if it is required for the disposal of a case pending in his office.
- (4) The Tehsil or Town Municipal Officer may ask to see a case of any office involving important policy question.
- (5) In the event of difference of opinion amongst the sub-offices, the Tehsil or Town Municipal Officer or the Municipal Officer primarily concerned shall refer the case to the Executive Committee constituted under Rule 12.
- (6) In case a Municipal Officer has submitted a case directly to the Nazim for any cogent reason, the Nazim shall after recording his decision return the case through the Tehsil or Town Municipal Officer. In case the Tehsil or Town Municipal Officer considers that the proposal of the Municipal Officer or the decision of the Nazim is against the policy of the Government or is contrary to the laws or rules for the time being enforce, he shall refer the case to the Government for decision.

23. Consultation with Tehsil or Town Finance Office.

No Tehsil or Town Office or sub-office shall, without previous consultation with Tehsil or Town Finance Office, authorize any orders other than orders in pursuance of any general or

special delegation made with approval of the Council, which directly or indirectly affect the finances of the Tehsil or Town, or which, in particular, involve:

- a) relinquishment, remission or assignment of revenue relating to local funds, actual or potential, or furnish a guarantee against it, or grant of all kind of leases.
- b) expenditure for which no provision exists;
- c) a change in the number or nomenclature or basic scale of a post or in the terms and conditions of service of the non-PUGF servants or their statutory rights and privileges which have financial implications;
- d) levy of taxes, duties or fee as defined in the Act;
- e) re-appropriation within the budget grants;
- f) alteration in financial procedure or in the method of compilation of accounts or of the budget estimates; or
- g) interpretation of financial rules and bye-laws.

PART-V

BYE - LAWS

24. Making and Amendments of Bye-Laws.-

- (1) The Tehsil Municipal Officer shall be responsible for determining the contents of bye-laws proposed for the Tehsil Municipal Administration and for obtaining approval of the Nazim to process a case for submission to the Council.
- (2) While according approval to the proposal, the Nazim shall also indicate as to which of the following motions should be made in the Council:
 - a) the draft should be taken into consideration at once; or
 - b) it should be taken up at a specified date in future; or
 - c) it should be referred to respective Standing Committee of the Council; or
 - d) it should be circulated for purposes of eliciting public opinion thereon.
- (3) On receipt of approval indicated in sub-rule (2), the Tehsil Municipal Officer shall send a memorandum to the Nazim, including a statement detailing the factors necessitating the bye-laws, the objects of the proposal and a draft of the bye-laws, for inclusion in the official business of the Council.
- (4) The Tehsil Municipal Officer shall thereafter prepare a brief for the use of the Nazim

at the time of introducing the draft bye-laws in the Council

PART-VI

COUNCIL BUSINESS

25. Bye-Laws on Conduct of Business in the Council. ---

- (1) The officers of the Tehsil Municipal Administration, in the conduct of Council business, shall comply with the bye-laws governing the conduct of business in the Council.

26. Meetings of the Council. ---

- (1) Secretary of the Council shall obtain orders of the Nazim for convening a session of the Council in accordance with the bye-laws on the conduct of business and conduct of meetings of the Council and take further action on such orders.
- (2) All officers of the Tehsil Municipal Administration shall keep under review the official business intended to be brought before the Council and shall, not later than three days before the commencement of the session, forward to the Secretary of the Council a detailed list of such business.
- (3) The Secretary of the Council shall prepare a provisional forecast of the official business to be brought before the Council and shall make appropriate proposal to the Nazim for the allotment of time for the transaction of such business.

27. Termination of the Session. ---

- (1) The Secretary of the Council shall, at an appropriate time, obtain orders of the Nazim, for termination of the session of the Council on conclusion of business.

28. General Provisions regarding Council Business. ---

- (1) The Tehsil Municipal Officer shall be the focal person for liaison and smooth conduct of business in the Council.
- (2) The concerned sub-office(s) of the Tehsil Municipal Office shall take prompt action on receipt of copies of the resolutions, motions, questions, call attention notices and other business to be brought before the Council.
- (3) In case a resolution, motion, question, call attention notice or any other communication has wrongly been addressed to a sub-office of the Tehsil Municipal Office, the latter shall promptly transfer it to the concerned sub-office under intimation to the Secretary of the Council.

- (4) As soon as any communication is received from the Secretary of the Council or any sub-office regarding the business of the Council, the person receiving the communication shall at once bring it to the notice of the focal person/Municipal Officer in charge of the sub-office.

29. Resolutions and Motions. ---

- (1) When an official resolution or motion is to be moved in the Council, the concerned officer shall forward it together with a formal notice duly signed by the Nazim to the Secretary of the Council.
- (2) On receipt of a non-official resolution or motion from the Secretary of the Council, the concerned Officer shall examine the communication and determine whether discussion of the resolution or motion, or any part of the same, would be detrimental to the public interest. If so, he should point it out, with reasons, in its comments and process it, with a brief, for consideration and use of the Nazim.
- (3) On receipt of a resolution passed by the Council, the concerned officer shall immediately take appropriate necessary action and shall, within one month from the date of the receipt of the resolution, apprise the Secretary of the Council of the action taken on the resolution.

