

Draft

THE DISTRICT COUNCIL
(PROCEDURE AND CONDUCT OF BUSINESS AND MEETINGS)
BYELAWS, 2013,
DISTRICT ABBOTTABAD

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CHAPTER I PRELIMINARY

1. Short title and commencement.- (1) These byelaws may be called The District Council (Procedure and Conduct of Business and Meetings) Byelaws, 2013, District Abbottabad.

(2) They shall come into force at once.

2. Definitions.-- (1) In these bye laws, 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;
- b) "budget" means the statement laid before the council under section 35 of the Act;
- c) "convener" means the Naib Nazim of the council, and includes the person for the time being performing the duties of the Naib Nazim;
- d) "council" means District Council, Abbottabad;
- e) "district government" means District Government, Abbottabad
- f) "committee" means a committee constituted for the purposes of section 18 of the Act and includes a special committee appointed by the council;
- g) "Government" means the Government of the province;
- h) "leader of the council" means the Nazim;
- i) "leader of the opposition" means the member who, in the opinion of the convener, is for the time being the leader in the council of the largest party or coalition of parties in opposition;
- j) "member" means a member of the council;
- k) "member-in-charge" means in the case of official business any member acting on behalf of the Nazim, and in case of any other business, the member who has introduced it or any other member authorized by him in writing to assume charge of the business in his absence;
- l) "motion" means a proposal made by a member relating to any matter which may be discussed by the council and includes a resolution and an amendment;
- m) "Nazim" means Nazim District Council, Abbottabad and includes the person for the time being performing the duties of the Nazim;
- n) "presiding officer" means in relation to a sitting of the council, any person who is presiding at that sitting;

- o) "private member" means a member who is not acting on behalf of the Nazim;
- p) "province" means the province of Khyber Pakhtunkhwa;
- q) "rules" means the rules made under the Act;
- r) "secretary" means the secretary of the council and includes any person for the time being performing the duties of the secretary;
- s) "schedule" means a schedule appended to these bye-laws;
- t) "session" means the period commencing the day on which the council first meets after having been summoned and ending the day on which the council is prorogued;
- u) "sitting" means the meeting of the council or any of its committees from the commencement of its business to the termination of the business for the day;
- v) "starred question" means a question for an oral answer;
- w) "table" means the table of the council;
- x) "un-starred question" means a question for a written answer.

(2) Any word or expression defined in the Act or rules and not defined in these byelaws shall have the same meaning as assigned to it in the Act or, as the case may be, rules.

CHAPTER-II CONVENING, ADJOURNMENT AND PROROGATION

3. Convening of the Council.- When the council is convened under section 79 of the Act, the secretary shall intimate to each member the date, time and place fixed by the Nazim for the meeting of the council and shall issue a notification in respect thereof: Provided that if the council is convened at short notice or in case of an emergency, the secretary shall also intimate the date, time and place of the meeting to the members through press, electronic media or through the district administration.

4. Adjournment.--Subject to the provisions of the Act, the sitting of the council may be adjourned from time to time by order of the convener.

5. Prorogation.-- (1) When the council is prorogued, the secretary shall issue a notification to that effect.

- (2) A session of the council is terminated by prorogation.
- (3) On the prorogation of a session, all pending notices and business shall lapse, except the business relating to byelaws.

CHAPTER III SEATING, OATH AND ROLL OF MEMBERS

6. Oath, Roll and seating of Members.—(1) A member shall not sit or vote in the council until he has made and subscribed to an oath as required by the Act, and before taking his seat, he shall also sign the roll of members.

- (2) Members shall sit in such order as the convener may determine.

CHAPTER IV THE CONVENER AND PANEL OF CHAIRMEN

7. Election of Convener.- (1) At the first meeting of the council after election and after the persons elected as members who are present and have made and subscribed to the oath, the council shall, before transacting any other business, proceed to elect the convener in the manner provided in this clause.

(2) The meeting of the council for election of convener shall be presided over by the outgoing convener and if he be absent, by the most senior member. (Explanation: the term “most senior member” means the eldest member in terms of age)

(3) At any time before the time notified by the secretary, on the day preceding the day on which the election is to be held, any member may propose another member as a candidate for the office of the convener, by delivering to the secretary a nomination paper signed by him and stating in writing that he has ascertained that the member proposed is willing to serve as convener, if elected.

(4) A member who has been nominated may withdraw his candidature at any time before the time notified by the secretary in this regard.

(5) Where, after the expiry of the time for withdrawal, there is only one duly nominated candidate for the office of the convener, such candidate shall be declared by the presiding officer to have been elected.

(6) Where there are more than one candidate, the secretary shall read out to the council the name of each such candidate together with the name of his proposer, and the council shall then proceed to elect the convener by open division which shall be held in such manner as the presiding officer may direct.

(7) Where there are only two candidates, the candidate obtaining the larger number of votes at the division, shall be declared elected, and in the event of equality of votes, the presiding officer shall exercise his casting vote to decide the election.

(8) Where there are more than two candidates, the candidate obtaining more votes than the aggregate of votes obtained by the other candidates shall be declared by the presiding officer to have been elected. If no candidate obtains such number of votes, there shall be a second division, or, if necessary, subsequent divisions, and at the end of each such ballot, the candidate obtaining the lowest number of votes shall be excluded from the election. The division shall, in like manner, proceed with until one candidate obtains more votes than the remaining candidates in the aggregate, and the candidate obtaining such number of votes at any ballot shall be declared elected.

(9) Where at any ballot any two of the three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-clause (viii), the determination of the question as which of the candidates is to be excluded, shall be decided by the casting vote of the presiding officer.

(10) The person so elected shall make an oath before the council in the form set out in the Schedule.

8. Vacancy in the office of the Convener.- (1) Whenever a vacancy occurs in the office of the convener, the council shall elect from amongst its members a convener in the manner provided in the preceding clause: Provided that if the vacancy occurs during a session of the council, the election shall be held during the same session, and if the vacancy occurs at a time when the council is not in session, during the session next following.

(2) The date fixed for election under sub-clause (i) shall be communicated to each member by the secretary.

9. Removal of Convener.-- (1) A member may give notice to the secretary in writing of a motion for leave to move resolution for the removal of the convener and the secretary shall, as soon as may be, circulate the notice to all the members.

(2) The motion for leave of which notice has been given under sub-clause(i) shall be entered in the name of the member concerned by the secretary in the list of business for the first working day after the expiry of seven clear days from the date of receipt of the notice.

(3) No other item shall be included in the list of business for the day fixed for a motion for leave to move a resolution referred to in sub-clause (i).

(4) After a motion for leave of which notice has been given under sub-clause (i) has been moved, the council shall not be adjourned until that motion or if leave is granted, the resolution is disposed off.

(5) As soon as a motion for leave of which notice under sub-clause (i) was given has been moved, the presiding officer shall call such of the members as may be in favour of leave being granted to rise in their seats. If at least one third of the total members so rise, he shall call upon the member concerned to move the resolution. In case at least one third of the total members do not so rise, the presiding officer shall declare that the member concerned has not the leave of the council to move the resolution.

(6) Except with the permission of the presiding officer, a speech on the resolution by the mover and by the convener for whose removal the resolution has been moved shall not exceed thirty minutes and that by any other member shall not exceed ten minutes.

(7) Voting on the resolution shall be by open division which shall be held in such manner as the presiding officer may direct.

(viii) The convener shall not preside, when a resolution for his removal is under discussion, but he may speak on the resolution and may vote.

10. Powers and functions of the Convener- (1) In addition to the specific functions and powers provided for in these byelaws, the convener shall take the chair at every sitting of the council at the hour to which the council is adjourned at the last sitting or at the hour at which the council has been summoned to meet.

(2) The Convener shall:

- a) call the sitting to order;
- b) preserve order and decorum;
- c) have all powers necessary for the purpose of enforcing his decisions;
- d) in case of disturbance or disorder in the galleries, have the power to cause them to be cleared.
- e) decide all points of order.
- f) 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.

11. Panel of Chairmen and temporary Chairman.- (1) The convener shall, 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 convener, when so requested by the convener: Provided that where no such request has been made by the convener, any one of them may preside in the order in which their names appear in the panel.

(2) If at any time at a sitting of the council neither the convener 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 convener and for this purpose the secretary shall hold the election.

(3) A chairman nominated under sub-clause (i), shall hold office until a new panel of chairmen is nominated.

(4) If, at the commencement of a sitting, the convener is unavoidably absent the secretary shall inform the council of the fact before a chairman takes the chair.

12. Powers of person presiding.- The member competent to preside over a sitting of the council shall, when so presiding have the same powers as the convener when so presiding and all references to the convener in these byelaws shall in that case be deemed to be references to any such person so presiding.

