

**d. Settlement of Retirement Benefit against group insurance claims.**

Reference to subject noted above, attached herewith are copies of following circular letters/notifications alongwith prescribed application forms received from the Section Officer (SR-II), Government of Khyber Pakhtunkhwa, Finance Department, Peshawar for information and necessary action:-

- a. Copy of Notification Vide No.SO(SR-II)FD/4-36/2018-53, dated 25.09.2019.
- b. Copy of Notification Vide No.SO(SR-II)FD/4-36/2019-80, dated 26.09.2019.

It is further to state that cases of all judicial officers/officials retired from your District/Court may please be forwarded directly to the Deputy Director (RB&DC), 1<sup>st</sup> Floor Directorate of Treasuries & Accounts, Khyber Pakhtunkhwa, Peshawar instead of sending to this Court, please.

(PHC Letter Endst No. PHC/B&A/PEN 97-99 dated 27<sup>th</sup> January, 2020)

**SETTLEMENT OF LEFTOVER DEATH COMPENSATION CLAIMS OF GROUP INSURANCE SCHEME OF STATE LIFE INSURANCE CORPORATION OF PAKISTAN (SLICP)**

I am directed to refer to the subject noted above and to state that Government of Khyber Pakhtunkhwa is pleased to announce settlement of leftover death compensation claims of defunct Group Insurance Scheme. Application form is enclosed herewith for processing the claims.

It is therefore requested that all claims fall under the scheme may kindly be sent on prescribed form completed in all respect, enabling this department to settle the same and make payment against the available sums in the scheme.

(No.SO(SR-II)FD/4-36/2018-53, dated 25.09.2019)

**SETTLEMENT OF RETIREMENT BENEFIT AGAINST GROUP INSURANCE CLAIMS.**

I am directed to refer to the subject noted above and to state that Government of Khyber Pakhtunkhwa is pleased to announce settlement of retirement benefit claims against defunct Group Insurance Scheme.

Application form is enclosed herewith for processing the claims. The payment is being made to claimants who retired before promulgation of RB&DC Act on 6<sup>th</sup> November, 2014 in light of Peshawar High Court, Peshawar Judgement dated 13<sup>th</sup> November, 2019.

It is therefore requested that all claims fall under the scheme may kindly be sent on prescribed form completed in all respect, enabling this department to settle the same and make payment against the available sums in the scheme.

(No.SO(SR-II)FD/4-36/2019-80, dated 26.09.2019)

C.No. 9(10-4)

**REQUEST FOR APPROVAL TO USE PHOTOSTAT MONEY FOR  
PURCHASE OF PHOTOCOPIER TONNER PAPER  
MAINTENANCE OF PHOTOCOPIER ETC.**

I am directed to refer to your letter No. 4712 dated 01.09.2020 on the above subject and to say that the Competent Authority has been pleased to direct that such amount is required to be credited into the treasury/public account in accordance with para 5 and 9, Chapter-2, Volume-I of the General Financial Rules. As far as expenditure indicated in the subject, it needs no emphasis that a regular budget in this regard is allocated every year under respective heads.

(PHC letter Endst No. SDJ/PHC/REG/64-(A)-V.III-2020/3339-3409 dated 06<sup>th</sup> October, 2020).

**SECTION-V**  
**(DISPOSAL OF UNSERVICEABLE ITEMS)**

C.No. 1(10-5)

**PERMISSION FOR AUCTION**

I am directed to refer to your letter on the above subject and to state that as per Khyber Pakhtunkhwa Delegation of Financial Power Rules, 2018 the power rest with the District & Sessions Judges and Senior Civil Judges to declare and dispose of unserviceable/surplus stores. In addition, the following stepwise guidelines are provided for declaration and disposal of such items.

- Preparation:
  - Report of the caretaker/official concerned about existence of unserviceable/surplus stocks.
  - Full justification for declaring stores as surplus or unserviceable;
  - Entry in Deadstock Register;
  
- Committee:
  - Formation of Disposal Committee (preferably to include a Judicial Officer, a staff member and a representative of C&W Deptt:)
  - Reserved price to be determined; [Preferably through PBMC or in alternative person dealing in the subject items]
  - Meeting of the Committee and minutes to be recorded;
  - Request for nomination of representative of the High Court as Administrative Department;
  
- Advertisement:
  - Advertisement for open public auction
  - Conditions to be mentioned in the advertisement
    - i. Date, time and venue for inspection of items by interested bidders.
    - ii. Date, time, venue of auction.
    - iii. Payment of taxes etc by the successful bidder
    - iv. Deposit of 1/3<sup>rd</sup> amount of successful bid at once
    - v. Deposit of remaining 2/3<sup>rd</sup> amount of successful bid within a specified period and in case of failure, forfeiture of the deposited amount.
    - vi. Removal of auctioned stores within a specified period.
    - vii. Power of the committee to approve or reject a bid.

- Auction:
- Attendance sheet of bidders [Name, F/N, CNIC #, Cell #, Signature]
  - Open Public Auction
  - Starting of bids from the baseline/reserved price.
  - Details of bids recorded
  - Minutes of the Committee conducting auction proceedings
  - Depositing of the sale amount in the relevant head of account.
  - Handing over of the auctioned stores.

(PHC Letter No.SDJ/PHC/REG/64-(a-7)-V.III/262 Dated 18<sup>th</sup> January, 2021)

**SECTION-VI  
(OFFICIAL VEHICLES)**

C.No. 1(10-6)

**POLICY OF OFFICIAL VEHICLES OF DISTRICT & SESSIONS  
JUDGES**

**NOTIFICATION**

**No.24/81-B(Admn)**/- In order to ensure more serviceability and utility of official vehicles, Hon'ble the Chief Justice of this Court has been pleased to lay down the following policy with regard to the official vehicles allocated to District and Sessions Judges in N-W.F.P. and officers of this Court with immediate effect, till further orders.

1. The vehicle allocated to a District and Sessions Judge by name would be taken along by him on transfer to another District.
2. In case of transfer of a District and Sessions Judge to an Ex-cadre post in or outside the Province, retirement, long leave etc, the vehicle would be surrendered to this Court for re-allocation as may be deemed appropriate.
3. The provisions of para-1 above shall also apply to a District and Sessions Judge transferred from the field to this Court and vice versa.
4. The expenditure to be incurred on utilization of POL shall be met out of the sanctioned grant allocated to the District, where the Officer concerned is posted or this Court, as the case may be.

(PHC letter No.24/81-B(Admn) Dated 12.05.2003)

C.No. 2(10-6)

**STANDARD OPERATING PROCEDURES (SOPs) FOR USE OF  
OFFICIAL MOTORCYCLES BY THE PROCESS SERVING  
AGENCIES**

1. One Motorcycle per head will be provided to the Bailiffs and Process Servers of the Process Serving Agencies of Khyber Pakhtunkhwa on seniority basis.
2. The Motor cycles so provided shall be used only for official purpose, i.e. service of summons/notices/warrants issued by the Courts, and not for any other use.

3. No official except on-field-duty Bailiff and Process Server shall be entitled to receive motorcycle.
4. Every Bailiff/Process Server, who is provided with official bike, shall be entitled to POL Charges [20] liters per month, as well as Rs 500/- per month as Maintenance Charges.
5. Every Bailiff/Process Server shall keep Log-Book of his motorcycle, wherein complete details of the journeys made on official bike shall be recorded chronologically, along with details of mileage and maintenance as well as brief of Warrant/Process serving etc.
6. The Accountant/Civil Nazir of each district shall be responsible to check/verify the Log- book before making payment of POL and Maintenance charges to the Bailiff/Process Server, as well as keep record of the same for Audit purposes.
7. Every Bailiff/Process Server provided with official bike shall fulfill all the requirements of traffic laws including possession of valid Driving License, use of Helmet etc.

(With reference to the Meeting dated 09<sup>th</sup> May, 2018 on the subject of revamping of the Proess Serving System in District Judiciary)

C.No. 3(10-6)

**THE KHYBER PAKHTUNKHWA GOVERNMENT STAFF VEHICLES (USE AND MAINTENANCE) RULES 1997.**

Dated Peshawar the 13/3/1997

**NO.SO(T)NP/S&GAD)/97:** The Government of Khyber Pakhtunkhwa is pleased to make the following rules-regulating the use and maintenance of Government Staff vehicles, namely;

"The Government Staff Vehicles (Use & Maintenance)" Rules 1997.