30. Questions. ---

- (1) On receipt of each question (starred, un-starred or short notice), the concerned officer shall prepare an appropriate reply and, subject to approval of the Nazim, forward the required number of copies to Secretary of the Council in accordance with the bye-laws on conduct of business in the Council.
- (2) The concerned officer shall also prepare a brief for purposes of supplementary questions for use by the Nazim.

31. Call Attention Notices. ---

On receipt of a Call Attention Notice the concerned officer shall prepare an appropriate reply and a brief for purposes of supplementary questions, for use by the Nazim.

32. General Discussion. ---

Whenever a day is fixed for general discussion on any issue, the concerned officer or

representative of the sub-office shall remain present in the official gallery during the discussion for taking notes and preparation of a brief for use by the Nazim.

33. Budgets. ---

- (1) The Secretary of the Council shall obtain approval of the Nazim for the date for presentation of the annual and supplementary budgets and communicate such orders for appropriate action in accordance with the Act.
- (2) On receipt of a motion proposing a cut in the demand or supplementary demand for grant of funds, the concerned officer shall examine the points raised in the motion, or any further points likely to be raised, and prepare a brief for the use of the Nazim.
- (3) Budgets shall be processed in the manner prescribed in the Local Government Budget Rules framed under the Local Government Act, 2013;
- (4) Development Projects shall be processed for the approval of District Development Committee as per procedure provided in the Local Government Planning and Development Rules, 2015 notified by the Planning and Development Department.

34. Undertakings and Assurances.-

The concerned Officer shall be responsible for giving effect to any undertaking or assurance given by the Nazim in the Council.

PART-IV

MISCELLANEOUS PROVISIONS

35. Protection and Communication of Official Information. ---

- (1) A Government servant shall not communicate any information acquired directly or indirectly from official documents or otherwise to the Media, to non-officials, or to officials belonging to other Government offices, unless he has been, generally or specially, empowered or obligated to do so.
- (2) Ordinarily all official news and information shall be conveyed to the press through the Tehsil or Town Municipal Officer, or an official spokesman of the Tehsil or Town Municipal Administration nominated by the Nazim, in the manner prescribed generally or specially in each case.
- (3) The Tehsil or Town Municipal Officer shall circulate instructions about the treatment and custody of official documents and information of a confidential character.

36. Channel of Correspondence. ---

- (1) Correspondence with the District or City District Government or any other Tehsil or Town Municipal Administration in the district shall be conducted by the Tehsil or Town Municipal Officer and it shall be addressed to the Deputy Commissioner or the Tehsil or Town Municipal Officer, as the case may be.
- (2) The correspondence by the Tehsil Municipal Administration with the Government shall be routed through the Local Council Board.
- (3) All correspondence with the government of a foreign country or a Pakistan Diplomatic Mission abroad or a Foreign Mission in Pakistan or an International Organization shall normally be conducted through the Government:
- (4) Correspondence with the Village Council or Neighborhood Council of the same tehsil or town shall be conducted directly by the offices in respect of the subjects allocated to them and it shall ordinarily be addressed to the Nazim Village Council or, as the case may be, the Neighborhood Council concerned.
- (5) The Government shall issue policy instructions from time to time to ensure effective coordination between the Sub-Divisional Administration and Tehsil Municipal Administration for better service delivery of municipal services.

37. Performance Evaluation Report:

The Reporting line for the Annual Performance Evaluation Reports of officers posted in the Tehsil or Town Municipal Administration shall be as under-

<i>S#</i>	<i>Officers</i>	<i>Reporting Officer</i>	<i>1st Countersigning Officer</i>	<i>2nd Countersigning Officer</i>
1	Tehsil or Town Municipal Officer (PUGF BPS 17 and above)	<i>Deputy Commissioner</i>	<i>Secretary Local Council Board</i>	<i>Secretary Local Government & Rural Development</i>
2	Tehsil or Town Officer Regulation, Finance and Infrastructure (PUGF BPS 17 & Above)	<i>Tehsil or Town Municipal Officer</i>	<i>Deputy Commissioner</i>	<i>Secretary Local Council Board</i>

3	Officers and Officials posted in TMA (PUGF BPS 16 & below)	<i>Concerned Town or Tehsil Officer</i>	<i>Tehsil or Town Municipal Officer</i>	<i>Nazim Tehsil or Town Council</i>
4	Chief Officer Urban Unit	<i>Tehsil or Town Municipal Officer</i>	<i>Deputy Commissioner</i>	<i>Secretary Local Council Board</i>
5	Officers & Officials posted in TMA (Non PUGF PBS 5 and above)	<i>Concerned Tehsil Officer</i>	<i>Tehsil or Town Municipal Officer</i>	<i>Nazim Tehsil or Town Council</i>

Note: While writing the Performance Evaluation Report or Annual Confidential Report, as the case may be, the reporting officer, may give due consideration to the feedback provided by the Tehsil or Town Nazim concerned.

