

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

NOTIFICATION

Peshawar, dated the .03.2016.

No. _____.-The following draft rules, which the Government of the Khyber Pakhtunkhwa, in exercise of the powers conferred by section 112 of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), read with Seventh Schedule thereof, is pleased to make the Khyber Pakhtunkhwa Finance Commission (Conduct of Business) Rules, 2016, is hereby published for information of persons likely to be affected thereby, and notice is hereby given that the proposed rules together with any objection and suggestion with respect thereto, which may be received by Secretary to Government, Local Government, Elections and Rural Development Department, within a period of _____ days from the date of publication of this Notification, shall be taken into consideration after expiry of the said period.

**THE KHYBER PAKHTUNKHWA PROVINCIAL FINANCE COMMISSION
(CONDUCT OF BUSINESS) RULES, 2016.**

1. Short title and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Finance Commission (Conduct of Business) Rules, 2016.

(2) These rules shall come into force at once.

2. Definitions.---(1) In these rules unless the context otherwise requires,-

- (a) “Act” means the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013);
- (b) “annual report” means the annual report of the Finance Commission;
- (c) “Chairman” means the Chairman of the Finance Commission, as specified in clause (a) of sub-section (1) of section 52 of the Act;
- (d) “Finance Commission” means the Finance Commission, established under section 51 of the Act;
- (e) “member” means a member of the Finance Commission;
- (f) “Secretary, Finance Commission” means the Secretary to Government of the Khyber Pakhtunkhwa Finance Department;

(g) “Secretariat” means the Secretariat established under rule 3 of the Khyber Pakhtunkhwa Fiscal Transfer Rules, 2016.

(2) The words and expressions used in these rules but not defined shall have the same meanings as respectively assigned to them under the Act and the Khyber Pakhtunkhwa Fiscal Transfer Rules, 2015.

3. Seat of the Finance Commission.---The headquarter of the Finance Commission shall be at Peshawar, however, the Chairman may call meeting of the Finance Commission at any place of the Province.

4. Finances.---(1) The annual budget of the Finance Commission shall be within the authorized appropriation and control of the Secretary, Finance Commission, who shall, for the purpose exercise all the financial and administrative powers as are delegated to an Administrative Secretary or Principal Accounting Officer of a Department of Government.

(2) Special funds may be allocated for undertaking studies, analysis and logistics support to the Finance Commission.

(3) The annual budget of the Finance Commission, including its Secretariat, shall form part of the departmental budget estimates of the Finance Department of Government.

5. Conduct of business of the Finance Commission.---(1) The business of the Finance Commission shall be conducted in its ordinary meeting; provided that the Chairman may call a special meeting to consider any urgent matter.

(2) An ordinary meeting of the Finance Commission shall be held as atleast once in every quarter of a financial year on the date, time and venue fixed by the Chairman.

(3) The meeting shall be presided over by the Chairman and in his absence by a member chosen for that purpose by the members present in the meeting.

(4) In the absence of the Chairman, if urgency requires, the Secretary, Finance Commission shall, on the desire of the majority of members, call the meeting of the Finance Commission at such time, place and date as may be specified by him in consultation with members concerned.

(5) Intimation for the date and time of the meeting shall be sent to the members atleast seven days before an ordinary meeting and three days before a special meeting, as the case may be.

(6) All decisions shall be taken by the majority of votes of the members present and voting; provided that in case of equality of votes, the Chairman shall have a casting vote.

(7) The Secretary, Finance Commission shall ensure fulfillment of the requirements of the quorum in all sessions of the Finance Commission, which shall not be deemed as completed unless three-fourth of the total number of the members including the Chairman are present in the session.

(8) The minutes of the meeting shall be recorded in writing and confirmed by the Chairman.

6. Agenda.---(1) The agenda of the meeting shall be issued by the Secretary, Finance Commission with the approval of the Chairman.

(2) The disposal of business shall be undertaken by the Finance Commission in such manner as given in the agenda.

(3) The first agenda item of the meeting of the Finance Commission shall be to rectify the minutes of the first meeting.

(4) Any member, desirous of bringing any matter before the Finance Commission for its consideration, may, subject to approval by the Chairman, get such matter included in the agenda by giving a prior notice of the atleast three days in case of any normal meeting and two days in case of special meeting.

7. Executive authority.---(1) The executive authority of the Finance Commission shall vest in the Chairman and be exercised by him directly or through the Secretary, Finance Commission.

(2) The correspondence on behalf of the Finance Commission shall be authenticated under the signature of the Secretary, Finance Commission or an officer authorized by him.

8. Disposal of business.---(1) All correspondence by members shall be addressed to the Chairman and shall be received in the Secretariat.

(2) Minutes of the meetings, containing the deliberations of the Finance Commission, shall, after approval of the Chairman, be circulated amongst the members by the Secretariat within three days of the meeting.

(3) In every meeting the Finance Commission shall be apprised of implementation status of the previous meeting's decisions and all the decisions not yet implemented.

9. Secretariat.--- In addition to the responsibilities assigned to the Secretariat under the Act and the Khyber Pakhtunkhwa Fiscal Transfer Rules, 2016, the Secretariat shall also be responsible for-

- (a) providing support for proper functioning of the Finance Commission, including necessary assistance to the members and Chairman for smooth performance of its mandated responsibilities;
- (b) preparation of working paper and its circulation amongst the members subject to prior approval of the Chairman;
- (c) monitoring and implementation of the decisions of the Finance Commission;

- (d) performing all the functions, duties and powers as specified in the Khyber Pakhtunkhwa Fiscal Transfer Rules, 2015;
- (e) recording and circulation of minutes of the meeting of the Finance Commission with the approval of Chairman;
- (f) maintaining the records, data and information relating to the Finance Commission; and
- (g) any other function as may assign to it by the Chairman.

10. Repeal and savings.---(1) The Khyber Pakhtunkhwa Provincial Finance Commission (Conduct of Business) Rules, 2008 are hereby repealed.

(2) Notwithstanding the repeal of the said rules, any instructions issued and orders made under the repealed rules shall continue to remain enforced until altered, amended or withdrawn by the competent authority.

**Secretary to
Government of the Khyber Pakhtunkhwa,
Local Government, Elections & Rural Development
Department.**