1. Short title: - These rules may be called the Khyber Pakhtunkhwa Government Staff Vehicles (Use and Maintenance) Rules 1997.

- 2 Definitions;- In these rules, unless the contents otherwise require, the following expressions shall have the meanings here by respectively assigned to them, that is to say:-
- a) "Department" means an Administrative Department of the Civil secretariat Khyber Pakhtunkhwa or an attached" department or a Regional or any other office of the Government which has been provided with the Government vehicle.
  - b) "Vigilance Committee means a Committee constituted to monitor and control the miss-use of Government vehicle under rule 8 of these rules.
  - c) "Officer" means a form appended to these rules.
  - d) "Government Vehicle" or Vehicles" means any type of motor vehicle provided by the Government for official use by a department and includes staff cars, jeeps, jeepsters, pickups, vans wagons etc.
  - e) "Officer incharge" means an officer nominated by the head of a department to be incharge of a Government vehicle or vehicles under Rules 3.
3. The head of the Department shall nominate an officer of the Department to be incharge of the Government vehicle or vehicles.
4. Notwithstanding anything contained in rule 3, the general control of a Government vehicle shall vest in the head of the Department.
5. Every Government vehicle shall, immediately on its purchase, be registered in favour of the Officer Incharge by designation.
6. a. There shall be a total restriction on displaying plates on Govt. Vehicles indicating the status/ ranks of the occupants. All the Official vehicles will have simple Green number plates only indicating the registration number.
- b. According to Govt. of Pakistan, Ministry of Interior Notification No. 8/4/97- Public, dated the 27<sup>th</sup> February 1997, only the following persons shall be entitled to fly the Pakistan flages on their vehicles when the dignitaries themselves are seated:-

- i. President of Pakistan.
  - ii. Prime Minister of Pakistan.
  - iii. Chairman, Senate of Pakistan.
  - iv. Speaker of the National Assembly of Pakistan.
  - v. Chief Justice of Supreme Court of Pakistan.
  - vi. Chief Justice of High Courts.
  - vii. Governors of the Provinces.
  - viii. Chief Ministers of the Provinces.
7. (i) Government Vehicles shall ordinarily be used for Government duty only.
- (ii) Use of Government Vehicles for the following purposes may be considered as use for Government duty.
- a. Journey from residence to office or any other place of duty, and back, outside the normal office hours, if undertaken in the interest of office work.
  - b. Journey from office to residence performed after working in the office for not less than two hours beyond the normal office hours.
  - c. Journey between office and place of temporary residence by an officer on tour.
  - d. Journey to attend any diplomatic or official function whether from office or residence, and
  - e. Journey performed by the Chief Secretary and Administrative Secretaries to the Government of Khyber Pakhtunkhwa from residence to office and vice versa.
- (iii) Government vehicles may, under special circumstances and with the prior approval of the Head of the Department be used for private purposes on payment of charges at the rate of Rs. 1.25/- per Kilo Meter or portion thereof.
- (iv) The money realized on account of hire charges under sub rule (iii) shall be credited to Government account under the respective heads.
8. (i) There shall be VIGILANCE COMMITTEES at provincial, Divisional and Divisional and district level to monitor the official transport system and to control the misuse of the Government vehicles.



(ii) the Composition of the VIGILANCE COMMITTEES at various levels is as under:-

**a: PROVINCIAL VIGILANCE COMMITTEE: I.**

1. Chairman. Secretary S&GAD.
2. Member Additional Secretary Finance Deptt.
3. Member Deputy Secretary (Admin) S&GA Deptt.
4. Member A.I.G Traffic.
5. Member Section Officer (Transport), S&GAD.
6. Member Secretary Provincial Transport Authority.

**b: DISTRICT VIGILANCE COMMITTEE: II**

1. Chairman. Deputy Commissioner.
2. Member SDM.
3. Member SDPO H.Q Traffic).
4. Member Secretary Reginald Transport Authority.
5. Member District Accounts Officer.

(iii) The Jurisdiction of Provincial Vigilance Committee shall be through out the province, including Civil Secretariat and all attached departments at Peshawar.

(iv) All the vehicles at the disposal or divisional level officers will be monitored by the committee of district head quarters of the concerned divisions.

(v) The Jurisdiction of the District Vigilance Committees will be in the respective Divisions/ District of the Committee as well as the vehicles of Divisional Headquarters will fall under the Jurisdiction of the Vigilance Committee of the respective district of the Divisional Head Quarters.

(vi) a. The Vigilance Committee constituted under rule 8 (ii) of these rules shall make surprise visits to all the offices under their Jurisdictions and check the parking of vehicles after office hours in their respective venues.

b. The Vigilance Committees shall be responsible to ensure use of Government vehicles as per entitlement of the

user officers and policy of the Government.

c. All the Vigilance Committees shall be required to submit a report of their performance during the 1st week of each month to be addressed to Secretary S&GAD for perusal of the competent authority.

d. The Provincial Vigilance Committee will supervise the performance of Divisional/ Districts Vigilance Committees.

e. Meeting of Provincial and District Vigilance Committee will be convened at regular intervals.

f. There shall be a pool of vehicles at provincial level in the S&GAD and no other department will maintain a pool of vehicles in their respective departments without the authorization of provincial vigilance Committee.

g. There shall be a pool of vehicles of all the Govt. departments at district level in each district under the direct supervision of Chairman District Vigilance Committee.

9. (i) All the Government Officers irrespective of their ranks/status shall be entitled to use only one vehicle for official duty.

(ii) Sub-rule (i) of rule 9 shall apply to all those officers who were entitled to use more than one vehicle under Provincial Transport Committee Report 1987, of the S&GAD.

(iii) The Officers of Provincial Government, who are holding charge of more than one department/ organization and are in possession of more than one vehicle, by virtue of their offices/ posts etc. will not be entitled to use the additional Vehicles.

10. The Head of the Department shall specify the Officers or categories of officers who shall normally be entitled for the use of Government vehicles.

11. (i) A Government Vehicle shall not be driven except by a driver specially appointed by the Department for the purpose.

- (ii) Nonetheless, in case of non-availability of driver or in cases of emergencies, the concerned officer shall be allowed to drive the vehicle provided he is in possession of valid driving license.
12. (i) There shall be maintained, in respect of every Government Vehicle, a log book in Form "A" wherein shall be entered the Journeys performed by a Government Vehicle, copy as Annex: A.
- (ii) The Log Book maintained under sub rule (i) shall remain in the custody of the driver incharge of the vehicle and shall be examined and signed by the Officer Incharge every day at the time the driver is relieved from duty.
13. (i) The Civil Secretariat vehicles shall remain parked, after officer hours, within the premises of Secretariat in the parking places of their respective departments or at any other suitable place, as determined, for the vehicles which are otherwise not permitted to enter the Secretariat premises and the gates staff shall not allow them exit without a written slip from the competent authority.
- (ii) a. The Vehicles of attached Department, their subordinate officers, other Government Offices including autonomous bodies and semi-autonomous bodies shall remain parked after office hours, within the premises of their respective offices.
- b. Before proceedings on tour an officer shall inform, in writing, alongwith registration number of vehicle, the head of their vigilance Committee about their tour programme.
14. No person other than an officer specified under rule 10, shall, save with the prior permission in writing of the Head of the Department, be entitled for the use of Government vehicle.
15. Officers of the Federal Government and above the status of Deputy Secretary to the Provincial Government, state guests, or members of forging missions and delegations and other dignitaries, when on official visits, may be allowed to use government vehicles.
16. The Cashier of the Department may be allowed to use Government vehicle from office to the Bank and vice versa for carrying Government money exceeding Rs.4000/-.

