

**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 VILLAGE AND
NEIGHBORHOOD COUNCILS RULES OF BUSINESS, 2015**

**PART - I
GENERAL**

1. Short title and commencement.---

- (1) These rules may be called the Khyber Pakhtunkhwa Village Council and Neighborhood Council 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 Council in pursuance of the provisions of the Act.;
 - c) "bye-laws" mean the bye-laws made by 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) "committee" means a committee constituted for the purposes of section 29 of the Act

and includes a special committee appointed by the Council;

- f) "Council" means a Village Council or Neighborhood Council, as the case may be;
- g) "district government" means the district government constituted under section 11 of the Act;
- h) "Executive Authority" means 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, public roads, streets, foot paths, traffic signals, pavements and lighting thereof, public parks, gardens, arboriculture, landscaping, bill boards, hoardings, fire fighting, land use control, master planning, classification declassification or reclassification of commercial or residential areas, markets, housing, infrastructure, environment and construction, maintenance or development thereof and enforcement of any law or rule relating thereto.
- j) "Nazim" means the Nazim of the Council;
- k) "Naib-Nazim" means the Naib Nazim of the Council; and
- l) "Secretary" means the Secretary of the Council, duly appointed as such under the relevant rules.

(2) Any word or expression used but not defined shall have the same meaning as given to them in the Act or, any rules made there under.

3. Business of the Council.-

- (1) The business of the Council shall be disposed of by the Secretary of the Council.
- (2) The Secretary, under the supervision of the Nazim shall coordinate and facilitate in community development, functioning of the Committees and delivery of such municipal services as provided in the Act.
- (3) In addition to the relevant provisions provided in the Act or these rules, as the case may be, the Village and Neighbourhood Council shall have the following functional jurisdiction for the purpose of development investment as provided in the Planning and Development Guidelines for local governments:
 - i. Municipal Services including establishment of solid waste collection in each Village / Neighbourhood Councils.
 - ii. Improvement and maintenance of water supply and sanitation projects
 - iii. Maintenance of village level infrastructure, footpaths, tracks, street, pavement, culverts, bridges, public buildings and de-silting of canals -.

- iv. Maintenance 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.

4. Transaction of business.--

- (1) No important decision relating to the administration of the Council shall be taken without the approval of the Nazim. The Secretary shall be responsible for implementation of decisions of the Nazim.
- (2) Decisions taken by the Nazim under the provisions of the Act and these Rules shall not be varied, reversed or infringed without consulting him.
- (3) Where the orders of the Nazim appear to involve a departure from the provisions of the Act, rules, regulations or Government policy, the Secretary shall re-submit the case to the Nazim inviting his attention to the relevant laws, rules, regulations or Government policy. In case Nazim does not agree with the contention or legal opinion of the Secretary Council, the matter shall be referred to the Assistant Director LG&RDD of the district concerned who shall communicate appropriate guidance or clarification in the light of Act and Rules or may refer to the government for appropriate order.
- (4) For the purpose of consolidation of accounts and ensuring financial discipline in the Village and Neighbourhood Councils, the Assistant Director shall act as Principal Accounts Officer for development budget and activities for their respective districts under the overall policy guidelines of the Government.

5. Establishment of the Office of the Council.-

- (1) Every Council shall have an office, at a convenient place and location, for performance of its functions and duties, conduct meetings and disposal of official business as required under the Act.
- (2) In case of non-availability of government building, the concerned Assistant Director or authorised officer shall arrange suitable rented building for performance of functions as given in the Act.

6. Functions and Powers of Nazim.-

- (1) The Nazim shall perform and exercise the following functions and powers:-

- (a) provide leadership for council-wide development and preparation of budget;
- (b) organize management of municipal infrastructure with in the area of respective village council or neighbourhood council;
- (c) chair panels of members constituted for amicable settlement of disputes;
- (d) report to tehsil municipal administration and district government in respect of:
 - (i) encroachment on state and local government property;
 - (ii) violation of land use plans, building codes, rules and bye-laws;
 - (iii) sale and trade of dangerous and offensive articles;
 - (iv) adulteration of articles of food; and
 - (v) breach of public water courses with in the area of the village council or neighbourhood council.
- (e) prepare and send quarterly reports on the performance of functionaries of all offices located in the area including education, health, public health engineering, agriculture, livestock, police and revenue to tehsil municipal administration and district government.

(2) The Nazim, village council or the Nazim neighbourhood council, as the case may be, shall be responsible for any loss flowing from his decisions and directions in violation of this Act or any other law for the time being in force and for expenditures incurred without lawful authority.

(3) The Nazim, neighbourhood council shall represent the council in the special units created under section 23 of this Act.

(4) The Nazim shall send quarterly reports on the performance of functionaries of District and Tehsil or Town Municipal Administration offices located in the limits of the Councils as provided in Section 28 (e) of the Act;.

(5) In matters of policy and important decisions, the Secretary shall obtain prior approval of Nazim before communicating such matters and decisions to the higher tier of local governments.