CHAPTER V ELECTION OF THE NAZIM

13. Election to be without debate: (1) After election of the convener in its first meeting or whenever office of the Nazim falls vacant for any reason, the council shall not transact any business unless it has been ascertained which one of the members of the council commands the confidence of the majority of the members of the council.

(2). For the purpose of election of Nazim, the council, without debate, shall proceed as follows:

- a) Any member may propose the name of any member who, in his opinion, commands the confidence of the majority of the members of the council, hereinafter referred to as the candidate.
- b) Every proposal shall be made by a separate nomination paper in the prescribed form and shall be signed by the proposer and also by the candidate stating that he has consented to the nomination.
- c) A candidate may be proposed by more than one nomination papers but no member shall subscribe to more than one nomination paper as proposer.

- d) Every nomination paper shall be delivered by the candidate or his proposer to the secretary of the council at any time before the time notified by the secretary on the day fixed for the ascertainment.

14. Scrutiny: (1) The convener shall, in the presence of the candidates or their proposers who may wish to be present, scrutinize the nomination papers and may reject a nomination paper, if he is satisfied that:-

- a) The candidate is not a member of the council;
- b) Any provision of clause 14 has not been complied with; or
- c) The signature of the proposer or the candidate is not genuine:

Provided that:-

- i) The rejection of a nomination paper shall not invalidate the nomination in respect of a candidate by any other valid nomination paper; and
- ii) A nomination form shall not be rejected on the ground of any defect which is not of substantial nature and such defect may be allowed to be remedied forthwith.

(2) The convener shall endorse on each nomination form his decision accepting or rejecting it and shall, in case of rejection, record briefly the reasons thereof.

(3) The decision of the convener accepting or rejecting a nomination paper shall be final.

15. Withdrawal: A candidate may withdraw his candidature at any time before the election takes place.

16. Election of Nazim: (1) Before commencement of the proceedings of election the convener shall read out to the council the names of the candidates validly proposed for the elections who have not withdrawn, hereinafter called the contesting candidates, in the order in which their nomination papers were received and proceed to effect the election by an open division.

(2) If there is only one contesting candidate and he secures the support of the majority of the members of the council, the convener shall declare him to be the member commanding the confidence of the majority of the members of the council.

(3). If there is only one contesting candidate and he is not able to secure the support of the majority of the members of the council, all proceedings shall commence afresh for the election.

(4). If there are two or more contesting candidates, the candidate who secures the support of the majority of the members of the council shall be declared to be the member commanding the confidence of the majority of the members of the council.

(5). If no contesting candidate secures such majority in the first round, a second round shall be held between the candidates who are supported by the two highest numbers of members in the first round and the candidate who is supported by majority of the members of the council shall be declared to be commanding the confidence of the majority of the members of the council.

Provided that, if two or more candidates are supported by an equal number of members, further round shall be held between them until one of them secures support of the majority of the members, of the council.

(6). The convener shall declare name of the member commanding the confidence of the majority of members of the council and administer him oath of office in the prescribed form.

17. Resolution for vote of no confidence against the Nazim. - (1) Subject to provisions of the Act and rules, a member may give notice to the secretary in writing for resolution of no confidence against the Nazim.

(2) The secretary shall enter the resolution in the name of the member concerned in the list of business for the first working day after the expiry of one clear day of receipt of notice and, as soon as may be, circulate the notice to all the members.

(3) Leave, to move the resolution, shall be asked after questions, if any, and before other business entered in the list of business is taken up.

(4) When the resolution is moved, the convener may, after considering the state of business, allot a day or days for discussion on the resolution.

(5) The resolution shall not be voted upon before the expiry of three days, or later than seven days, from the day on which the resolution is moved in the council.

(6) Voting on the resolution shall be by open division which shall be held in such manner as the convener may direct.

(7) The council shall not be prorogued until the resolution is disposed off or, if leave is granted, the resolution has been voted upon.

18. Government to be informed. -The convener shall, as soon as may be, communicate to the Government,-

(a) name of the Nazim elected under clause 17; or

(b) result of the vote of no confidence under clause 18”.

CHAPTER VI SITTING OF THE COUNCIL

19. Commencement of the sitting.- Every sitting of the council shall commence with a recitation from the Holy Qura'n.

20. Sitting of the council.- (1) Unless the convener otherwise directs, the monthly session of the council shall start on the first working day of the third week of every month and it shall meet, while in session, on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays.

(2) During the session, unless otherwise directed by the convener, the council shall have five business hours starting from 1000 hours.

(3) If the business set down in the list of business for the day is completed earlier, or if it is not completed in the allocated five hours, the convener shall adjourn the council without question put, and the proceedings on any business then under consideration shall be interrupted:

Provided that:-

- a) if at the time of interruption the closure is moved or proceedings under closure are in progress, the proceedings under the closure shall be completed before the council is adjourned;
- b) a motion may be made by the Nazim at the commencement of the business for the day to be decided without amendment or debate to the following effect:--

"that the proceedings on any specified item or items of business be exempted at this day's sitting from the provisions on interruption". If such a motion is carried, the business so specified shall not be interrupted.

21. Adjournment of sittings.- Subject to other provisions of these byelaws the convener may:--

- a) adjourn a sitting of the council; and
- b) if he so thinks fit, call a sitting of the council at a time and date different from that to which it was earlier adjourned

CHAPTER VII ARRANGEMENT AND TRANSACTION OF BUSINESS

22. Transaction of business.- On Thursdays no business other than Private Members' business shall be transacted. On all other days, except with the consent of the Nazim, no business other than official business shall be transacted: Provided that if any Thursday is a holiday or is fixed for the presentation of budget, or is allotted by the convener for any stage of the budget, a day in lieu of such Thursday shall be set apart by the convener for private members' business.

23. Arrangement of business.- (1) The secretary shall arrange district government business in such order as the Nazim or in his absence the member-in charge may intimate.

(2) On days when private members' business has precedence such business shall be taken up in the following order:-

- a) Byelaws to be introduced;
- b) Resolutions;
- c) Byelaws which have been introduced:

Provided that the convener may direct that byelaws and resolutions may be taken up on separate days, and on the day when byelaws are so taken up the first half of the day shall be allowed for byelaws to be introduced and the later half of the day for byelaws, if any, which have advanced beyond the stage of introduction.

(3) Byelaws which have been introduced shall be arranged in the following order of priority:-

- a) Byelaws at approval stage;
- b) Byelaws at consideration stage;
- c) Presentation of report of select committee on byelaws;
- d) Byelaws circulated for the purpose of eliciting opinion thereon;
- e) Byelaws which have been introduced, but which have not advanced to any of the stages set out above:

24. List of Business.- (1) A list of business for each day shall be prepared by the Secretary and a copy thereof shall be made available for the use of every member and all district officers.

- (2) Save as otherwise provided in these byelaws.-
- a) the business for the day shall be transacted in the order in which it appears in the list for that day;
 - b) no business, not included in the list of business, shall be transacted at any sitting, except business of ceremonial nature permitted by the convener; and
 - c) no business requiring notice shall be set down for a day earlier than the day following the day on which the period of the notice necessary for that class of business expires.

25. Business outstanding at the end of the day.- All business appointed for any day and not disposed off before the termination of the sitting, shall stand over until the next day available for such class of business, or until such other day in the session so available, as the member-in-charge of the business may desire.

26. Giving of notice by members.- Save as otherwise provided in these byelaws, every notice required under the rules shall be given in writing addressed to the secretary and shall be delivered at his office. If it is delivered during office hours on a day when the office is open, it shall be treated as delivered on that day. If it is delivered at any later time or on any holiday, it shall be treated as delivered on the day on which the office next opens. A notice or communication which is not legibly written may, and if it is not signed by the member sending it, shall be rejected.

27. Circulation of notice to members.- (1) The secretary shall circulate to each member and the respective district officer a copy of notice or other papers required under the byelaws to be made available.

(2) A notice or other papers shall be deemed to have been thus made available to a member:-

- a) if it is delivered by hand at the address given him when the council is in session and for two days before the commencement of the session, unless otherwise requested by the member, or if it is placed in the seat allotted to him in the council chambers when the council is sitting;
- b) if it is sent by post to his permanent address as registered in the office of the council at other times.

CHAPTER VIII CHIEF MINISTER'S ADDRESS AND MESSAGES TO THE COUNCIL

28. Chief Minister's address.- (1) On receipt of an intimation from the Chief Minister of his intention to address the council, the convener shall cause the item "Address by the Chief Minister" to be included in the list of business for a date and time to be arranged in consultation with the Chief Minister Secretariat.