17. No officer who is in receipt of a fixed conveyance allowance shall, subject to the provision of sub rule (3) of rule 7 be entitled to the use of a Government vehicle.
18. All requisitions for the use of a Government vehicle shall be addressed to the Officer Incharge.
19. A requisition under rule 18 shall specify the designation of the officer by whom, the purpose for which, the time at which, and the place where, the vehicle is required.
20. (i) Every person using a Government vehicle shall sign entries in the Log Book in respect of the Journey performed by him in the vehicle.
- (ii) the entries in the Log Book in respect of the Journey performed in a Government vehicle by an officer of, and above the status of a Joint Secretary to the Central Government, or a state guest, or a Member of Foreign Mission, or Delegation, or other dignitary may be signed by his Private Secretary or representative.
21. (i) A Government vehicle may be lent to any other department.
- (ii) Where a Government vehicle of one Department is borrowed by another deptt, the officer incharge in the borrowing Department shall be responsible for the borrowed vehicle as if the vehicle belonged to the borrowing deptt.
22. The following books shall be maintained for each motor vehicle.
- (i) Log Book-I shall be maintained in Form "A" and shall remain in the custody of the driver of the vehicle. The name of the Deptt, the designation of the officer Incharge, his telephone number and the registration number of the Motor vehicle shall be indicated on the title cover of the Log Book.
- (ii) History Sheet of the Motor vehicle. A bound registration containing about 50 pages shall be maintained which shall remain in the custody of Office Incharge of the Vehicle. It shall form a permanent the incidents during the life of a

particular vehicle shall be entered therein. It shall consist of the parts, in Form "B" copy at Annex: "B".

- (iii) Petrol Account Register shall be maintained separately in Form "C" Copy at Annex: "C".
23. A bill shall be prepared on the last working day of each month in respect of private trips and presented to the officers concerned who shall make payment to the cashier of the Department concerned. When the amount has been recovered, an entry shall be made in the Log Book.
24. Audit of accounts relating to motor vehicle shall be conducted periodically by the staff deputed by the accountant General Khyber Pakhtunkhwa/ Audit Officer concerned.
25. The driver of each motor vehicle shall be notified to observe strictly the following instructions:-
- (a) He shall be responsible for the proper up-keeping and cleanliness of the motor vehicle, petrol consumption, careful driving, caution against accidents and timely service and repair.
  - (b) He shall be responsible for any damage which may be caused to the vehicle due to his negligence.
  - (c) He shall get entries recorded in the Log Book before an officer leaves the vehicles, except where the officer is not required to make entries personally.
  - (d) The driving and traffic regulations and speed limits laid down in the different areas, shall be strictly observed and in all built up areas the speed of vehicles shall not exceed 30/40 kilo meters per hour.
  - (e) Vehicle shall not be left un-attended or kept in a dangerous position.
  - (f) Should any officer/ refuse to cooperate in regard to the observation of these rules the driver shall not argue with him but carry out the orders of the officer and report the incident to the officer incharge.
  - (g) Any contravention of the above rules shall be considered as misconduct and disciplinary action shall be taken against the driver.

26. All the officers, who are entitled to use vehicles, shall restrict themselves to use of P.O.L as per ceiling shown in Annex: "D"<sup>1</sup>.
27. The Government Staff Vehicles (Use & Maintenance) Rules 1975 will stand repealed.

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<sup>1</sup> For Judicial Officers/Officers posted at Peshawar High Court see PHC Order Endst No. 905-11/B&A dated 05.05.2020 and for Judicial Officers posted in field see PHC Order Endst No.749-759/B&A dated 11.04.2020.

**ANNEXURE – A****LOG BOOK**<sup>1</sup>[Khyber Pakhtunkhwa] **Government Motor Vehicle Working Account****Car No.....**

Date	Time		Particulars of Journey	Purpose of Journey	Official or Private	Officer with whom attached
	From	To				
1	2	3	4	5	6	7

**Driver's Name:** \_\_\_\_\_

SPEEDOMETER READING			Petrol or Oil Issued	Signature of the Officer	Remarks.
Before Trip	After Trip	Total Mileage			
8	9	10	11	12	13

**TOOLS OF THE VEHICLE**

S.No	Tool	Date of Purchase	Remarks

<sup>1</sup> Substituted by The Khyber Pakhtunkhwa Act No. IV of 2011

**(ANNEXURE - B)****FORM-B**

Car No.....

GOVERNMENT OF <sup>1</sup>[Khyber Pakhtunkhwa]**HISTORY SHEET**SERVICES AND GENERAL ADMINISTRATION DEPARTMENT,  
CIVIL SECRETARIAT.**(ANNEXURE - C)****FORM-C**

<b>Date</b>	<b>Opening Balance on the First day of Month</b>	<b>Number of Gallons of Petrol Obtained</b>	<b>Voucher No. &amp; Date</b>	<b>Balance on the Last day of Month</b>	<b>Total Petrol Consumed during the month, Columns (2 + 3 - 5)</b>	<b>Total Mileage</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>

C.No. 4(10-6)

**PETROL CEILING OF THE OFFICERS OF PESHAWAR HIGH COURT****PESHAWAR HIGH COURT, PESHAWAR  
ORDER**Dated 04<sup>th</sup> May, 2020

In exercise of the powers conferred by the Govt. of Khyber Pakhtunkhwa, Finance Department vide Notification No.S(A/Cs)FD/2-1/96 dated 07-12-1996 and all other powers enabling thereto, Hon'ble the Chief Justice, Peshawar High Court, Peshawar is pleased to revise/fix ceiling of petrol per month for officers working in Peshawar High Court & its Benches, for official vehicles, subject to deduction of conveyance allowance, w.e.f 11-

<sup>1</sup> Substituted by The Khyber Pakhtunkhwa Act No. IV of 2011



04-2020, in the following manner:

S.No.	Judicial Officers	BPS	Existing limit of POL	Revised POL Ceiling
1.	Registrar	22	350	400
2.	MIT	21	200	300
3.	Addl: Registrar	21	200	300
4.	PSO to HCJ	21	200	300
5.	Legal Draftsman	21	200	300
6.	Director Welfare	21	200	300
7.	Director Inspection	21	200	300
8.	AMIT	21	150	300
9.	Director NJPMC	21	150	300
10.	Director HR&W	20	150	200
11.	Director P&D	20	150	200
12.	Addl: Director P&D	20	150	200

The expenditure involved will be met out of the sanctioned budget grant under head "03-Public Order & Safety Affairs-031-Law Courts-0311-Law Courts-03110-Courts-Justice-High Court-A03807-POL Charges-Charged".

(PHC Endst No.905-11/B&A dated Peshawar 05<sup>th</sup> May, 2020)

C.No. 5(10-6)

## PETROL CEILING FOR JUDICIAL OFFICERS

### PESHAWAR HIGH COURT, PESHAWAR ORDER

Dated 11<sup>th</sup> April, 2020.

In exercise of the powers conferred by the Govt. of Khyber Pakhtunkhwa, Finance Department vide Notification No.S(A/Cs)FD/2-1/96 dated 07-12-1996 and all other powers enabling thereto, Hon'ble the Chief Justice, Peshawar High Court, Peshawar is pleased to revise/fix ceiling of petrol per month in favor of Judicial Officers in Khyber Pakhtunkhwa, for official vehicles, subject to deduction of conveyance allowance, with immediate effect, in the following manner:

S.No.	Judicial Officer(s)	BPS	Ceiling of POL
1.	District & Sessions Judge	21	270 liters
2.	Addl: District & Sessions Judge	20	200 liters

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3.	Senior Civil Judge	19	175 liters
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The expenditure involved will be met out of the sanctioned budget grant under head “03-Public Order & Safety Affairs-031-Law Courts-0311-Law Courts-03110-Courts-Justice-Sessions Court-A03807-POL Charges-Voted”.

(PHC Endst No. 749-759/B&A, dated 11<sup>th</sup> April, 2020)

**SECTION-VII**  
**(RESIDENTIAL BUILDINGS)**

C.No. 1(10-7)

**JUDICIAL RESIDENTIAL BUILDINGS RETENTION POLICY**

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice has been pleased to approve Judicial Residential Buildings Retention Policy (copy Enclosed) which shall hold the field till formulation of Judicial Residential Buildings Rules for the district Judiciary.

I am further directed to say that the Policy shall be circulated amongst all judicial officers of the respective districts.