- (6) The Nazim may call for-
 - a) any case or information from the Secretary or, as the case may be, functionary of the respective Council; and

- b) reports, regarding the performance of functionaries of Government offices located in the Village or Neighborhood, for the purposes of section 29 (a) of the Act.

(7) Nazim shall be the approving authority of expenditure within the prescribed sphere of responsibility and also the co-signatory of the cheques along with Secretary Village and Neighbourhood Councils

7. Functions of the Village Council or Neighbourhood Council

(1) The village council and neighbourhood council shall perform and exercise the following functions and powers, as the case may be, shall be to:

- (a) monitor the performance of functionaries of all government offices located in the area of the respective village council or neighbourhood council, including education, health, public health engineering, agriculture, livestock, police and revenue, and hold them accountable by making inquiries and reports to the tehsil municipal administration, district government or, as the case may be, the Government for consideration and action;
- (b) provide effective forum for out of court amicable settlement of disputes and, for this purpose, constitute panels of members as conciliators;
- (c) register births, deaths and marriages;
- (d) implement and monitor village level development works;
- (e) improve water supply sources, maintain water supply distribution system and take measures to prevent contamination of water;
- (f) maintain village level infrastructure, footpaths, tracks, streets, prevent and abate nuisances and encroachments in public ways, public streets and public places;
- (g) maintain and improve collective property including playgrounds, graveyards, funeral places, eid-gah, parks, public open spaces and community centers;
- (h) identify development needs of the area for use by municipal administration and district government in prioritizing development plans;
- (i) make arrangements for sanitation, cleanliness, disposal of garbage and carcasses, drainage and sewerage system;
- (j) display land transactions in the area for public information;
- (k) mobilize community for maintaining public ways, public streets, culverts,

bridges and public buildings, de-silting of canals and other development activities;

- (l) develop sites for drinking and bathing of cattle;
- (m) organize cattle fairs and agriculture produce markets;
- (n) organize sports teams, cultural and recreational activities;
- (o) organize watch and ward in the area;
- (p) promote plantation of trees, landscaping and beautification of public places;
- (q) regulate grazing areas, establish cattle ponds and provide protection against stray animals and animal trespass;
- (r) consider and approve annual budget presented by the respective Nazim, village council or neighbourhood council;
- (s) facilitate formation of voluntary organizations for assistance in functions assigned to it;
- (t) facilitate the formation of co-operatives for improving economic returns and reduction of poverty;
- (u) elect an Accounts Committee and review its recommendations on the annual statement of accounts and audit reports; and
- (v) report cases of handicapped, destitute and of extreme poverty to district government.

(2) The respective village council or neighbourhood council shall assist district government and tehsil municipal administration in conducting surveys, collecting socio-economic data and selecting sites for municipal and social facilities and services.

8. 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 byelaws shall in that case be deemed to be references to any such person so presiding.

9. Appointment of Secretary:

The Secretary of the Council shall be posted or appointed by the Assistant Director, Local Government under the prescribed rules.

10. Duties, Functions and Powers of Secretary:

(1)The Secretary shall.–

- a) assist the Nazim in coordinating the activities of the Council for coherent planning

and development of infrastructure and effective service delivery;

- b) assist the Nazim and Council to supervise and oversee the implementation of different development programs in limits of the Council;;
- c) prepare periodical reports including reports on implementation of development plans for presentation in the Council after approval of the Nazim;
- d) provide information required by the Council for the performance of their functions;
- e) provide information and data required to the Tehsil or Town Municipal Administration, District government and Local Government Commission through Assistant Director Local Government of the concerned district.
- f) act as the focal person for the office of the Council;
- g) ensure that the business of the Council is carried out in accordance with provisions of section 28 and 29 of the Act and any other law relating to Local Government for the time being enforce;
- h) ensure that the resources placed at the disposal of the Council are optimally utilized to improve governance;
- i) obtain approval of the Nazim in matters of policy and important decisions before communicating such matters and decisions to the higher tiers of local governments;
- j) assist the Nazim in preparation of reports on the performance of offices situated within the limits of the Council;
- k) assist the Nazim in formulation of policy for the Council and bring the important cases in his notice; submit all proposals for taxation, along with the supporting rules and bye-laws to the Council through the Nazim; subject to the condition that the taxation proposals shall be processed as per standard procedure provided in the local government taxation rules;
- l) be responsible for the proper conduct of the business of the Council;
- m) ensure proper record keeping of all the business conducted by the Council;
- n) assist the Nazim in making arrangements for the amicable settlement of disputes as provided in Section 28 (c) of the Act.
- o) ensure monthly reconciliation of accounts with the concerned quarters by 10th of the succeeding month. In case of non-reconciliation of accounts, disciplinary action shall be initiated against the defaulter without any delay caused to the release of funds to the Council on this account

(2) While submitting a case for the orders of the Nazim, it shall be duty of the Secretary to

suggest a definite line of action.