(2) No motion, resolution or debate shall be allowed on the Address.

29. Communications from the Chief Minister.- When a written communication from the Chief Minister to the council is received by the convener, the convener shall read it out to the council at the earliest opportunity and the council shall with all convenient despatch consider any matter which is required by the message to take into consideration.

30. Communications to the Chief Minister.- Communications from the council to the Chief Minister shall be made through the convener by formal address after a motion has been made and carried in the council.

CHAPTER IX QUESTIONS

31. Time of questions.- Except as otherwise provided in these byelaws, the first hour of every sitting, after recitation from the Holy Quran and the swearing in of member, if any, shall be available for asking and answering of questions:

Provided that there shall be no question hour.-

- a) on the day the budget is presented;
- b) on the first day of the session;
- c) on a day fixed for election of the convener and Nazim;
- d) on a day fixed for moving of resolution of no confidence in the Nazim or convener;
- e) on a day fixed for address by the Chief Minister;
- f) on the days fixed for discussion on the Budget or for voting on demands for grants relating to the Budget.

32. Notice of questions.- Not less than four clear days' notice of a question shall be given unless the convener, with the consent of the Nazim, allows a question to be asked at shorter notice.

33. Short notice questions.- Question at short notice shall ordinarily be answered at the termination of the question hour: Provided that.-

- a) a Member may not ask more than one short notice question on any one day;
- b) a short notice question may not be asked to anticipate a question of which notice has already been given.

34. Form of notice of questions.- (1) Notice of a question shall be given in writing to the secretary and shall specify the district office to which it relates, or if the question is addressed to a member, the name of that member.

(2) A member, who desires an oral answer to his question, shall distinguish it with an asterisk, however the convener may, in his discretion, direct that such question be placed on the list of questions for written answers if he considers that a written reply would be more appropriate.

35. Notice of admission of questions.- No question shall be placed on the list of questions for answer until three clear days have expired from the day on which notice of admission of the question by the convener was given by the secretary to the concerned district officer.

36. Number of questions to be put on any one day.- (1) Not more than three Starred Questions and three Un-starred Questions from the same member shall be placed on the list of questions for any one day.

(2) The questions shall be put on the list of questions in the order in which their notices are received.

37. Allotment of days for questions.-The time for answering questions shall be allotted in rotation on different days for the answering of questions relating to such offices of the district government as the convener may, from time to time, specify and on such day only questions relating to the office for which time on that day has been allotted, and questions addressed to members, shall be placed on the list of questions for answers.

38. Written answers to questions not replied orally.- If any question placed on the list of questions for answers on any day is not called for answer within the time available for answering of questions on that day, the answer shall be laid on the table of member-in-charge or the member to whom the question is addressed and no oral answer shall be required for such a question nor shall any supplementary question be asked in respect thereof.

39. Subject matter of questions.- Subject to the provisions of these rules, a question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the Nazim, or the district office or the member to whom it is addressed.

40. Matter to which questions shall relate.- (1) A question addressed to the Nazim shall relate to the public affairs with which he is officially connected, or to a matter of administration for which he is responsible.

(2) A question addressed to a member shall relate to some matter connected with the business of the council for which that member is responsible.

41. Non-admissible questions.- A question shall not be admissible if it:

- a) is trivial, vexatious, vague or meaningless or contains arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;
- b) relates to a matter which is not primarily the concern of district government
- c) asks for an expression of opinion on a hypothetical proposition;
- d) refers to the character or conduct of any person except in his official or public capacity
- e) makes or implies a charge of a personal character;
- f) contains any reflection on the conduct of any person or institution beyond the responsibility of district government; or
- g) contains remarks about matters sub-judice in courts

42. Convener to decide admissibility of questions.- Within two days from the date of receipt of the notice, the convener shall decide on the admissibility of a question and shall disallow any question which, in his opinion, contravenes these byelaws, or he may, in his discretion, amend it in form.

43. List of questions.- Subject to clauses 33 and 38 questions which have not been disallowed shall be entered in the list of questions for the day along with the answers thereto which are received in the office of the secretary at least one clear day before that day and shall be called in the order in which they stand in the list, unless the convener changes that order with the leave of the council.

44. Mode of asking questions. - (1) At the time of asking questions, the convener shall call successively each member in whose name a Starred Question appears in the list of questions.

(2) The member so called shall rise in his place and unless he states that it is not his intention to ask the question standing in his name, he shall ask the question by reference to its number on the list of questions.

(3) If on a question being called, it is not put or the member in whose name it stands is absent, the convener, at the request of any other member, may direct that the answer to it be given.

45. Supplementary questions.- When a Starred Question has been answered, any member may ask such supplementary questions as may be necessary for elucidation of the answer, but the convener shall disallow a supplementary question which, in his opinion, is an abuse of the right of asking questions.

46. Prohibition of discussion on question or answer.- There shall be no discussion on any question or answer, except as provided in clause 48.

47. Discussion on important matters arising out of answer to a question.- (1) The convener may, on one clear day's notice being given by a member, allot one hour for discussion on a matter of public importance which has recently been the subject of a question.

(2) Such notices shall be considered by the convener in the order in which they are received, and when one such notice is admitted all other notices shall lapse.

(3) The convener shall decide whether the matter is of sufficient public importance to be put down for discussion.

(4) There shall be neither voting nor any motion in the course of or at the conclusion of such discussion.

CHAPTER X
LEAVE OF ABSENCE, RESIGNATION AND VACATION OF SEATS IN THE COUNCIL

48. Leave of absence from the council.- (1) A member desirous of obtaining the leave of the council for his absence may make an application in writing addressed to the convener, stating reasons for his absence.

(2) On receipt of an application under sub-clause (i), the convener shall immediately after the questions hour, if any, but before any other business for the day is entered upon put the question without debate, that leave be granted.

(3) Where a member is prevented or incapacitated from making such an application, leave of the council may be granted on an application made by any other member on his behalf.

(4) The secretary shall, as soon as possible, communicate the decision of the council to the member concerned.

49. Resignation of seat.- (1) When a Member resigns his seat **under section ..of the Act**, the convener shall, as soon as may be after he has received an intimation in writing from a member under his hand resigning his seat in the council, inform the council of the resignation: Provided that, when the council is not in session, the convener shall inform the council immediately after it reassembles that such member has resigned his seat in the council.

(2) The Secretary shall, as soon as may be after the convener has received intimation from a member resigning his seat in the council, issue a notification to the effect that the member has resigned his seat and forward a copy of the notification to the Election Commission of Pakistan for taking steps to fill the vacancy thus caused.

50. Seat becoming vacant.- (1) If a member is absent, without leave of the council, for ten consecutive days of its sitting, the convener shall bring the fact to the notice of the council and there upon any member may move that the seat of the member who has been so absent be declared vacant.

(2) If the seat of the member is declared vacant, the secretary shall issue a notification to that effect and forward a copy of the notification to the Election Commission of Pakistan for taking steps to fill the vacancy thus caused.

51. Attendance register.- The secretary shall cause a register to be kept showing the attendance of each member at each sitting and shall make the register available for inspection by the members.

CHAPTER XI CALL ATTENTION NOTICE

52. Procedure regarding call attention notice.- A member may with permission of the convener, call the attention of the Nazim to any matter of urgent public importance and the Nazim may make a brief statement or ask for time to make a statement during the same or next sitting.

53. No debate on the statement.- There shall be no debate on such statement at the time it is made but each member in whose name the item stands in the list of business may, with permission of convener, ask a question

54. Member giving notice.- Where a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only and in his absence, the next signatory and so on.

55. Precedence of Notices.- Notices for a sitting received not later than one hour the time fixed for the sitting shall be deemed to have been received for the sitting on that day and notices received later than one hour before the time fixed for the sitting shall be deemed to have been given for the next sitting.

56. Restriction on raising matters.- Not more than two such matters shall be raised at the same sitting.

57. Priority of the matter.- In the event of more than one matter being presented for the same day, priority shall be given to the matter which is, in the opinion of the convener, more urgent and important.

58. Notices to lapse.- All notices which have not been taken up at the sitting for which they have been given shall lapse at the end of the sitting.

CHAPTER XII QUESTION OF PRIVILEGES

59. Question of privilege.- A member may, with prior approval of the convener, raise a question involving a breach of privilege either of a member or of the convener or of the council or of a committee thereof as given in ...Schedule,.

60. Notice of question of privilege.- A Member wishing to raise a question of privilege shall give notice in writing to the secretary before the commencement of the sitting on the day the question is proposed to be raised.

