



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

No. PDA/LG/5-11/2015  
Peshawar Dated June 15, 2015

To

1. All Deputy Commissioners/Administrators District Councils in KP.
2. All Chief Coordination Officers of District Councils in KP
3. Administrator Municipal Corporation, Peshawar
4. All Chief Municipal Officers/Administrators Municipal Committees in KP
5. All Assistant Directors Local Government & Rural Development in KP

Subject: **GUIDELINES FOR TRANSITION AND SUCCESSION OF LOCAL GOVERNMENTS UNDER KP LOCAL GOVERNMENT ACT, 2013**

Memo:

As section 120 of LGA-2013 has been promulgated with effect from June 5, 2015 which will take effect from the date of taking Oath and assumption of offices by the respective District, Tehsil and Village/ Neighborhood Nazimeen. This promulgation has paved the way for succession of the existing District Council, Municipal Committees and Union Councils by their successor district government, Tehsil Municipal Administration and Village/ Neighborhood Councils as per provision of section 121 of the Act. The Rules of Business for District Government, Tehsil Municipal Administration and Village/ Neighborhood Councils are being finalized in close consultation with Law Department and other stakeholders, which will be conveyed in due course of time, however, to facilitate the smooth transition and operationalization of respective local governments, the following guidelines are circulated for information and further necessary action.

**A) Guidelines related to District Government and District Councils**

- i) The Deputy Commissioners shall be the overall transition coordinator for all the three tiers of local government to ensure:
  - a. Provision of District Council Hall for the meetings and other functions of the Council.
  - b. The designated Offices of Nazimeen District Council may be handed over back to the Nazim District Council.
  - c. The designated vehicle of Nazimeen District Council may be made road-worthy for the use of Nazimeen District Council.
  - d. Appropriate alternative arrangements, in districts, where no designated offices, District Council Halls and Nazim District Council vehicles are available.
  - e. Till availability of regular staff, appropriate staff of existing District Council or any other devolved office may be posted as support staff for Nazim District Council and District Council Secretariat.

Deputy Commissioner (Administration)  
Peshawar District Council



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- ii) The existing structure and staffing of devolved offices of district government will remain the same without any major dislocation or reshuffling. However, they will stand devolved to the district government as per spirit of LGA 2013.
- iii) Detail rules, guidelines, instructions and circulars regarding budgets, financial sanctions, development schemes, approving forums, supervision and monitoring and delegation of financial powers shall be circulated by the respective departments in due course of time.
- iv) All local governments are advised to prepare budget estimates for the year 2015-16 as per provision of the Act for placement before the respective councils for approval as soon as they assume their offices. Further necessary instructions and fund position shall be conveyed by the Provincial Government in due course of time.
- v) As the functions, funds and staff of the erstwhile District Councils stand transferred to their respective successor TMA's, therefore they shall not float any fresh tenders or execute any development project except by their successor TMA's. All those district councils, where tender notices have been floated in the press or tendering is in process shall forthwith transfer the record of such /tenders schemes along with its funds to the respective TMAs, and the respective TMA's shall complete the tender process and execution of the schemes as per PC-I requirements. In case of any complication, the District Headquarter TMA's should complete the tendering process.
- vi) Nominate one or more senior officers of the District Government or TMA's, (Such as AD, LG&RDD or TMO HQ) well-conversant with the local government system and rules, to guide the respective departments and elected councilors on matters related to meetings of the councils, Oath taking, assumption of offices by the elected representatives etc. Contact details of such officers shall be intimated to all concerned to ensure prompt response.
- vii) Every Local Government shall install public notice boards, at conspicuous places, such as offices of District Nazim, District Councils, TMA's and offices of AD, LG&RDD to display notices of general information for general public.
- viii) Issue instructions to all local governments officers and officials to accord due respect and regard to the elected representatives, (especially women and minorities) and to also facilitate them to perform their mandated functions and responsibilities in a smooth and effective manner.