PART – II
OFFICE PROCEDURE

11. General procedure for disposal of business.-

All orders shall be made in writing. Where a verbal order is made, the Secretary upon receiving the order shall take appropriate action if the situation so demands and reduce it in writing and as soon as may be, submit it to the Nazim for confirmation.

12. Orders, Instruments, Contracts and Litigation.-

- (1) All executive actions of the Council shall be expressed to be taken in the name of Council and shall be executed by the Nazim or Secretary.
- (2) The Council may sue and be sued in its name through the Secretary.

13. Meetings.--

The Nazim shall convene meetings of the Council and the Naib Nazim or in his absence any other member, shall preside over the meetings. The Secretary Council shall perform the functions of Secretary of the Council.

14. Information to be supplied to Committees.--

- (1) The Chairman or a member of a Committee shall ask for information in writing and the Nazim shall supply the information as early as possible.
- (2) Where the requisite information is of classified nature, the information shall be supplied after observing all the formalities as prescribed in the relevant rules and instructions.

15. Action on the reports of the Committees.--

- (1) The reports of the Committees of the Council shall be examined by the Secretary and submit to the Nazim for action.
- (2) The Nazim shall inform the Council about the action taken by him on the report/reports of the Committees.

16. Inspections by the Provincial Local Government Commission.--

- (1) The Council shall provide all the necessary support to the Inspection Teams deputed by the Provincial Local Government Commission while conducting annual and special inspections of the Council.

- (2) The office of the Council shall provide all the necessary assistance and relevant documents to the Commission promptly under intimation to the respective Nazim.

17. Inspection by the Nazim.--

- (1) The Nazim shall inspect the working of the office of the Secretary once every three months. He shall pay special attention to-
- a) compliance with the rules, standing instructions, orders and directives;
 - b) security arrangements for the Council;
 - c) general office management;
 - d) Proper use and care of finances, property, equipment and stationery etc. under the control of an office.
 - e) Available stocks, assets, properties etc. in the Council.
- (2) A copy of the inspection report shall be submitted to the Council. The report shall also indicate steps taken or required to be taken for corrective measures.

18. Posting and Transfers:--

The transfers and posting of officers in a Village or Neighbourhood Council shall be regulated by the Government transfer and posting policy for the time being in force.

PART - III

REFERENCE TO THE NAZIM

19. Reference to the Nazim.-

- (1) No order regarding the Council shall be issued without the approval of the Nazim in cases involving important policy or departure from important policy or in the following cases:
- a) proposals for the levy of new taxes and making or withdrawal of bye-laws;
 - b) resource position and budget proposals before presentation of the budget and financial statements to the Council;
 - c) vital social, political, economic and administrative policies of the Council;
 - d) requisition for meetings of the Council except meetings requisitioned for consideration of no confidence motion against him;
 - e) annual reports on the working and performance of Council for submission to the Government;
 - f) important reports and documents required to be laid before the Council;
 - g) cases involving departure from an earlier policy decision or decision of the Council;

h) Any other case required by the Nazim through general or special order to be submitted to him

(2) 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.

(3) With respect to a case mentioned in sub-rule (1), the Secretary 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.

(4) The Note containing orders of the Nazim shall be returned to the Secretary.

(5) The Secretary shall keep the Nazim generally informed of all matters affecting public tranquility in the Village or Neighborhood and cases having major political implications.

PART - IV

MISCELLANEOUS PROVISIONS

20. 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 Secretary, or official spokesperson of the Council nominated by the Nazim, in the manner prescribed generally or specially in each case.

(3) The Secretary shall circulate instructions about the treatment and custody of official document(s) and information of a confidential or classified character.

21. Channel of Correspondence.-

Correspondence with the Government, District or City District Government and Tehsil or Town Municipal Administration shall be conducted by the Secretary through the Assistant

Director LG&RD of the district concerned.

22. General.-

The business of the Council shall be transacted in accordance with the channels of communication laid down in these rules and instructions. If oral directions are given by the Nazim to the Secretary or any other officer or official of the devolved departments or Tehsil or Town Municipal Administration, the concerned officer or official shall communicate such orders or directions to his immediate superior, in writing, at the earliest.

23. Performance Evaluation Report.-The Reporting line for the Annual Performance Evaluation Reports of officials posted in the Village and Neighbourhood Councils and their supervisory staff in the district shall be as under-

| <i>S#</i> | <i>Officers</i> | <i>Reporting Officer</i> | <i>1st Countersigning Officer</i> | <i>2nd Countersigning Officer</i> |
|-----------|--|---|--|--|
| <i>1</i> | Secretary Village and Neighbourhood Councils | Nazim Village and Neighbourhood Council | Tehsil or Town Supervisor Local Government | Assistant Director Local Government |
| <i>2</i> | Tehsil Supervisor Local Government | Assistant Director Local Government | District Nazim | Director General LG&RDD |

24. Repeal.-The Khyber Pakhtunkhwa Union Administration (Rules), 2001 are hereby repealed.

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