61. Condition for admissibility of question of privilege.- The right to raise a question of privilege shall be governed by following conditions:-

- a) not more than one question shall be raised by the same member at the same sitting regarding the same subject matter;
- b) the question shall relate to a specific matter of recent occurrence; and
- c) the matter shall be such as requires intervention of the council.

62. Mode of raising a question of privilege.- The convener shall, after the disposal of questions and before the list of business is entered upon, call upon the member who gave the notice and thereupon the member shall raise the question of privilege and make a short statement relevant thereto.

63. Consideration by the council or reference to the Standing Committee on Privileges.- If the convener holds the motion to be in order, the council may consider and decide a question of privilege or may, on a motion either by the member who raised the question or by any other member, refer it to the committee on Procedure and Conduct of Business Rules, Privileges and Implementation of Assurances, for report.

64. Examination of the question by the Committee.- The committee shall examine every question referred to it and determine with reference to the fact of each case whether a breach of privilege is involved and, if so the nature of the breach and the circumstances leading to it, and make such recommendations as it may deem fit.

65. Report of Committee.- (1) The committee shall meet as soon as may be after a question of privilege has been referred to it, and from time to time thereafter until a report is made within the time fixed by the council. Where the council has not fixed any time for the presentation of the report, the report shall, if the council is in session, be

presented to the council within one month of the date on which reference to the committee was made, or if the council is not in session, at the commencement of its next session. The council may, at any time, on a motion being made, direct that the time for the presentation of the report by the committee be extended to a date specified in the motion.

(2) Report of the committee shall be signed by its chairman on behalf of the committee.

(3) After the report has been presented, any member may move that the report be taken into consideration whereupon the convener may put the question to the council.

66. Consideration of the report.- After the motion made under sub-clause (iii) of clause 67 is agreed to, any member may after giving one day's notice move that the council agrees with the recommendation or disagrees, or agrees with amendments, contained in the report.

67. Priority for consideration of report of the Committee.- A motion that the report of the committee be taken into consideration shall be accorded the priority assigned to a matter of privilege and when a date has already been fixed for consideration of the report, it shall be given priority as a matter of privilege on the day so appointed.

68. Intimation to convener of detention of a member.- When a member is detained under any executive order, the executive authority shall immediately intimate such fact to the convener indicating the reasons for the detention of the member.

69. Intimation to convener on release of a member.- When a Member detained under clause 68 is released such fact shall also be intimated to the convener by the authority concerned.

70. Treatment of communications regarding detention and release.- As soon as may be, the convener shall, after he has received communication referred to in clause 68 or clause 69 read it out in the council if in session, or if the council is not in session, direct that it may be circulated for information of the members.

71. Production of member in custody for a sitting of the council.-(1) The convener, on the written request of the member in detention in terms of clause 68, may, if deemed appropriate summon the member in detention to attend a sitting or sittings of the council.

(2) On a production order, signed by the secretary, addressed to the Government, the Government or such authority shall cause the member in custody to be produced before the convener, who shall, after conclusion of the sitting of the council, deliver the member into the custody of the authority who produced him.

CHAPTER XIII ADJOURNMENT MOTIONS

72. Adjournment motions and method of giving notice, etc – (1) A motion for an adjournment of the business of the council for the purpose of discussing a definite matter of urgent public importance may be made with approval of convener.

(2) Notice of a motion for an adjournment shall be given in writing in triplicate to the secretary not less than one hour before the commencement of the sitting in which it is proposed to be moved, and the secretary shall thereupon bring the notice to the knowledge of convener and the Nazim.

(3) The right to move for an adjournment of the business of the council shall be subject to the following restrictions, namely:

- a) not more than one such motion shall be made on any one day;
- b) motion shall relate to a single specific matter of recent occurrence;
- c) the motion shall not anticipate a matter for consideration of which a date has been previously appointed;
- d) the motion shall not deal with a matter in respect of which a resolution could not be moved or any matter which is subjudice;
- e) the motion shall not relate to or deal with a matter of privilege or a hypothetical case; and
- f) no motion shall be moved on any day fixed for general discussion on Budget.

73. Time for asking leave for motion for adjournment.- Leave to make a motion for adjournment shall be asked for after questions and before the list of business is entered upon.

74. Procedure to be followed.- (1) After hearing the member asking for leave and the Nazim, if the convener is of the opinion that the matter proposed to be discussed is in order, he shall read the statement to the council and ask whether the member has

the leave of the council to make the adjournment motion and if objection is taken, he shall request such of the members as may be in favour of leave being granted to rise in their seats.

(2) If less than five percent of the total membership of the council rises in their seats, the convener shall inform the member that he has not the leave of the council.

(3) If not less than five percent of the total membership of the council so rise, the convener shall announce that leave is granted and the motion will be taken up as the last item for discussion for not more than one hour within two days after the leave is granted.

75. Time limit for speeches.-A speech during the debate on a motion for adjournment shall not exceed ten minutes in duration; provided that the mover and the Nazim may speak for thirty minutes each.

CHAPTER XIV MAKING OF BYELAWS

76. Notice of motion by members for leave to propose byelaws .- Any Member desiring to move for leave to propose byelaws on the subjects with in the approval competency of the council, shall give seven days' notice of his intention and shall, together with his notice, submit a copy of the byelaws and a statement of objects and reasons.

77. Notice of motion by Nazim to propose byelaws.- (1) The Nazim or a member authorized by him in this behalf may move for leave to propose byelaws on the subjects with in the approval competency of the council after giving to the secretary a written notice of his intention and shall provide a copy of the byelaws together with a statement of objects and reasons.

(2) When the item is called, the member or, as the case may be, Nazim shall forthwith move to introduce the byelaws, and on the motion being made the byelaws shall stand introduced without discussion.

78. Previous consent of the Nazim.- If notice is given of a motion to propose byelaws or to move an amendment which, in the opinion of the convener, cannot be introduced or moved save with previous consent of the Nazim, the convener shall, as soon as may be after the receipt of the notice, refer the proposal or the amendment to

the Nazim and the notice shall not be placed on the list of business unless the Nazim has indicated to the convener the necessary consent.

79. Previous publication of byelaws.- As soon as may be after byelaws on a subject have been introduced, their draft shall be published for eliciting public opinion thereon by a date to be specified in the motion in terms of section ...of the Act.

80. Motion after introduction.- When byelaws are introduced or on some subsequent occasion the Nazim or, as the case may be, the member may make one of the following motions, namely:-

- a) that the byelaws be taken into consideration by the council either at once; or
- b) that the byelaws be referred to appropriate Standing Committee.

Provided that no such motion shall be made unless copies of the byelaws have been made available for three clear days before the day on which the motion is made unless the convener, in the exercise of his power to suspend this rule allows the motion to be made.

81. Person by whom motions in respect of proposal may be made.- No motion that a proposal on byelaws be taken into consideration or be approved or may be referred to the standing committee shall be made by any member other than the member-in-charge of the byelaws. (Explanation: For the purpose of this clause "member-in-charge of the proposal" means, in the case of a district government proposal, any member acting on behalf of the Nazim and in any other case, the member who has introduced the proposal.

82. Quorum.- The quorum of a standing committee shall be fixed in the motion for reference to the committee and may be varied, if necessary by the order of the council.

83. Vacancy on standing committee.- Any vacancy which occurs on a standing committee through death, resignation, absence, inability to attend to duty or otherwise shall be reported to the convener. If the council is in session, the vacancy may be filled by the council, but if it be not in session, or if the matter is, in the opinion of convener, urgent, he may appoint a member to fill the vacancy.

84. Chairman of standing committee.- (1) The committee shall elect its chairman and in his absence at any meeting may choose any other member present to act as chairman of the committee for that meeting.

(2) The Chairman shall have a second or casting vote in the case of equality of votes.

85. Secretary of Select Committee.- The secretary of the council shall be ex-officio secretary of all Standing Committees. He shall send notices of the meetings of Standing Committees and shall arrange for the conduct of all correspondence connected with their business.

86. Meeting and proceedings of Standing Committee.- (1) The meeting of a Standing Committee shall be held on such date, time and place as the chairman of the committee may fix.

(2) A Standing Committee may solicit expert opinion and hear representatives of any special interest affected by the measures before it.

(3) The procedure regarding debate and amendments in a Standing Committee shall be the same as that of the council, except that a member may, with permission of the chairman, speak more than once on the same question but no dilatory motion shall be allowed.

87. Amendment by Standing Committee.- A Standing Committee shall have power to make relevant amendments in the byelaws before it.

88. Report of Standing Committee.- (1) on receipt of reference from the council, the standing committee shall meet from time to time for consideration of the byelaws and shall make a report thereon within one month or within the time fixed by the council which ever is earlier; provided that the council may, at any time on a motion being made, direct that the time for the making of the report be extended to a date specified in the motion.