38. General. ---

- (1) The business of the Tehsil or Town Municipal Administration shall be transacted in accordance with the channels of communication laid down in these rules and instructions of the government.
- (2) If oral discussions are held with the Nazim by an officer, he shall communicate the points made during the discussion to his immediate superior at the earliest.

39. Tenure and Process for the Lease and Contracts.- The Council or the Tehsil or Town Municipal Administration shall be empowered for grant of lease or contracts or auction of its property rights and local own source revenue through open auction and subject to policy guidelines issued by the Government through Local Council Board. In case of long term lease or contracts, such cases shall be placed before a committee of the Council for framing recommendations for the approval of the Government, through Local Council Board.

40. Repeal. ---The Khyber Pakhtunkhwa Tehsil or Town Municipal Administration (Rules of Business) 2001 are hereby repealed.

SCHEDULE-I

{See Rule 3 (2)}

DISTRIBUTION OF BUSINESS AMONG SUB OFFICES

Sub Office	Operational Components & Business
Municipal Regulation	<ol style="list-style-type: none"> 1. Regulate markets and service; 2. Issue licenses, permits, grant permissions and impose penalties for violation thereof as and when applicable; 3. Management of municipal lands, estates, properties, facilities, assets and enterprises vested in the Tehsil or Town Municipal Administration; 4. Enforcement of all municipal laws, rules and byelaws governing the functioning of Tehsil or Town Municipal Administration; 5. Prevention of encroachments on public lands and places (Temporary tehbazari and encroachment) 6. Prosecute, sue and follow up criminal, civil and recovery proceedings against violators of municipal laws in the courts of competent jurisdiction; 7. Regulate affixing of signboards and Advertisements 8. Regularisation of Tenure of Kachi Abadis, Land including Rights of Way, Drains 9. Organize sports, cultural, recreational events, fairs and shows. 10. Organize cattle fairs and cattle markets; 11. Propose taxes, cess, user fees, rates, rents, tolls, charges, fines and penalties under Part III of the Third Schedule of the Khyber Pakhtunkhwa Local Government Act, 2013 (Part IV for Town Municipal Administration) for approval of the Tehsil Council and notify the same after such approval; 12. Collect approved taxes, cess, user fees, rates, rents, tolls, charges, penalties and fines;
Planning, Infrastructure and Services	<ol style="list-style-type: none"> 1. Provision, management, operation, maintenance and improvement Services of the municipal infrastructure and services, including: <ol style="list-style-type: none"> a. Water supply and control and development of water resources, other than systems maintained by the Union and Village Councils;

	<ul style="list-style-type: none"> b. Storm water drainage; c. Sanitation and Solid Waste Management including solid waste collection and sanitary disposal of solid, liquid, industrial and hospital wastes; d. Roads and streets, other than roads falling under the jurisdiction of, and maintained by, the district government, or provincial government and streets maintained by the Neighborhood Council or Village Council; e. Traffic planning, engineering and management including traffic signaling systems, signs on roads, street markings, parking places, transport stations, stops, stands and terminals; f. Street lighting; g. Disaster and Emergency Management including Firefighting. h. Maintenance and development of Parks, playgrounds, open spaces and arboriculture; i. Maintenance and development of Slaughter houses. <ol style="list-style-type: none"> 2. Maintain a comprehensive database and information system on services in the tehsil municipal records and archives and provide public access to it on nominal charges. 3. Execute and manage development plans; 4. Prepare spatial plans for the tehsil or town in collaboration with District, Neighborhood and Village Councils including plans for land use, zoning and functions for which tehsil or town administration is responsible. 5. Formulate strategies for infrastructure development, improvement in delivery of services and implementation of laws in collaboration with the relevant offices. 6. Exercise control over land use, land sub-division, land development and zoning by public and private sectors for any purpose including agriculture, industry, commerce, markets, shopping and other employment centers, residential, recreation, parks, entertainment, passenger and transport freight and transit stations; 7. Building control; 8. Develop and manage schemes including site development in collaboration with District Government and Neighborhood and Village Councils, national and international development partners. 9. Maintain municipal records and archives.
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	10. Any other development activity assigned
Finance	<ol style="list-style-type: none"> 1. Prepare annual & revised budget under the directions of Nazim; 2. Management and control of local fund and revenues – vigilance, detection and prevention of revenue leakage and losses; 3. Prepare financial statements and present them for internal and external audit in the manner as may be prescribed; 4. Maintenance of public account(s) (cost accounting) 5. Maintain a comprehensive financial database and information system for Tehsil or Town Municipal Administration and provide public access to it; 6. Carry out regular surveys of the revenue base – current and potential - and develop periodic reports of financial analysis for the Council.
Urban Unit	<ol style="list-style-type: none"> I) operation and maintenance of municipal services under the control of Tehsil or Town Municipal Administration where applicable and provided by the Government; II) in charge of the sanitation functions III) water supply IV) fire-fighting , V) Recovery of municipal fees, rates, rents, taxes etc

Secretary
Government of Khyber Pakhtunkhwa
Local Government, Elections & Rural Development
Department