(PHC Letter No. 10007/SDJ/HRW/Admn, Dated 27<sup>th</sup> June, 2020)

**JUDICIAL RESIDENTIAL BUILDINGS RETENTION POLICY**

Upon promulgation of the Khyber Pakhtunkhwa Provincial Buildings (Management, Control and Allotment), Act, 2018, the Provincial Government framed the Khyber Pakhtunkhwa Residential Accommodation at Peshawar (Procedure for Allotment) Rules, 2018. In view of Section 7(3) of the Act, 2018, there is a need to formulate rules for judicial residential buildings by making amendments in Chapter 22 of volume-IV of The Peshawar High Court, Peshawar Rules and Orders. The process has already been initiated. The Competent Authority has been pleased to approve the following policy for retention of judicial residential buildings, which shall be applicable to the District Judiciary until completion of the process of rules making.

1. An official residence shall be vacated within one month from the date of relinquishment of the charge. However, a request for retention shall in the first place be made to the District & Sessions Judge concerned, who may allow retention for a maximum period of (3) months, to be reckoned from date of relinquishment of the charge, on any of the following grounds.
  - a. Posting to a station where official residence is not available.
  - b. During examination of children of the applicant subject to furnishing documentary proof.
  - c. During extreme illness of the applicant or any of his/her family members residing with him/her, provided that the patient has been advised to avoid travelling/ bed rest.
  - d. During catastrophic situation i.e earthquake, floods or epidemic diseases etc. in the region.

- e. In case of death of the occupant or his/her spouse.
- f. During training of the applicant (domestic or abroad) or study leave.
- g. Any other extraordinary circumstances.

2. In case of refusal of the request, the Judicial Officer concerned may approach this Court for redressal of his grievance. Upon recommendations of the Secretariat for District Judiciary and in the light of reports of the District & Sessions Judges concerned, the Competent Authority may, allow retention of the residential buildings for the maximum period of (3) months as mentioned in Para No.1.

3. During the extended period an applicant shall be bound to pay the normal house rent, utility dues and abide by all other terms and conditions specified in the allotment order, in addition to the instructions contained in PHC letter No.608-632/Admn dated Peshawar, 14<sup>th</sup> October, 2009 (Page No.539 to 541 of Judicial Estacode, revised edition 2011)

C.No. 2(10-7)

### **HOUSE RENT DEDUCTION**

I am directed to refer to the subject noted above and to say that there are certain complaints regarding unauthorized occupation of government accommodations by judicial officers and non-payment of house rent and other utility bills in some cases. The officers who are posted out of a station need not retain the house beyond prescribed period. It has also been observed that some judicial officers are occupying two government owned accommodations and paying rent of only one. Such practices are clearly in violation of rules and violation of rules militates against the code of conduct of judicial officers. All the judicial officers are, therefore, impressed upon to desist from such violations in future.

This directive may be circulated amongst all the judicial officers under your control.

(PHC letter No.6521-80/Admn Dated Peshawar, 07<sup>th</sup> April, 2010)

C.No. 3(10-7)

### **OCCUPATION OF OFFICIAL RESIDENCE BEYOND PERMISSIBLE LIMIT**

I am directed to refer to the subject noted above and to say that it has come to the notice of Hon'ble the Chief Justice that the judicial officers

retained the official accommodation allotted to them for considerable long time after their transfer from a station. This practice on the part of judicial officers' results in tarnishing the image of judiciary (the ultimate custodian of law and rules) on one hand and in violation of the rules on the other. Not only this but the officer waiting in list for the allotment of official accommodation have to undergo tremendous difficulties in getting residential accommodation which adversely affects the working of the institutions.

All the judicial officer in the Khyber Pakhtunkhwa province are directed to adhere to the rules and desist from occupying the official residential accommodation beyond specified limit. Any such delinquency shall be taken serious note of, in future.

These instructions may be circulated amongst all the judicial offices under your controls.

(PHC Letter No. 2509-55/Admn, Dated 21<sup>st</sup> February, 2012)

C.No. 4(10-7)

**ALLOTMENT OF RESIDENTIAL ACCOMMODATION  
CONSTRUCTED UNDER ACCESS TO JUSTICE PROGRAM /  
GOVERNMENT ACCOMMODATION**

With reference to the subject matter and in modification of this Court instructions on the subject given vide letter # 349-J/dated 06.06.2007, enclosed are the revised instructions for the management and allotment of residential units constructed out of Access to Justice fund including other Government accommodation in your control for guidance and compliance, please.

With the construction of new buildings for the use of district judiciary in the province, it has become necessary to issue amended guidelines for the better management and maintenance.

For this purpose the buildings include the residences & bachelor hostels built exclusively for the judiciary or otherwise in the control of District Judiciary or for that matter Peshawar High Court.

For the purpose of management the District & Sessions Judge shall be the In charge / authority of the buildings within the District. However, for allotment purposes in district Peshawar, this Court shall be the authority.

The following instructions are, therefore, issued in addition to the Rules and Instructions of the Provincial Government so far applicable on the subject:

1. The maintenance of all the buildings shall be carried out by the Works & Service Department, under the supervision of the officer In charge.

2. The occupants of the residence and bachelor hostels shall be liable to deduction of rent and allied charges payable under the rules/instructions.
3. The concerned In charge shall ensure that the deduction as mentioned above are regularly made in accordance with the rules/instructions.
4. The residence and rooms in bachelor hostels shall be allotted to Judicial Officers posted in the District.
5. The utility bills/charges/dues other than rent mentioned in clause 2, is to be paid by occupant directly to the concerned authorities.
6. At the time of handing and taking over the possession of residences an inventory of all the fixtures, fittings, equipment and official furniture shall be got prepared by the concerned in charge or his nominee in a properly maintained register kept for the purpose.
7. Except for normal wear and tear the allottee shall be liable to pay the cost of fixtures, fittings & equipment found missing damaged or destroyed.
8. The concerned authority shall be responsible for the overall maintenance and upkeep of accounts concerning the premises.
9. The allotment shall be cancelled if an allottee:-
  - (i) Fails to pay utility bills.
  - (ii) Sublets, wholly or partly, the residential accommodation, or
  - (iii) Becomes a source of nuisance for the neighbors, or
  - (iv) Does not reside in the allotted accommodation for a period of two months following allotment.
  - (v) Has a house at the place of posting either in his own name or in the name of his spouse or a dependent child.
10. Priority, Seniority, need and gender will be considered for the purpose of allotment.
11. Till such time a proper care-taker / attendant is recruited, the concerned in charge shall arrange for an attendant at Bachelor Hostel out of the available strength of ministerial staff of the District.
12. The rent of the bachelor hostel shall be fixed by this court.

The revised schedule of rent is as under:-

S. NO.	NATURE OF ACCOMMODATION	ENTITLEMENT	RENT
1.	Residence	Judicial Officers posted at a station	As prescribed by the Government
2.	Bachelor Hostel	Judicial Officers posted at a station, for more than 15 days stay	Rs. 1500/- for a room (exclusive of utility charge)

3.	Bachelor Hostel	Judicial Officers posted at a station, for less than 15 days stay	Rs. 300/- per night for a room
4.	Bachelor Hostel	Out station Judicial Officers, retired Judicial Officer, for a less than 15 days stay	Rs. 400/- per night*

\* The allotment is subject to availability.

No.241-J & 242-J/Dated Peshawar the 13<sup>th</sup> October, 2009

(PHC letter No.608-632/Admn Dated Peshawar, 14<sup>th</sup> October, 2009)

**SECTION-VIII  
MEDICAL CLAIMS**

C.No. 1(10-8)

**NOTIFICATION**

Peshawar, dated the 12<sup>th</sup> August, 2016,

**No. E&A/Health/3-60/2016:** - In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA  
MEDICAL ATTENDANCE RULES, 2016.**

**(1) Short title, application and commencement.** ---(1) These rules may be called the Khyber Pakhtunkhwa Medical Attendance Rules, 2016.

(2) They shall apply to all civil servants in service or retired of the Province of the Khyber Pakhtunkhwa and their family members.

(3) They shall come into force at once.