(2) A standing committee shall state in the report whether or not in their judgment the byelaws have been so altered as to require republication. If the standing committee is of the opinion that the byelaws have been so altered, it shall be re-published for eliciting public opinion.

(3) The report shall ordinarily be signed by all members of the committee, but the signature by the chairman will be sufficient authentication thereof, and if any member is not able to sign the report, a note shall be added to the report giving reasons why such member could not sign it. If any member desires to record a note of dissent on any point, he must sign the report stating that he does so subject to his note of dissent and must hand over his note within such time as may be fixed by the chairman.

(4) The convener shall expunge such words, phrases, expressions or parts of the report or any note of dissent if they are, in his opinion, un-parliamentary or otherwise inappropriate.

89. Presentation, Printing and publication of report.- (1) The report of the standing committee along with note of dissent, if any, shall be presented to the council by the member-in-charge.

(2) The secretary shall cause every report of a standing committee together with the note of dissent, if any, to be printed, and a copy thereof shall be made available for the use of every member. The report and the bylaws shall be notified.

90. Procedure after presentation of report.- After presentation of the final report of a standing committee on byelaws, the member-in-charge may move that the proposal as reported by the standing committee be --

- a) taken into consideration; or
- b) re- committed to the same standing committee for further consideration; or
- c) re-circulated for the purpose of obtaining opinion thereon.

91. Moving of amendments.- When a motion that byelaws be taken into consideration has been carried, any member may move an amendment in the byelaws.

92. Rules as to amendments.- (1) An amendment shall be relevant to the subject matter of the byelaws and shall not be worded in such a way as to make the byelaws or any part there of unintelligible or ungrammatical.

(2) The convener shall determine the clause in which an amendment shall be moved.

(3) The convener may refuse to propose an amendment which is, in his opinion, frivolous or meaningless.

93. Notice of amendments.- (1) If notice of a new clause or a proposed amendment has not been given two clear days before the day on which the new clause is moved or consideration of the clause to which the amendment is proposed is commenced, any member may object to the moving of the new clause or the amendment, and such objection shall prevail unless the convener allows the new clause or amendment to be moved.

(2) The secretary shall, if time permits, cause every such notice to be printed, and a copy thereof to be made available for the use of every member.

94. Arrangement of amendments.- (1) Amendments of which notice has been given shall, as far as practicable, be arranged in the list of amendments, issued from time to time, in the order in which they may be called.

(2) Subject to precedence given to an amendment moved by the member-in-charge, amendments may be arranged in the order in which their notices are received.

(3) It shall be in the discretion of the convener to submit the byelaws, or any part of the byelaws, to the council clause by clause. When the procedure is adopted, the convener shall call each clause separately and when the amendments relating to it have been dealt with, shall put the question "that this clause (or as the case may be, that this clause as amended) stands part of the byelaws".

(4) The convener may, if he thinks fit, put as one question group of clauses to which no amendments have been offered.

95. Order of amendments.- Amendments shall ordinarily be considered in the following order, namely:-

- a) new clauses are offered first, priority being given to the clauses moved by the member-in-charge of the byelaws;
- b) amendments to clauses in the order in which, if agreed to, they will stand in the amended byelaws;
- c) new schedules, if any;
- d) original schedules; and
- e) amendments in the preamble, if any.

96. Procedure on new clauses.- A member proposing a new clause, shall in the first instance, ask for leave to move the clause, and if leave is given, may move it. The question shall then be proposed from the chair, "that the clause be considered", members may speak in support of the clause or oppose it. If the question be affirmed, amendments may be proposed to the clause. After the amendments have been disposed off, the convener shall put the question "that the clause (or the clause as amended, as the case may be) be added to the byelaws".

97. Passing of Byelaws.- (1) When a motion that proposed byelaws be taken into consideration has been carried and the byelaws have been considered clause by clause and no amendment of the byelaws is made, the member-in-charge may at once move that the byelaws be approved.

(2) If amendments have been made in the byelaws, the convener on his own motion may, and on the request of any member shall, direct that the byelaws be examined with a view to report what amendments of a formal or consequential character should be made in the byelaws as a matter of drafting by a committee

consisting of the chairman standing committee on the district office to which the byelaws relate, the member who introduced the byelaws, and members nominated by the convener and such report shall be presented within such period as the council may direct.

(3) When the report has been presented and the decision of the council on the amendments proposed has been made, the member-in-charge may at once move that the byelaws be approved.

98. Scope of debate on the motion for approval of byelaws.- The discussion on a motion that the byelaws be approved shall be confined to arguments of a general character either in support or for rejection of the byelaws.

99. Withdrawal and rejection of Bills.- (1) The member-in-charge of byelaws may, at any stage move for leave to withdraw the byelaws; and, if such leave is granted, no further motion may be made, with reference to the byelaws.

(2) Where any of the following motions made by the member-in-charge in regard to a proposal of byelaws is rejected by the council, no further motion shall be made with reference to the byelaws within a period of three months from the date of rejection;

- a) that leave be granted to introduce the byelaws;
- b) that the byelaws be referred to the appropriate standing committee;
- c) that the byelaws be taken into consideration;
- d) that the byelaws as reported by the standing committee be taken into consideration; and
- e) that the byelaws or, as the case may be, that the byelaws as amended be passed.

100. Correction of patent errors.- When byelaws have been passed by the council, the convener shall have the power to correct patent errors and make such other changes in the byelaws as are consequential on the amendments which are accepted by the council.

101. Authentication and publication of byelaws.- A copy of the byelaws as approved by the council shall be signed by the convener and shall immediately cause it to be published.

**CHAPTER XV
PETITIONS TO THE COUNCIL**

102. Presentation and form of Petition to the council.- (1) Any person may present or submit a petition relating to business under consideration in the council or any of its committees.

(2) Every petition, signed by the petitioner, shall be couched in respectful and temperate language addressed to the council concluded with a prayer, reciting the definite object of the petitioner with no letter, affidavit, appendix or other documents as annexure.

(3) Any such petition may be presented through a member, or be forwarded to the secretary. In latter case, the fact shall be reported by him to the council and no debate shall be permitted on the making of such report.

(4) A member presenting a petition shall confine himself to a statement in the following form:-

*"I present a petition signed
by.....petitioner
regarding..... " and no
debate shall be permitted on this statement.*

103. Nomination of committee on petitions.- The convener shall constitute a committee on petitions which shall consist of two members and a chairman nominated by him.

104. Reference to committee.-Every petition, after presentation by a member or reported by the secretary, as the case may be, shall be referred to the committee.

105. Examination and report by Committee.- (1) The committee shall examine every petition referred to it, and shall report to the council, stating the subject-matter of the petition, the number of persons by whom it is signed and whether it is relevant to the business under consideration. If the petition is relevant, the committee may in its discretion, direct that the petition or its summary be circulated as a paper pertaining to the business to which it relates.

(2) The report of the committee shall be signed and presented to the council by its chairman

CHAPTER XVI RESOLUTIONS

106. Right to move resolution.- Subject to the provisions of these byelaws, any member may move resolution relating to a matter of general interest at the district level.

107. Notice of resolution.-(1) A member, who wishes to move a resolution, shall give seven days' notice of his intention to do so and shall submit, together with the notice, a copy of the resolution which he intends to move.

(2) The Nazim, if he wishes to move a resolution, shall give three days' notice of his intention to do so and shall submit, together, with the notice a copy of the resolution which he intends to move.

108. Form and contents of resolution.- (i) A resolution shall be in the form of declaration of opinion by the council or specific recommendation.

(2) It shall relate to a matter which is primarily the concern of district government or to a matter in which district government has substantial financial interest:

Provided that a resolution seeking to communicate the views of the council to the Government, in a matter which is not primarily the concern of district government, shall be admissible.

(3) It shall be clearly and precisely expressed and shall raise substantially one definite issue.

(4) It shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of a person except in his official or public capacity.

(5) It shall not relate to matters under adjudication in courts or consideration of tribunals or commissions.

109. Admissibility of resolution.- (1) The convener shall decide admissibility of a resolution and disallow any resolution, which in his opinion, is in contravention of these byelaws.

(2) The secretary shall give intimation to the member that his resolution has been admitted or disallowed for a specific reason, as the case may be.

110. Moving and withdrawal of resolutions.- (1) A member in whose name a resolution stands in the list of business shall, when called upon, either withdraw or move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing in the list of business:

(2) If the member when called is absent or fails to move the resolution, the resolution standing in his name shall be deemed to have been withdrawn.