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- ix) All local governments are advised to prepare and install proper signboards (standard designs) on their respective offices (and also inside the District Government Secretariat) to facilitate the general public and elected representatives in locating these offices. Contact details of all such offices shall be also circulated to all concerned for effective communication.

**B) Guidelines related to Tehsil/Town Municipal Administrations**

- i) The existing Chief Coordination Officers in District Councils and Chief Municipal Officers in Municipal Corporation and Municipal Committees are directed to settle all matters relating to placement/ adjustment of staff, distribution of assets and liabilities, establishment of offices, vehicles, furniture, equipments etc, in light of the provisions contained in section 121(2) of Local Government Act, 2013 and instructions already circulated vide circular letter dated 15/04/2015. However, while distributing the assets and liabilities of District Councils, the spirit of the law and the emerging scenario to the extent of responsibilities/ functions of the new Local Government entities shall be adhered to in letter and spirit.
- ii) In light of the provisions of section-121(1) of the Local Government Act, 2013, the assets shall be transferred to the successor TMAs and details shall be submitted to the Local Council Board duly signed by the respective heads of district councils and TMAs. Proper inventory and handing/ taking certificates of moveable and immovable assets shall be prepared signed by giver and taker and countersigned by the respective Deputy Commissioners. Offices and assets handed over to the office of the Nazim and district council shall also be acknowledged from the respective Assistant Director, Local Government & Rural Development and countersigned by respective Deputy Commissioner for record;
- iii) Proper lists of Court cases shall be prepared and record handed over to the respective successor TMAs/ District Government. And, no Court case shall be remained unattended. The concerned Legal Advisor / Law Officers should be sensitized to pursue the Court cases to avoid any adverse / ex-parte decision during transition period.
- iv) Ensure timely utilization/distribution of the available funds with District Councils in consultation and with the approval of respective Deputy Commissioner

Ms. [Signature]  
Assistant Director  
Local Government & Rural Development  
Government of Khyber Pakhtunkhwa



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being Administrator of District Council under intimation to all concerned and successors, as per provisions of the Local Government Act, 2013.

- v) To ensure recovery of the outstanding amounts/dues of the District Councils as well as the audit reports/paras outstanding and current, the final reports with all details will be prepared and after vetting of the respective Deputy Commissioners will be handed over to successors, so as to avoid any losses to the local councils funds.
- vi) Pension fund of the retired employees of the respective district council has to be transferred to the respective TMAs from where they should be paid on monthly basis and to ensure all this arrangement is in place prior to succession.
- vii) The ongoing schemes of the District Councils may be transferred to their respective successor TMAs along with funds and record for ultimate completion. In case of ongoing schemes which are recorded in common Measurement Book, which are not possible to be separated /distributed; such schemes and their funds may be retained at the head quarter TMA's for completion.
- viii) All contracts of local taxes and local source revenue have to be auctioned openly by their respective local councils in the light of the model terms & conditions circulated vide letter No AO-II/LCB/6-11/2013 dated June 1, 2015. The approval procedure provided in the LGA 2013 and Model Terms and Conditions may be strictly observed.
- ix) The successor local governments shall ensure continuity in provision of existing municipal services without any interruption during the transition period to avoid inconvenience to the public.
- x) In order to ensure proper placement and location of Non-PUGF staff in the local councils, the local government should ensure to:-
  - a) Placement of right man for the right job in different branches of TMA
  - b) avoid change of cadres or basic terms and conditions of service of non-PUGF staff.
  - c) avoid recommendations for creation of posts and up-gradation.
  - d) Prepare need based service structure/organogram of Non-PUGF staff (in the district) according to the status of TMA's in the district may be framed by the respective CCOs and CMOs (in case of newly created TMAs, by the



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respective CMOs of the headquarter TMAs) and intimated the same to Local Council Board for finalization and record.