**(2) Definitions.** ---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) "Authorized Medical Attendant" means a doctor in a Government hospital and includes Professor, Associate Professor, Assistant Professor, Senior Registrar, District Specialist, Specialists posted in Government hospitals or any other Specialist in Government hospital, Chief Medical Officer (CMO), Principal Medical Officer (PMO), Senior Medical Officer (SMO), Medical Officer (MO), Dental Surgeon and Casualty Medical Officer;
- (b) "civil servant" means a civil servant as defined in the Khyber Pakhtunkhwa Civil Servant Act, 1973;
- (c) "Directorate General" means the Directorate General, Health Services, Khyber Pakhtunkhwa;



- (d) “Director General” means the Director General of the Directorate General;
- (e) “emergency case” means and includes road traffic accidents, myocardial infarction, burns/scalds, blast, poisoning, head injury or any other medical or surgical emergency of equivalent nature as determined by the Authorized Medical Attendant;
- (f) “family members” mean parents, wife or wives, husband, sisters and minor brothers, sons and daughters and step-children of a civil servant, residing with him and wholly dependent upon him;
- (g) “Government” means the Government of the Khyber Pakhtunkhwa;
- (h) “Government hospital” means a public sector hospital and includes Civil Dispensary (CD), Basic Health Unit (BHU), Rural Health Center (RHC), Dental Hospital, Civil Hospital (CH), Tehsil. Headquarters Hospital (THQH), District Headquarters Hospital (DHQH), Teaching Hospital, Autonomous Teaching Hospital of the Government, and hospitals duly categorized by the Government from time to time;
- (i) “medical attendance” means services provided to a patient in Government hospital or private hospital, as the case may be, and include consultation on such pathological, bacteriological, radiological or other methods of examination for the purpose of diagnosis and treatment;
- (j) “patient” means a civil servant and his family member, who has fallen ill or need promotive, preventive, curative or rehabilitative care;

- (k) “private hospital” means hospital other than a Government hospital with which the Government has entered into an agreement for the treatment of patients and includes, in case of emergency, Combined Military Hospital, Private Hospitals, Social Security Hospitals, any Military or Forces Hospital and Specialized Institutes in Pakistan; and
- (l) “Treatment” means the use of all medical, surgical, diagnostic and rehabilitative facilities available at the Government hospital or in private hospital in which the patient is treated, and includes-
- (I) the employment of such medical, surgical, pathological, bacteriological, radiological, rehabilitative or other methods, as is considered necessary by the Authorized Medical Attendant;
  - (II) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the Government hospital or private hospital, as case may be;
  - (III) the supply of such medicines, vaccines sera or other therapeutic substances not ordinarily so available, as the Authorized Medical Attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the patient; and
  - (IV) such accommodation as is ordinarily provided in the Government hospital or private hospital, as the case may be and is suited to his status. Such nursing care as is ordinarily provided to inpatients by the hospital. Such diagnostics/laboratory investigations/imaging etc., as are ordinarily available in such hospitals.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

**2. Entitlement.** ---(1) A patient is entitled to free of charge medical attendance or treatment, as the case may be, subject to such ceiling as may be fixed by Government.

(2) Where a patient is entitled to receive free of charge medical attendance or treatment, as the case may be, any amount paid by him on account of such medical attendance or treatment, as the case may be, shall be reimbursed by Government on production of a certificate in writing by the Authorized Medical Attendant in this behalf with all necessary documents as determined, and after proper verification or authentication by the Deputy Director (Admn) of Directorate General.

(3) The necessary documents shall include-

- (a) a written certificate by the Authorized Medical Attendant;
- (b) medical record of the patient;
- (c) the printed tariff of the Government hospital or private hospital;
- (d) detailed bill of the Government hospital or private hospital; and
- (e) duly signed receipt in token of having paid

**4. Referral.** ---(1) If the Authorized Medical Attendant is of opinion that the case of a patient is of such a serious or special nature as to require medical attendance or treatment, as the case may be, by another medical attendant, he may-

- (a) send the patient to the nearest Government hospital, where in his opinion, medical attendance or treatment, as the case may be, is required for the patient, or in case of serious or life-threatening conditions, to the place in the Province or Country, as the case may be, where such medical attendance or treatment is available. The referral has to be to Government hospital in the first instance, and if not available, then he may refer the patient to private hospital with full justification and with prior approval of Director General:

Provided that the approval or otherwise of the Director General, for such referral, shall be communicated within seven (07) working days of such referral request; or

- (b) Request such specialist or other medical officer, to attend upon the patient, if the patient is unable to travel due to illness.

(2) The Casualty Medical Officer shall be authorized medical attendant in serious cases, needing immediate referral, if there is no such hospital as mentioned in sub-rule (1), to such hospital in the Province as may, in the opinion of such Authorized Medical Attendant, provide the necessary medical attendance or treatment, as the case may be.

(3) In any exceptional case where the Authorized Medical Attendant is of the opinion that the necessary medical attendance or treatment, as the case may be, is available only in a hospital outside the Province, he may with the prior approval of Director General, refer the patient for such medical attendance or treatment, as the case may be, in such hospitals:

Provided that the approval or otherwise of the Director General, for such referral, shall be communicated within seven (07) working days of such referral request.

**5. Travelling Allowance.** ---(1) When a patient is referred by the Authorized Medical Attendant under rule 4, the patient shall be entitled to travelling allowance at tour rates for the journey to and from the initial referral point.

(2) If the patient is unable to travel due to illness, the Authorized Medical Attendant shall be entitled to travelling allowance at tour rates for the journey to and from the initial referral point:

Provided that a patient shall not be entitled to travelling allowance for a journey for attendance by a dentist.

**6. Treatment.** ---(1) Subject to rule 4, the patient shall be entitled to free of charge treatment in Government hospital or private hospital, as the case may be, at or near the place where he falls ill as in the opinion of the Authorized Medical Attendant to provide the necessary and suitable medical attendance or treatment, as the case may be.

(2) In case of emergency or for diseases mentioned in the Medical Attendance Card to be issued by the Finance Department of the Government, any medical consultant or Specialist anywhere in the

Country, duly registered with Pakistan Medical and Dental Council, shall be the Authorized Medical Attendant, of private hospital.

(3) The family members shall also be entitled, free of charge, to medical attendance or treatment, as the case may be, on the scale and under the conditions allowed to the Civil Servant himself, at a Government hospital or private hospital at which the Civil Servant is entitled to receive such medical attendance or treatment, as the case may be.

(4) Civil Servants, who are sent abroad on duty, shall be allowed the following facilities for purposes of treatment during the period they are on duty abroad-

- (a) reasonable cost of treatment shall be met by Government if a Civil Servant actually falls ill while he is on duty abroad. The medical attendance or treatment, as the case may be, shall be subject to such ceiling as may be fixed by Government;
- (b) no routine checkup shall be permitted at Government expense nor would Government accept liability for treatment of any diseases from which a Civil Servant may have been suffering while in the Country and for which he may take the opportunity of his visit to a foreign country to receive medical attendance and treatment, as the case may be. Cases in which a disease from which a Civil Servant may have been suffering while in the Country, takes a turn for the worse and requires urgent medical attendance and treatment, as the case may be, may be considered on merits; and
- (c) the treatment shall be limited to the Country and the place to which the Civil Servant has been sent on duty.

**7. Payment in advance.**---(1) In case a disease or condition of the patient is of such a nature that requires medical attendance or treatment, as the case may be, at a private or specialized hospital or center in the Country and the cost is such that cannot be afforded by the patient within his available means, the patient shall be entitled to obtain the cost of treatment from such hospital or institute in the Country in advance, duly certified by head of that hospital or institute in the following manner,-

- (a) the Civil Servant shall submit the case to his respective authority, who after ascertaining facts, shall forward the case to Medical Section of Directorate General;
- (b) the Deputy Director (Admn) of Directorate General after due verification or authentication and obtaining approval of the Director General, shall place the proposal, for approval or otherwise, before the Standing Medical Board to be notified by the Health Department of Government. The Standing Medical Board after due verification and authentication may approve the case or otherwise; and
- (c) in case of approval, the Medical Section of Directorate General shall then forward the case through proper channel to the Finance Department of the Government for consideration of advance payment.

(2) The diseases and other conditions for the purposes of sub-rule (1) shall be notified by the Health Department of Government from time to time.

**8. Claims by the Family Members of the Deceased.** ---In case of death of the patient, while under treatment, the medical reimbursement claims shall be paid to the family members upon production of record and after necessary verification or authentication by the Medical Section of Directorate General in accordance with the procedure mentioned in rules 3 and 4 of these rules. In case of approval, the Medical Section of Directorate General shall forward the case through proper channel to Finance Department of the Government for reimbursement. All such claims shall be submitted within two (2) years after death of the patient.