111. Amendment of a resolution.- (1) After a resolution has been moved, any member may move an amendment to the resolution through a notice given one clear day before the day on which it is moved.

(2) The secretary shall, if time permits, cause every amendment to be printed and a copy thereof to be made available for the use of every member.

112. Withdrawal of resolution or amendment after being moved.- A member who has moved a resolution or an amendment to a resolution shall not withdraw the resolution or the amendment except by leave of the council.

113. Repetition of a resolution.- When a resolution has been moved and the decision of the council given on it, or when a resolution has been withdrawn, no resolution or amendment raising substantially the same question shall be moved within a period of three months.

114. Time limit for speeches.- Save with the permission of convener, a speech on a resolution shall not exceed ten minutes, except that the mover of a resolution when moving it, and the Nazim, may speak for twenty minutes each.

115. Scope of discussion.- The discussion on a resolution shall be strictly limited to the subject matter of the resolution.

116. Copy to the Deputy Commissioner.- (1) A copy of every resolution, which has been passed by the council, shall be forwarded to the Deputy Commissioner for follow up.

(2) Any such resolution shall have effect only as a recommendation.

CHAPTER XVII PROCEDURE IN FINANCIAL MATTERS

117. Budget.- (1) The budget shall be presented to the council on such day and at such time as the Nazim may appoint.

(2) The Budget shall not be referred to a committee and no other motion shall be made with reference to it except as provided in the clauses contained in this chapter.

118. Demands for grants.- (1) No demand for grant shall be made except on the recommendation of the Nazim.

(2) A separate demand shall be made in respect of the grant proposed for each district office.

(3) Each demand shall contain a statement of the total grant proposed and statement of the detailed estimate under each grant divided into items.

119. Presentation of the Budget.- The budget shall be presented by the Nazim.

120. Budget not to be discussed on presentation.- The only proceeding with reference to the budget on the day which the budget is presented shall be the speech of the Nazim when presenting it.

121. Stages of discussion of the budget.- The council shall deal the budget in the following stages:--

- a) general discussion on the budget;
- b) discussion on appropriations (in respect of charged expenditure);
- c) discussion and voting on demands for grants (in respect of expenditure other than charged expenditure), including voting on motions for reduction, if any.

122. Allotment of days.- The convener shall, in consultation with Nazim allot days for different stages of budget referred to in clause 128; provided that at least two days shall elapse between the day the budget is presented and the first day allotted for general discussion on the budget; provided further that not less than three days shall be allotted for the general discussion.

123. General discussion on the Budget.- (1) On the days allotted for general discussion, the council may discuss the budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage nor shall the budget be submitted to the vote of the council.

(2) The Nazim shall have a general right of reply at the end of the discussion.

124. Cut-motions.- A member may move a motion to reduce the amount of a demand or omit or reduce an item in a demand.

125. Conditions for admissibility of cut-motions.- Every cut motion shall satisfy the following conditions of admissibility, namely:-

- a) it shall relate to one demand only;
- b) it shall not seek to increase a grant or alter the destination of a grant;
- c) it shall not relate to charged expenditure;
- d) it shall be clearly expressed but without arguments, inferences, imputations or defamatory statements;
- e) it shall be confined to one specific matter stated in precise terms;
- f) it shall not reflect on the character or conduct of any person; and
- g) it shall not raise a question of privilege;

126. Convener to decide admissibility of cut-motions.- The convener shall decide whether a cut-motion is or is not admissible and may disallow any cut-motion if, in his opinion, it is an abuse of the right of moving cut-motions or is calculated to obstruct or prejudicially affect the procedure of the council.

127. Notice of cut-motion.- Notice of a cut-motion shall be given one clear day before the day on which the demand is taken up for consideration.

128. Voting on demands for grants.- (1) Each demand for grant referred to in clause {128(c)} shall be discussed separately.

(2) Before a question is put in respect of a demand for grant, all cut-motions in respect of that demand shall be discussed and voted upon.

(3) When several cut-motions relating to the same demand are tabled they shall be discussed in the order in which the heads to which they relate appear in the budget.

(4) On the last of the days allotted under clause 129 for the stage referred to in clause {128(c)} at the time when the meeting is to terminate the convener shall forthwith put every question necessary to dispose off all the out-standing matters in connection with demands for grants.

129. Schedule of authorized expenditure.- The schedule of authorized expenditure when authenticated under sub-section (6) of section 35 of the Act shall be laid before the council but shall not be open to discussion or vote thereon.

130. Vote on account.- (1) A motion for vote on account shall state the total sum required to be voted and the various amounts needed for each district office or item of expenditure which compose that sum shall be stated in a schedule appended to the motion.

(2) Amendment may be moved for the reduction of the whole demand for grant or for the reduction or omission of the items of which the demand is composed.

(3) Discussion of a general character may be allowed on the motion or any amendments moved thereto, but the details of the grant shall not be discussed further than is necessary to develop the general points.

(4) In other respects, a motion for vote on accounts shall be dealt with in the same way as if it were a demand for grant.

(5) The schedule referred to in sub-clause (i) shall also separately specify the several sums required to meet the expenditure charged upon the district fund.

131. Procedure for dealing with supplementary and excess demands.- The procedure for dealing with supplementary estimates of expenditure and excess demands shall, as far as possible, be the same as prescribed for the budget.

CHAPTER XVIII COMMITTEES

PART I - STANDING COMMITTEES

Section (A)--- COMMITTEES OF THE COUNCIL

132. Committees of the council.- (1) In addition to the standing committees mentioned in sections B, C, D, E and F of this part, there shall be a standing committee of the council for each district office.

(2) Each committee shall deal with the functions assigned to the office concerned under the Rules of Business of the district government or any other matter referred to it by the council.

(3) Whenever there is any change in the composition of the district offices or their nomenclature, the convener shall issue suitable direction in regard to the reallocation of the existing standing committees or, as the case may be, the modification in their nomenclature and election of the new standing committees.

133. Reference to Standing Committee.- Except as otherwise provided in these byelaws, the council may, on a motion made by a member, refer to the standing committee any subject or matter with which it is concerned and the standing committee shall study such subject or matter with a view to recommend a course of action to the council.

134. Composition.- (1) Each committee shall consist of not more than five members, who shall be elected by the council. The election shall be held, as far as possible, in accordance with the procedure agreed to by the leaders of the parties in the council, failing which by non-transferable vote.

(2) Each committee shall elect one of the members as its chairman:

(3) If the chairman is not present at any sitting, the committee shall choose one of its members to act as chairman for that sitting.

(4) The member on whose motion any subject or matter was referred to the committee may attend the meetings of the committee, but shall not vote unless he is a member of the committee.

(5) The officer-in-charge of the district office or an officer nominated by him in this behalf, shall also attend the meetings of the committee for expert opinion.

135. Functions.- (1) A committee shall examine the subject or matter referred to it by the council and shall submit its reports to the council with recommendations, including a definite course of action, as it may deem necessary.

(2) In case of byelaws, the committee may propose amendments which be shown in its report alongwith the original provisions; but the committee shall have no power of preventing the byelaws from coming to the council.

(3) If a committee does not present its report within the period prescribed, or the time allowed, the byelaws, subject or matter referred to it, may be considered by the council, without waiting for the report, upon a motion by any member or by the Nazim.

Section (B) -- FINANCE COMMITTEE

136. Composition of the Committee.- (1) There shall be a Finance Committee for duration of the council.

(2) The Finance Committee shall consist of the convener and four other members to be elected by the council.

(3) The convener shall be the chairman of the committee.

(4) A member may resign his membership of the committee by writing under his hand addressed to the convener.

(5) Casual vacancies in the committee shall be filled by election.

137. Functions of the Committee.- The committee shall be responsible for:-

- a) the examination of tax and budget proposals, re-appropriations and supplementary grants;
- b) the preparation of budget and supplementary estimates and demands for excess relating to the council and its office; and
- c) all financial matters relating to expenditure of the council and its office within authorized appropriation.

138. Procedure.- The Committee shall regulate its procedure:

Section (C) --- District ACCOUNTS COMMITTEE

139. Composition of the Committee.- (1) The Standing Committee on District Accounts shall consist of seven members to be elected by the council.

(2) **Leader of the opposition in the council shall be its chairman.**

140. Functions of the Committee.- (1) The Committee shall examine the accounts showing the appropriation of sums granted by the council for the expenditure of district government, the report of the Auditor-General of Pakistan and such other matters as the council or Nazim may refer to it.

(2) In scrutinizing the appropriation accounts of district government and the reports of the Auditor-General of Pakistan thereon it shall be the duty of the committee to satisfy itself-

- a) that the moneys shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged;
- b) that the expenditure conforms to the authority which governs it; and
- c) that every re-appropriation has been made in accordance with rules prescribed in that behalf.

