



KHYBER PAKHTUNKHWA

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GOVERNMENT OF KHYBER PAKHTUNKHWA EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT.

NOTIFICATION

Dated: 6th July, 2017.

No. KPRA/GN/1681.-In exercise of the powers conferred by section 113 of the Khyber Pakhtunkhwa Finance Act, 2013, (KP Act No. XXI of 2013), read with sub-section (7) of section 11 thereof, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA POLICY MAKING COUNCIL OF THE AUTHORITY RULES, 2017

1. **Short title and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Policy Making Council of the Authority Rules, 2017.

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

2. **Definitions.**---In these rules, unless there is anything repugnant to the subject or context, the following terms and expressions shall have the meanings hereby respectively assigned to them that is to say,-

- (a) "Act" means the Khyber Pakhtunkhwa Finance Act, 2013 (KP Act No. XXI of 2013);
- (b) "Chairman" means the Chairman of the Council;
- (c) "Directorate" means any Directorate of the Authority established under the Act;
- (d) "private member" means a private member of the Council, mentioned in clause (vii) of sub-section (1) of section 11 of the Act; and
- (e) "Secretary" means the Member-cum-Secretary of the Council.

3. **Cases to be submitted to the Council.**---(1) In addition of the functions mentioned in sub-section (3) of section 11 of the Act, Government may refer the following matters to the Council for formulation of Policy guidelines:

- (a) strategies, policies and reforms;

- (d) audit reports of the Auditor General of Pakistan;
- (e) annual report on the conduct of the Authority's affairs;
- (f) revenue targets;
- (g) research studies, surveys and reports conducted in collaboration with the donors;
- (h) establishment of Directorates of the Authority;
- (i) delegation of any of Authority's function and powers to any of its employee or any department, agency or employee of the Government;
- (j) regulations and notifications of the Authority;
- (k) agreements, MOUs signed with Federal Board of Revenue and other revenue authorities;
- (l) investigation and inquiry reports;
- (m) internal control mechanisms;
- (n) performance based additional allowances or incentives and rewards to the Director General, Directors and employees of the Authority; and
- (o) establishment of foundation for the welfare of the present and retired employees and their families.

4. Term of office of private member.---(1) The term of office of private members shall be three(03) years.

(2) On the falling of vacancy of the office of the private member, Government shall nominate his successor within three months.

5. Removal of private member.---Government may remove a private member from the membership of the Council if-

- (a) he is absent, without reasonable cause, from three consecutive meetings of the Council;
- (b) he has been found to be physically or mentally incapable of performing his duties efficiently and an authorized Medical officer has issued a certificate to this effect; and
- (c) he contravenes the provisions of the Act or otherwise misconducts himself to the detriment of the objectives of the Council;

6. Resignation of private member.---(1) A private member may resign from the office by giving thirty (30)days prior notice, in writing, to Government.

(2) The office of a private member shall become vacant upon expiry of the period of notice;

7. Meetings and decisions of the Council.---(1) The date, time and venue for a meeting of the Council shall be such as may be determined by the Chairman.

(2) At least eight (08) members of the Council shall constitute quorum for

(3) All decisions of the Council shall be taken by majority of the members present in the meeting. In case of equality of votes, the person presiding over the meeting shall have a casting vote.

(4) The proceedings of the Council shall not be invalid due to delay in holding of the meetings and by reason of the existence of vacancy or any defect in the constitution of the Council.

8. Responsibilities of the Secretary of the Council.---(1) Upon approval of the agenda items by the Chairman, the Secretary shall ordinarily circulate agenda along with detailed working papers proposed to be placed before the Council, at least seven (07) days prior to the Council's meeting. In case of a special meeting the meeting notice may be issued not less than three (03) days in advance.

(2) No case shall be discussed unless the item has been included on the agenda and the working paper relating thereto has been duly circulated; provided that the Chairman may dispense with this requirement where he is satisfied on the representation of the Secretary for including additional agenda items which requires urgency and exigencies are as such.

(3) The Secretary shall attend all the meetings of the Council, record minutes of the meetings and submit the draft minutes to the Chairman within a week time for approval.

(4) The Secretary shall circulate the approved minutes of the meetings to all its members and the Authority.

(5) The Secretary shall be responsible for maintaining records and minutes of its meetings, discussions and decisions.

(6) At the start of each meeting, the Secretary shall present a report to the Council with regard to progress on implementation of its decisions made in the last meeting.

9. Implementation of the decisions of the Council.---The Secretary shall be responsible to implement all the decisions of the Council through the respective Directors and Collectors of the Authority and submit a progress report to the Council in this behalf.

10. Confidentiality.--- All members of the Council shall maintain the confidentiality of the information gained in their capacity as member of the Council, except when disclosure is authorized by the Council or is otherwise mandated under the law for the time being in force.