**9. Empanelment of Government hospitals and private hospitals outside the Province.**---(1) Government shall make arrangements for the patients with certain hospitals, outside the Province for certain diseases to be notified by the Health Department of Government, where the treatment is specialized and where the facilities are not available in Government hospitals or private hospital in the Province, through an agreement. For this purpose, Government shall constitute a committee comprising of representatives of the Finance Department and Establishment Department of Government, representatives of Khyber Pakhtunkhwa Public Procurement Regulatory Authority, concerned specialists from Government hospitals and Special

Secretary Health Department of Government which shall be headed by the Director General for empanelment.

(2) The committee while considering any hospital for empanelment shall ascertain that such hospitals must have the capacity and capabilities to address the disease satisfactorily and provide the quality of medical attendance or treatment, as the case may be to the patient.

(3) If a hospital empanelled by the committee, later on proves to provide sub-standard medical attendance or treatment, as the case may be, the empanelment of such hospital shall be delisted.

**10. Medical Attendance Card.**---As soon as may be, after the notification of these rules, the Finance Department of Government shall issue to all Civil Servants including retired Civil Servants a computerized bar coded card, to be known as the Medical Attendance Card specifying the entitlement of the Civil Servant:

Provided that for the intervening period the diseases so to be mentioned in the Medical Attendance Card will be notified by Health Department of the Government:

Provided further that on conversion of entitlement to Health Insurance, to be so decided by Government, the Medical Attendance Card shall also stand converted.

**11. Penalty.** ---If any Civil Servant makes any fake or false claims, or those issuing false certificates or signing false medical documents and processing false medical claims, shall be punishable with imprisonment which may extend to six (6) months or fine which may extend to one lac rupees or with both.

**12. Cognizance of offence.** ---(1) No court inferior to that of Magistrate of first class shall take cognizance of an offence under these Rules:

Provided that the court shall take cognizance of an offence on the complaint made in writing by Director General or the controlling officer, as the case may be.

**13. Repeal and savings.** ---(1) The West Pakistan Government Servants (Medical Attendance) Rules, 1959, notified vide notification No. 4/III-S.O(V)-57, dated: 24<sup>th</sup> July, 1959 are hereby repealed in its application to the extent of civil servants of the Province of Khyber Pakhtunkhwa.

(2) Notwithstanding the repeal of the said rules, everything done, order passed, action taken or obligation, liability, penalty or punishment incurred under any of the provisions of the said rules, shall, if not inconsistent with the provisions of these Rules, continue in force and be deemed to have been done, passed, taken or incurred under the provisions of these Rules.

C.No. 2(10-8)

**CHECK LIST FOR DISPOSAL OF CASES OF MEDICAL RE-IMBURSEMENT CHARGES (MRC).**

With reference to the subject noted above, I am to forward herewith letter No.BO.II/FD/3-13/PHC/2013-14 dated 04/02/2015 (along with its enclosure), received from Budget Officer-II Govt of Khyber Pakhtunkhwa Finance Department, Peshawar for information and further necessary action, please.

(PHC Letter. 920-80/B&A, Dated 16<sup>th</sup> February, 2015)

**CHECK LIST FOR DISPOSAL OF CASES OF MEDICAL RE-IMBURSEMENT CHARGES (MRC).**

I am directed to refer to the subject noted above and to state that Health Department has proposed some changes / amendments in the Medical Attendance Rules, 1959 which are under process in the law Department.

2. The competent authority has decided that, in the meanwhile, the following check list will be applied for processing of MRC claims of employees of your respective department. The same may kindly be complied with while submitting such cases to Finance Department for approval / release of budget.

- I. OPD chit / Discharge slip from the concerned Medical Institute / Hospital.
- II. Verification / Authentication by D.G Health services, of the bills exceeding Rs. 15000/-
- III. Non-Availability Certificate.



- IV. Referral by concerned medical attendant as per Medical Attendance Rules.
  - V. In case of referral to a private hospital, a certificate from the Medical Superintendent of the concerned Health institution / Director General Health, that the treatment facilities required are not available in any Government Hospital.
3. The above instructions may please be circulated among all the subordinate entities.

(Letter. SOSR-III/FD/1-5/2004, Dated 30<sup>th</sup> January, 2015)

C.No. 3(10-8)

### **VERIFICATION OF MEDICAL CLAIMS**

I am directed to refer to the subject noted above, and to say that prior to referral of medical claim to this court it may be got verified from the Medical Superintendent of the concerned Hospital, to avoid unnecessary delay in the Health Directorate, please.

(PHC Letter No.7205-66/B&A Dated 19<sup>th</sup> November, 2015)

C.No. 4(10-8)

### **RE-IMBURSEMENT OF MEDICAL CLAIM**

I am directed to refer to the subject noted above and to say that under Khyber Pakhtunkhwa Delegation of Financial Powers Rules, 2018, District & Sessions Judges are category-I officers. According to Serial No.2(xi) of second schedule of the ibid Rule, they are empowered to grant sanction for the subject purpose. However, claims exceeding Rs.30,000/- are to be verified from Director General Health Services.

(PHC Letter No.1930-63 SDJ/PHC/REG Dated, 13<sup>th</sup> April, 2019)

C.No. 5(10-8)

### **RE-IMBURSEMENT OF MEDICAL CHARGES**

I am directed to refer to the subject noted above and to state that henceforth the medical claims for re-imburement shall be processed in the following manner

1. The District & Sessions Judge as Category-I Officers are empowered to sanction the medical claims of their establishments including the claims of Additional District & Sessions Judges;
2. The personal medical claims of District & Sessions Judges and their family members, shall be forwarded to the High Court for sanction;
3. The Senior Civil Judges being Category-II Officers can sanction the medical claims of their establishments up to Rs.10000/-. The claims exceeding Rs. 10000/- are to be sent to the High Court for approval/sanction as Administrative Department;
4. All the medical claims exceeding Rs.30000/- are to be first verified/authenticated from the Director General Health Services Peshawar and then to be sanctioned or submitted to the High Court, as the case may be.
5. For allocation of funds, claims duly authenticated by the DG Health, shall be sent to Peshawar High Court, for additional grant.  
The above procedure shall be followed by the District & Sessions Judges and Senior Civil Judges according to their sanctioning powers and all the medical claims may not be sent to this court unnecessarily except the procedure provided above.

(PHC Letter No.622-24/B&A dated Peshawar, 20<sup>th</sup> February 2021)

**SECTION-IX  
PROCUREMENT LAWS**

C.No. 1(10-9)

**THE KHYBER PAKHTUNKHWA PUBLIC PROCUREMENT  
REGULATORY AUTHORITY ACT, 2012.**

**(KHYBER PAKHTUNKHWA ACT  
NO. XI OF 2012)**

WHEREAS it is expedient to provide for the legal and regulatory framework for public procurement, and other matters connected therewith or incidental thereto, for the purposes hereinafter appearing;

**It is hereby enacted as follows:**

**1. Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012.

- (2) It extends to the whole of the Khyber Pakhtunkhwa.
- (3) It shall come into force at once.