(3) It shall also be the duty of the committee to examine the statement of accounts showing the income and expenditure of any autonomous, semi autonomous bodies, institutions, concerns and projects established by district government, together with the balance sheets and statements of profit and loss accounts prepared under the provisions of rules regulating the financing of a particular body, institution, concern and project and the report of the Auditor- General of Pakistan thereon; and

(4) If any money has been spent on any service during a financial year in excess of the amount granted by the council for that purpose, the committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommendations as it may deem fit.

141. Report of the Committee.- The report of the committee shall be presented within a period of two months from the date on which reference was made to it by the council unless the council, on a motion being made, directs that the time for the presentation of the report be extended to a date specified in the motion.

Section (D) — COMMITTEE ON CONDUCT OF BUSINESS

142. Composition of the Committee.- (1) The Committee on Conduct of Business, shall consist of five members to be elected by the council.

(2) The committee shall elect one of its members to be its chairman.

143. Functions of the Committee.- The Committee shall:

- a) consider matters regarding procedure and conduct of business in the council and recommend such amendments in the byelaws as may be necessary;
- b) consider and advise on matters relating to library and procurement of books, magazines, journals and reference material for use by members and staff of the council; and
- c) suggest a procedure to be followed by the council to give effect to its recommendations and decisions.

Section (E) — COMMITTEE ON ASSURANCES

144. Composition of the Committee.- (1) The Committee on assurances shall consist of five members to be elected by the council.

(2) The committee shall elect one of its members to be its chairman.

145. Functions of the Committee.- The Committee shall:

- a) examine every question of privilege referred to it by the council and determine whether a breach of privilege was involved and, if so, the nature of the breach and the circumstances leading to it, and to make such recommendations as it may deem fit;
- b) may scrutinize the assurances, promises and undertakings, given by the Nazim, from time to time, on the floor of the council and furnish a detail report for remedial measures to the council; and
- c) suggest a procedure to be followed by the council to give effect to its recommendations.

Section(F)--- COMMITTEE ON CODE OF CONDUCT.

146. Composition of the Committee.- (1) There shall be a Code of Conduct Committee of the council composed of five members nominated by the convener for duration of the council;

(2) The committee shall elect one of its members as its chairman.

147. Functions of the Committee.- The functions of the Committee shall be:-

- a) to propose a code of conduct and ethics for the members;
- b) oversee the observance of the code of conduct and ethics by the members
- c) to deal with matters relating to the issue of admission cards for galleries;
- d) to exercise supervision over facilities pertaining immunities provided to members;

Section (G) --- GENERAL PROVISIONS REGARDING STANDING COMMITTEES

148. Sitting of Committee.- (1) The chairman of a committee may determine the agenda and schedule of sittings for the committee but a committee may not sit without the leave of the convener, at a time when the council is sitting:

Provided that if the chairman of the committee is not readily available, the secretary may fix the date and time of a meeting.

(2) The sitting of a committee shall ordinarily be held within the precincts of the council.

(3) If a committee is sitting whilst the council is also sitting, the chairman of the committee shall, if a division is being called in the council, suspend the proceedings of the committee for such time as will, in his opinion, enable the members to vote in the division.

(4) On a requisition made by not less than three members of a committee, the chairman of the committee shall call a meeting of the committee within seven days from the date of receipt of the requisition.

(5) The secretary shall send notices of all meetings to the members of the committee.

(6) The committee may solicit views of the concerned district office on any matter pending consideration in the committee.

(7) The quorum to constitute a sitting of a committee shall be three.

(8) Where the sitting of a committee is adjourned on two successive days for want of quorum, the chairman of the committee shall report the fact to the convener.

(9) If a member remains absent from three or more consecutive sittings of the committee without the permission of its chairman, a motion may be moved by any member in the council for the discharge of such member from the committee.

(10) A member may resign his membership of a committee by writing under his hand addressed to the convener.

(11) Casual vacancies in a committee shall be filled, as soon as possible, through the same process as is applicable to its initial constitution.

(12) Subject to the requirement of a quorum a committee shall have power to act notwithstanding any vacancy in its membership.

(13) A member may, with the permission of the chairman, speak more than once on a particular point or matter at a sitting of a committee.

(14) All questions at a sitting of a committee shall be determined by a majority of the members present and voting with the chairman having an additional casting vote in the event of equality of votes.

(15) A committee shall have power to require the attendance of persons or the production of papers or records, if such course is considered necessary for the discharge of its duties.

(16) A committee may summon or allow to appear before it any person having a special interest in relation to any matter under its consideration and may hear expert evidence.

(17) The secretary shall maintain record of proceedings of each committee.

(18) A committee may, if it thinks fit, make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the convener or the council.

(19) Where the council has not fixed any time for the presentation of a report, the report of a committee shall be presented within one month from the date, on which reference was made to it by the council, unless the council on motion being made, directs that the time for presentation of the report be extended to date specified in the motion.

(20) The secretary shall, cause a copy of each report of a committee, together with the minutes of dissent, if any, to be made available for the use of every member of the council.

(21) The report of a committee shall be presented to the council by the chairman or, in his absence by another member chosen by the committee.

(22) The convener may, on a request being made to him, when the council is not in session, order the printing, publication or circulation of a report of a committee, although it has not been presented to the council. In that case, the report shall be presented to the council during its next session at the first convenient opportunity.

(23) If any doubt arises on any point of procedure or interpretation of this clause or the provisions in this chapter are silent on a point, the chairman may refer the point to the convener whose decision thereon shall be final.

(24). Any business pending before a committee shall not lapse by reason only of the prorogation of the council and the committee shall continue to function notwithstanding such prorogation.

(25) A committee which is unable to complete its work before the expiration of its term or before the expiration of the term of the council shall report to the council that the committee has not been able to complete its work. Any preliminary report, memorandum or note that the committee may have prepared or any evidence that the committee may have recorded, shall be made available to the committee succeeding the committee under reference.

PART II-OTHER COMMITTEES

SPECIAL COMMITTEES

149. Special Committee.- The council may, by motion, appoint a special committee which shall have such composition and functions as may be specified in the motion.

150. Provisions relating to Standing Committees to apply to other committees.- In the absence of special provisions relating to a special committee, the provision relating to standing committees shall apply mutatis mutandis to a special committee.

CHAPTER IX REPORTS TO BE LAID BEFORE THE COUNCIL.

151. Report on observance of Principles of Policy.- The Nazim shall cause to be prepared an annual report on the observance and implementation of the Principles of Policy incorporated in Chapter-2 in Part-II of the Constitution of the Islamic Republic of Pakistan to the extent of responsibility of district government and shall present the same in the council.

152. Recommendations of Provincial Finance Commission.- Recommendations of the Provincial Finance Commission and its annual report shall be laid before the council.

153. Annual and special reports of Local Government Commission.- Annual and special reports of Local Government Commission shall be laid before the council.

154. Reports of Auditor-General.- The annual reports of the Auditor- General relating to the accounts of the district when received, shall be laid before the council

155. Discussion, etc., on reports.- (1) After a report is presented to or laid before the council, the convener shall fix a date for its discussion. On the day so fixed the Nazim may move that the report be discussed by the council and may briefly explain the salient features of the report.

(2) The council may, by a resolution express its opinion or make any observation or recommendation on the report.

CHAPTER XX GENERAL RULES OF PROCEDURE

156. Want of quorum.- If, when the council is sitting, notice is taken by a member that the number of members prescribed to form a quorum by sub-section (7) of section (79) of the Act is not present, the person presiding shall, unless he is satisfied that such number of members as is required to form the quorum is present, shall count the members present. If less than the required number be present, he shall either adjourn the council till the next meeting day or suspend the meeting till such time the required number of members is present.

157. Language of the council.- Proceedings of the council may be conducted in Urdu, Hindku, Pushto or English language.

158. Motion, proposal of question and closure.- (1) A matter, requiring the decision of the council, shall be decided by means of a question put by the convener, on a motion moved at a meeting of the council.

(2) Save as otherwise provided in these byelaws a member who wishes to move a motion, shall give, in the case of a substantive motion, at least three clear days' notice and in the case of an amendment, at least one clear day's notice in writing of his intention to the secretary:

(3) A motion or amendment which requires notice may be moved only by the member giving notice.

(4) If a motion or amendment is not moved, it shall be deemed to have been withdrawn.

(5) A motion or amendment shall not be moved in a form different from that in which it appears on the notice paper unless the convener, in his discretion, permits it to be moved in an altered form.