- e) As per directions of the Chief Minister, Tehsil Municipal Officer and Tehsil Officer (Finance) shall be the co-signatory for TMA's funds disbursement after obtaining necessary sanction/approval from the Nazim.

**C) Guidelines related to Village/ Neighborhood Councils**

- i) Designated joint bank accounts in the name of every Village/ Neighborhood Councils may be opened in the nearest government scheduled bank.
- ii) The ongoing schemes of the Union Councils may be transferred to their respective successor Village/ Neighborhood Councils along with funds and record for ultimate completion. In case of ongoing schemes which are recorded in common Measurement Book, which are not possible to be separated /distributed; such schemes and their funds may be retained at the central Village/ Neighborhood Councils for completion and record.
- iii) The provincial government has approved maximum Rs. 5,000/ month for the rent of office of Village Councils and maximum Rs. 10,000/ month for the rent of office of Neighborhood Councils. While identifying and finalizing rent agreements for the rented offices, this ceiling must be observed. Rent reasonability certificates of such buildings may be obtained and placed on record for official use.
- iv) Respective Assistant Directors Local Government have already been instructed vide Director General, Local Government letter No.Dir (LG)/Reforms/VC/NC/2015 dated June 8, 2015 to utilize the available non-committed funds of Union Councils for meeting the minimum furniture and rent requirements of the succeeding Village/ Neighborhood Councils. However, for those Village/ Neighborhood Councils, where no such funds are available with the Union Councils, separate funds are being provided by the government for procurement of most urgent furniture and office stationery for running day to day official work of the Village/ Neighborhood Councils. Respective Assistant Directors Local Government should ensure operationalization of offices on war footings.
- v) The remaining balance fund (after meeting the requirements mentioned at (iv) above) may be distributed among the succeeding Village/ Neighborhood Councils on population basis.

Signature Officer (Government)  
Tehsil Council of Bannu  
Khyber Pakhtunkhwa



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- vi) Till availability of full time staff in the newly created Village/ Neighborhood Councils, the Secretaries of the adjacent Village/ Neighborhood Councils may be assigned additional charge to look after their day to day official work.
- vii) All the Secretaries of the former Union Councils shall prepare proper inventory of their assets and liabilities and provide a certified statement to the offices of their respective Assistant Directors LG&RDD.
- viii) The successor Village/ Neighborhood Councils shall ensure continuity in provision of existing services without any interruption during the transition period to avoid inconvenience to the public.

**Note:**

- a) All local governments are advised to seek guidance from the Local Government Act, 2013 and other existing ancillary Rules in force for legal interpretation. In case of any ambiguity, opinion of Local Council Board/ LG&RDD may be solicited.
- b) These guidelines may be circulated to all concerned for information and compliance.

**SECRETARY LOCAL GOVERNMENT**

**ENDST. NO. & DATED EVEN**

Copy of the above is forwarded to:

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa
2. All Administrative Secretaries, Government of Khyber Pakhtunkhwa
3. Provincial Police Officer Khyber Pakhtunkhwa
4. Accountant General of Khyber Pakhtunkhwa
5. All Divisional Commissioners Khyber Pakhtunkhwa
6. All Range Police Officer, Khyber Pakhtunkhwa
7. All Head of attached Departments, Government of Khyber Pakhtunkhwa
8. Secretary Local Councils Board, Khyber Pakhtunkhwa
9. Director Local Fund Audit, Khyber Pakhtunkhwa
10. All DG/PD's Local Areas Development Authorities, Khyber Pakhtunkhwa
11. All District Accounts Account Officer in Khyber Pakhtunkhwa
12. PSO to Chief Secretary Khyber Pakhtunkhwa
13. PS to Additional Chief Secretary P&D Khyber Pakhtunkhwa
14. PS to Senior Minister LG&RDD, Khyber Pakhtunkhwa
15. PS to Secretary LG&RDD, Khyber Pakhtunkhwa

**SECTION OFFICER (GENERAL)**