**2. Definitions.**---(1) In this Act, unless there is anything repugnant in the subject or context,-

- (a) "Authority" means the Khyber Pakhtunkhwa Public Procurement Regulatory Authority established under section 4;
- (b) "bidder" means a contractor, supplier, vendor or consultant who offers his services for procurement of goods works, or services in response to bid solicitation by a procuring entity;
- (c) "best evaluated bid" means,-
  - (i) in case for procurement of goods and services, the highest ranking fair bid in accordance with the evaluation criteria set forth in the bid solicitation documents;
  - (ii) in case of procurement of works, the lowest responsive evaluated bid will be the „best evaluated bid“;
- (d) "bidding" means the formal procurement procedure under which sealed bids are invited,

- received, examined and evaluated for the purpose of awarding a contract;
- (e) “bidding documents” means the data, information and representations submitted by the bidder on the bid solicitation documents advertised and made available by the procuring entity;
  - (f) “bid solicitation documents” means the documents prepared by the procuring entity on the format of standard bidding documents for solicitation of bids;
  - (g) “Board” means the Board of Directors of the Authority;
  - (h) “Chairperson” means the Chairperson of the Board;
  - (i) “consultant” means a person, a firm, a company or an organization undertaking supply of services;
  - (j) “contract” means a contract as defined in the Contract Act, 1872;
  - (k) “goods” means articles and objects of every kind and description including raw materials, intermediate inputs, finished goods, products, equipment, computers, machinery, spare-parts and commodities in solid, liquid or gaseous form, electrical, mechanical as well as incidental services such as installation, transport or vehicles, maintenance and similar obligations related to the supply of goods, if the value of these services does not exceed the value of such goods;
  - (l) “Government” means the Government of the Khyber Pakhtunkhwa;
  - (m) “Managing Director” means the Managing Director of the Authority;
  - (n) “mis-procurement” means public procurement in contravention of any of the provision of this Act or any other law in respect of or relating to public procurement, including any rules, regulations, orders or instructions made in this behalf and for the time being in force;
  - (o) “prescribed” means prescribed by rules made

- under this Act;
- (p) “procurement object” means goods, works or services to be procured by a procuring entity through public procurement process;
- (q) “procuring entity” means-
- (i) a Department or any Office of Government including a project unit; or
  - (ii) any Board, Commission, Council or other bodies established by or under a provincial law; or
  - (iii) semi-autonomous or autonomous bodies which are owned or controlled by Government;
- (r) “province” means the Khyber Pakhtunkhwa;
- (s) “public procurement” means acquisition, temporary or permanent or on lease, of goods or services, or undertaking of works by contractual means, financed wholly or partly out of Fund by any procuring entity;
- <sup>1</sup>[(S-i) “regulations” means regulations made under this Act;]
- (t) “responsive” means conformity of a bid/technical proposal submitted by the prospective bidders to the statement of requirements in terms of section 24 of this Act;
- (u) “rules” means the rules made under this Act;
- (v) “services” means any object of procurement which does not constitute procurement of works or goods and includes consulting services;
- (w) “standard bidding documents” means the format/forms approved and notified by the Authority for submission of proposals and bids by the bidders in a public procurement process; and
- (x) “works” means any constructional work consisting of erection, assembly, repair, renovation or demolition of a building or

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<sup>1</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2016

structure or part thereof, such as site preparation, excavation, installation of equipment or materials and decoration, finishing and includes allied services such as mapping, satellite photography, seismic investigations and similar activities, if the value of the services does not exceed that of the works themselves.

(2) Words, expressions and terms not specifically defined in this Act and the rules shall have the same meanings as attributed to them in the relevant trade and industry practices.

**3. General principles of public procurement.** ---All public procurement shall be conducted in such a manner as provided in this Act, rules and regulations made under this Act and shall promote the principles of transparency, economy, value for money, accountability and swift grievance handling.

**4. Establishment of the Authority.** ---(1) Soon after the commencement of this Act, Government shall by notification in the official Gazette establish an Authority to be known as Khyber Pakhtunkhwa Public Procurement Regulatory Authority with its headquarters at Peshawar.

(2) The Authority shall as soon as possible establish its own secretariat and may set up its regional offices in such place or places in the Khyber Pakhtunkhwa, as it may deem appropriate.

(3) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to acquire and hold property and to enter into contracts, and may by the said name sue and be sued, and shall exercise all powers necessary for the purposes under this Act.

**5. Powers and Functions of the Authority.** ---The Authority shall perform functions and exercise powers as follows:

- (a) hear and dispose of appeals against the orders of procuring entity;
- (b) formulate standard bidding documents, separately for procurement of Goods, Works

- and services, for all procuring entities to emulate as the format for bid solicitation documents for submission of proposals and bids by the bidders in a public procurement process;
- (c) shall assist the major procuring entities to engineer/re-engineer their business procedures and design their Procurement Manuals in compliance with this Act;
  - (d) ensure that all the procuring entities organize and maintain a system for the publication of or posting on departmental official website of data on Public Procurement opportunities, awards and any other relevant information;
  - (e) ensure that all procuring entities organize and manage database and web site which shall warehouse information and publications on public procurement;
  - (f) conduct performance review based on pre-determined indicators and benchmarks through third party validation by State Bank of Pakistan certified category-A chartered accountant firm;
  - (g) organize and manage capacity-building of procurement personnel in all the procuring entities in the Province;
  - (h) conduct research and take measures to further principles of public procurement enunciated in this Act;
  - (i) recommend to the Government, measures necessary to improve the quality of public procurement in the Province;
  - (j) recommend to the Government, measures necessary to enhance transparency and ensure accountability in the public procurement process in the Province;
  - (k) advise Government on all matters pertaining to public procurement; <sup>1</sup>[Deleted]

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<sup>1</sup> Deleted vide Khyber Pakhtunkhwa Act No. XXX of 2016

<sup>1</sup>[(1) lay down codes of ethics and procedures for procurement, inspection and quality of goods, services and works; and]

<sup>2</sup>[(m)] perform such other functions and exercise such powers as may be necessary to further objectives of this Act and perform such other functions as assigned by the Government from time to time.

**6. Management.** ---The general directions and administration of the Authority and its affairs shall vest in the Board, which shall exercise all powers and do all acts, which may be exercised or done by the Authority, in accordance with the provisions of this Act.

**7. Board of Directors.** ---**(1)** Government shall constitute a Board of Directors for the management and administration of the Authority consisting of,-

- |     |   |             |
|-----|---|-------------|
| (a) | Secretary to the Government, Finance Department;  | Chairperson |
| (b) | Secretary to the Government, Planning & Development Department or his nominee not below the rank of an Additional Secretary;  | Member      |
| (c) | Secretary to the Government, Works and Services Department or his nominee not below the rank of an Additional Secretary;      | Member      |
| (d) | Secretary to the Government, Irrigation Department or his nominee not below the rank of an Additional Secretary;              | Member      |
| (e) | Secretary to Government of Public Health Engineering Department or his nominee not below the rank of an Additional Secretary; | Member      |

<sup>1</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2016

<sup>2</sup> Re-numbered vide Khyber Pakhtunkhwa Act No. XXX of 2016



- |     |   |               |
|-----|---|---------------|
| (f) | Secretary to the Government, Health Department or his nominee not below the rank of an Additional Secretary;                      | Member        |
| (g) | three persons from the private sector<br>i.e. from trade and industry,<br>academia, civil society and<br>professional associates; | Members       |
| (h) | Managing Director of the Authority;   | Member/Secret |
- (2) Government shall notify the terms and conditions for appointment of non-official members of the Board.
  - (3) The non-official members shall be appointed by Government for a period of three years.
  - (4) Six members shall constitute the quorum for convening meeting of the Board.
  - (5) The meeting of the Board shall be presided over by the Chairperson and in his absence by one of the ex-officio Members to be nominated by the Chairperson in this behalf.
  - (6) All decisions in the meeting shall be taken by majority of votes. Each member, including the Chairman, shall have one vote, but in the event of tie of votes, the Chairman shall have a second or casting vote.

**8. Managing Director.** ---(1) Government shall appoint the Managing Director of the Authority for a period of three years on such terms and conditions as it may determine and may extend his appointment for a second term:

Provided that the entire period of appointment shall not exceed six years.

(2) The Managing Director shall be a senior civil servant of BS-20 or a reputed professional with fifteen years post-qualification experience, preferably in public procurement. However, no such person shall be appointed as Managing Director who has been:

- a) convicted by a court of law;
- b) removed from any service on a charge of misconduct.

(3) The Managing Director shall be the Chief Executive and the Principal Accounting Officer of the Authority.

(4) In the performance of his functions, the Managing Director shall work within the framework of the general policy and guidelines laid down by the Board.

<sup>1</sup>[**8-A. Delegation of powers.** --- The Authority may, subject to such conditions and limitations as it may deem appropriate, delegate any of its functions or powers, as the case may be, to the Managing Director.]

**9. Establishment of the Authority Fund.** ---(1) There shall be a Fund to be known as Khyber Pakhtunkhwa Public Procurement Regulatory Authority Fund, hereinafter referred to as Authority Fund, which shall vest in the Authority and shall be utilized by the Authority to meet charges and expenses in connection with the affairs of the Authority under this Act including salaries and other remunerations of the non-official members and employees of the Board.