(6) A motion or amendment shall not, except with the permission of the convener, raise a question substantially identical with one on which the council has given a decision in the same session:

(7) A motion or amendment shall not anticipate a matter already appointed for consideration of the council, and in determining whether a motion is out of order on the ground of anticipation, the convener shall have regard to the probability of the matter anticipated being brought before the council within a reasonable time.

(8). When motion has been moved the convener may propose the question for the consideration of the council, and if a motion embodies two or more separate propositions, those propositions may be proposed as separate questions.

(9) At any time, after a question on a motion has been proposed from the convener and before the voices, both of "Ayes" and "Noes", have been collected, the

motion may, with the leave of the council and not otherwise, be withdrawn by the member who moved it.

(10) no discussion shall be permitted on a request for leave to withdraw a motion except with the leave of the convener.

(11) An amendment may be moved to a question by the member who has given notice of the same.

(12) An amendment shall be relevant to, and within the scope of the motion, to which it pertains and shall not raise a question which can only be raised by a substantive motion after notice.

(13) An amendment on a question shall not be inconsistent with a previous decision on the same question given at the same stage of the matter.

(14) In respect of any motion the convener shall have the power to select one of the identical or substantially identical amendments to be proposed and, if he thinks fit, call upon the member, who has given notice of an amendment, to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

(15) At any time after a question has been proposed, a member rising in his seat may claim to move "that the question be now put", and unless it appears to the convener that such motion is an abuse of the byelaws or an infringement of the rights of the minority, the question "that the question be now put" shall be put forthwith, and decided without amendment or debate.

(16) When the motion "that the question be now put" has been carried and the question consequent thereon has been decided, any further motion may be made with the consent of convener which may be requisite to bring a decision on any question already proposed.

159. Procedure on division.- (1) Save as otherwise provided, the vote of the members on any question put by the convener, may be taken by voices.

(2) If voting by voice is challenged, the convener shall ask the members, who are in favour of "AYES" to stand and the secretary shall count the number. After counting of the votes in favour of "AYES", the convener shall again ask those members who are in favour of "NOES" to stand and the secretary shall count them.

(3) In case of counting, names of the voters shall not be recorded.

(4) The result of voting by a division shall be announced by the convener and shall not be challenged

(5) The convener shall have the discretion to postpone the division for five minutes to enable members not present in the chamber to return to their places and participate in the voting.

(6) A member is not bound to vote.

(7) A member may not vote on any question, in which he has a direct, immediate and personal pecuniary interest. If he votes on such a question, the vote may, on a substantive motion carried by the council, be disallowed.

160. Right of speech and mode of address.- (1) Except as otherwise provided, a member may speak on any question before the council or raise a point of order.

(2) A member, who desires to speak, shall speak from his place, and unless disabled by sickness or infirmity, shall rise when speaking and shall address the convener.

161. Procedure when convener rises.- Whenever the convener rises during a debate, any member who is then speaking, or offering to speak, shall resume his seat.

162. Order of speeches.- After the member, who moves the motion, has spoken, other members may speak on the motion in such order, as the convener may call upon them.

163. Principles of debate.- (1) The subject matter of every speech shall be strictly relevant to the question before the council.

(2) A member while speaking shall not-

- a) reflect upon any person in his personal capacity;
- b) utter unreasonable or defamatory words or make use of offensive expressions;
- c) refer to a matter of fact on which a judicial decision is pending;
- d) speak against or reflect on any determination of the council except when he is moving to rescind the same;
- e) make a personal charge against a member;
- f) use his right of speech for the purpose of willfully and persistently obstructing the business of the council.

164. Bar on reading.- A member may not read his speech but may refresh his memory by reference to notes.

165. Right of reply.- (1) Except in the exercise of a right of reply, no member shall speak more than once on any motion, except with permission of convener for the purpose of making a personal explanation.

(2) A member, who has moved a motion, may speak again by way of reply.

166. Convener may address the council.- The convener may in all cases address the council on matters relating to procedure before putting a question to the vote.

167. Code of conduct for members present.- A member while present in the council shall not-

- a) cross between the convener and a member who is speaking;
- b) read any book, newspaper or letter, except in connection with business of the council;
- c) interrupt any member while he is speaking.

168. Questions to be asked through convener.- When for the purpose of explanation during discussion any member has the occasion to ask a question of another member on any matter then under consideration of the council, he shall ask the question through the convener.

169. Points of order and decision thereon.- (1) A point of order shall relate to the interpretation or enforcement of these byelaws or such provisions of the Act as regulate the business of the council and shall confine to a question which is within the cognizance of the convener.

(2) Any member may, at any time, submit a point of order for decision of convener but in doing so he shall confine himself to stating the point.

(3) During division, a member may raise a point of order only on a matter arising out of the division.

(4) The convener shall decide all points of order which may arise and his decision shall be final.

(5) No discussion or debate shall be allowed on any point of order but the convener may, if he thinks fit, hear members before giving his decision.

(6) A member shall not raise a point of order to ask for information or explain his position or which may be hypothetical.

170. Irrelevance or repetition.- The convener after having called the attention of the council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

171. Power to order withdrawal of member or suspend sitting.- (1) The convener shall preserve order and have all powers necessary for the purpose of enforcing his decision on all points of order.

(2) The convener may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the council and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day.

(3) The convener may, in the case of grave disorder arising in the council, suspend any sitting for a time to be specified by him.

172. Strangers and sitting in camera.- (1) The admission, to the galleries of the council, of visitors and representatives of media during the sittings of the council, shall be regulated in accordance with the orders of convener.

(2) The convener, whenever he thinks fit, may order visitors or representatives of the media to leave the galleries or order any stranger to be removed.

(3) On a request, made by the Nazim, the convener may, in his discretion, fix a day or part thereof for sitting of the council in camera.

(4) When the council sits in camera, no stranger shall be permitted to be present in the Chamber, lobby or galleries, except secretary.

(5) The convener may cause a report of the proceedings of a sitting in camera to be issued in such manner, as he thinks fit, but no other persons shall keep a note or record of any proceedings or decisions of a sitting in camera whether in part or full, or issue any report of, or divulge or purport to describe, such proceedings.

173. Reports of proceedings.- The secretary shall cause to be prepared a full report of the proceedings of the council at each of its sittings, and shall, as soon as practicable, publish it in such form and manner as the convener may direct.

174. Expunction of words from debates.- (1) If the convener is of the opinion that words have been used in debate, which are defamatory, indecent, un-parliamentary or un-dignified, he may in his discretion, order that such words be expunged from proceedings of the council.

(2) The portion so expunged, shall be denoted by asterisk with an explanatory foot-note to this effect.

175. Custody of documents and records.- The secretary shall have the custody of records, documents and papers belonging to the council or any of its committees and he shall not permit any such record, documents or papers to be taken out of the office without the permission, in writing, of the convener.

176. Secretary to be ex-officio Secretary of Committees.- The secretary shall be ex-officio secretary of all the committees of the council and may authorize any officer of subordinate to him to perform such duties as he may direct.

177. Suspension of byelaws.- Whenever any inconsistency or difficulty arises in the application of these byelaws, any member may, with the consent of the convener, move that any clause may be suspended in its application to a particular motion before the council and if motion is carried, the clause in question shall stand suspended.

178. Residuary powers of the convener.- Any matter arising in connection with the business of the council and its committees, for which no specific provision exists in these byelaws, shall be decided by the convener and his decision shall be final and all questions relating to the detailed working of these byelaws shall be regulated in such manner, as the convener may direct.

CHAPTER XXI AMENDMENT OF BYELAWS

179. Notice of proposal to amend byelaws.- (1) Not less than seven clear days' notice of a motion for leave to amend the byelaws shall be given, and the notice shall be accompanied by a draft of the amendment proposed.

(2) The motion shall be set down for such day as the convener may direct.

(3) When the motion is reached, the convener shall read out the draft of the amendment proposed and ask whether the member has leave of the council. If objection is taken, the convener shall request those members who are in favour of leave being granted, to rise in their seats, and if not less than five percent members so rise, the convener shall intimate that the member has the leave of the council. If less than five percent members rise, the convener shall inform the member that he has not the leave of the council.

(4) When a member has the leave of the council to proceed, he shall move that the draft be referred to the committee on conduct of business.

(5) After a draft has been referred to the committee, the procedure in regard to byelaws similarly committed, shall be followed, as far as may be, with such variations as the convener may consider necessary or convenient.

(6) When a clause or an amendment to a clause is passed by the council, a copy thereof shall be signed by the convener and then it shall come into force at once.

CHAPTER XXII REPEAL

180. Repeal.- The District Council (Procedure and Conduct of Business and Meetings) Byelaws, 2001, District Abbottabad are hereby repealed.