(2) The Authority Fund shall consist of all the money received by the Authority.

**10. Custody and investment of the Authority Fund.** ---(1) The Board may keep the Authority Fund in any Scheduled Bank, as may be approved by it.

(2) Nothing in sub-section (1) shall be deemed to preclude the Board from investing any such moneys which are not required for immediate expenditure in any of the securities described in section 20 of the Trust Act, 1882 (Act No. II of 1882), or placing them in fixed deposit with a Bank approved by the Board or in such other manner as may be approved by it.

**11. Maintenance of accounts.** ---The Board shall maintain complete and accurate books of accounts of its actual expenses and receipts in such form as the Government, in consultation with the Local Audit Department determined.

**12. Audit.** ---The Authority shall cause to carry out the audit of its accounts by Auditor General of Pakistan provided that provision shall be made for an internal audit of the finances of the Authority.

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<sup>1</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2016

**13. Appointment of officers, advisors etc.**---The Authority may, from time to time and subject to resources, appoint such officers, servants, advisers, consultants, referees and experts as it may consider necessary for performance of its functions. The Authority shall notify the procedure for appointments and fixation of terms and conditions after approval of the Board of Directors.

**14. Responsibility of procuring entity.** ---**(1)** Each Procuring Entity shall be responsible for carrying out public procurement subject to the provisions of this Act, and the rules, the administrative instructions and the standard bidding documents made there-under:

Provided that-

- (i) Government on a specific request of the procuring entity or in public interest may exempt a procuring entity from some or all of the provisions of this Act for which reasons shall be recorded in writing. Government may seek comments of the Authority, if so required;
- (ii) for District Governments, the procuring entity may route a justifiable case for exemption to the Government by the District Coordination Officer, through Secretary Local Government Department;
- (iii) Government may exempt the procurement of an object or a class of objects, in national/public interest, from some or all provisions of this Act, for which reasons shall be recorded in writing; and

(2) Government shall notify the exemption and publish the same for public consumption in the <sup>1</sup>[print] media.

**14A. Transparency, accountability and fairness.** ---All procurement shall be conducted in a manner which promotes transparency, accountability and fairness.

**14B. Competition.** ---Except as otherwise provided for in this Act and the rules, all procurement shall be conducted so as to maximize competition and to achieve value for money:

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<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2016

Provided that the exception shall be made only for acquisition of services for reasons to be recorded in writing by the procuring entity.

**15. Confidentiality.** ---(1) A procuring entity shall not, except when required to do so by an order of a Court, disclose any information if the disclosure would:

- (a) cause a breach of this law or any other law; or
- (b) impede law enforcement; or
- (c) prejudice legitimate commercial interests of the parties; or
- (d) inhibit fair competition; or
- (e) not be in public interest.

(2) A procuring entity shall not disclose any information relating to the contents of offers, pre-qualification submissions and actual content of bids, proposals or quotations other than in a summary form setting out the evaluation and comparison of tenders, proposals or quotations received before award of the contract. The format/forms for announcement of bids evaluation and determination of the best evaluated bid shall be prescribed.

**16. Ethics.** ---(1) All procurements shall be carried out in accordance with such Code of Ethics as may be prescribed.

(2) Public officials as well as experts, engaged to deliver specific services in public procurement proceedings including evaluation of bids, shall be required to sign a Code of Ethical Conduct as may be prescribed.

(3) All vendor of goods, works or services shall be required to sign a declaration of compliance with such Code of Conduct as may be prescribed.

**17. International Obligations.** ---Notwithstanding anything contained in this Act, the international obligations of Government arising out of bilateral or multilateral Agreements including Treaties, financing agreements, or agreements by Government shall continue to remain and be valid, binding and operative.

**18. Preference and reservation.** ---(1) If an agreement in terms

of section 17 provides for preference to national vendors, the procuring entity shall ensure that such preference is unambiguously stated in the standard bidding documents and announcements for the procurement including advertisement and terms of reference and tender documents.

(2) Each procuring entity shall permit prospective bidders to participate in procurement proceedings without regard to nationality, except where a procuring entity decides to limit such participation to national providers or participation of any nationality is forbidden by any law or by any instruction/policy of the Federal Government or other Provincial Government.

(3) If participation is restricted on the basis of nationality, the procuring entity shall record in the procurement proceedings a statement of grounds and circumstances relied upon.

**19. Public Accessibility.**---This Act, the rules made thereunder, guidelines, forms, bidding documents and/or decisions of Government or procuring entity relating to procurement shall be placed on a web-site of the Authority in addition to the website of the procuring entity or the Government, as the case may be, and which will also provide copies of these documents to the public at a fee not exceeding the cost of printing/reproduction of the documents.

**20. Records.**---(1) The procuring entity shall:

- (a) maintain detailed records of all procurement proceedings in the manner as prescribed; and
- (b) Preserve, maintain and safeguard all relevant documents issued and received as shall be set out in the rules.

(2) The records of the procurement process of the procuring entity shall be open to internal and external audit or to procurement post-review in the prescribed manner or for scrutiny or inspection by Government or in accordance with any law.

**21. Communication.** ---(1) All communications between a procuring entity and the bidder or vendor of procurement object shall be in writing.

(2) Forms of communication as well as the name of the focal person shall be specified in solicitation documents.

**22. Procurement planning.** ---(1) Each procuring entity shall plan its procurements with due consideration to transparency,

economy, efficiency and timelines, and shall ensure equal opportunities to all prospective bidders.

(2) All procurement requirements must be documented and approved by the procuring entity prior to commencement of procurement proceedings.

(3) In specified circumstances, a procuring entity may proceed with the procurement proceedings except for award of contract when the availability of funding in the full amount over the required period remains to be confirmed/approved by the competent authority:

Provided that the project has been approved or has received anticipatory approval from the competent authority/forum or is otherwise within the competence of the procuring entity and budget provision exists.

**23. Bid Solicitation documents.**---(1) A procuring entity shall adopt standard bidding documents designed under this Act and insert/add specifications into the standard bidding documents for each procurement.

(2) Bid solicitation documents shall specify in detail the terms and conditions, including a statement of general conditions of contract, which shall apply to the resultant contract.

(3) The general conditions of contract shall not be modified.

(4) Each procuring entity shall solicit bids based on performance or functional specifications and not on restrictive or proprietary specifications of a particular brand.

(5) A procuring entity may introduce special conditions of contract to elaborate and qualify the general conditions of contract, where applicable, furnishing detailed justification and reasons thereof, in the bid solicitation documents.

(6) Bid solicitation documents shall invariably include an unambiguous statement giving an accurate and complete description of the procurement objects to pursue the principles of public procurement enunciated in section 3 of this Act.

(7) Statement of requirements shall be in the form of technical specifications, terms of reference, scope of work, briefs or its equivalent as appropriate.

(8) Bid solicitation documents shall be made available to the bidders from the date of their issuance to the closing date on submission of required fee by the prospective bidder whether in person or, if so requested, through mail.

(9) At any time prior to the deadline for submission of bids, the procuring entity may, on its own initiative or in response to a request for clarification by a bidder, modify the bid solicitation documents by issuing an addendum or corrigendum.

(10) If the procuring entity considers necessary, it may extend the closing date, after recording reasons in writing, to enable bidders to take the addendum or corrigendum, as the case may be, fully into account in preparing their bids.

(11) No change in the substance of bids, including changes in price, shall be sought, offered or permitted after the date and time of bid closing, except as otherwise provided for in the rules.

**24. Submission of bids.** ---(1) A procuring entity shall require the bidders to submit sealed written bids or in such other manner, as may be prescribed.

(2) The method for submission of bids shall be determined by the type, complexity and evaluation method of the procurement in accordance with the rules.

(3) All announcements pertaining to public procurement shall specify the last date for submission of bids as well as the public bid opening which shall be the same.

(4) The bidding period shall be reasonable to allow bidders to prepare and submit their bids and shall not be reduced.

(5) A bidder may withdraw his bid at any time before the deadline for submission of bids, unless otherwise specified.

(6) To avoid delays, the procuring entity may hold a pre-bid conference with the prospective bidders if the procurement is of complex nature and high value.

**25. Minimum qualification of bidders.** ---A procuring entity shall require all bidders to meet minimum qualification criteria to participate in public procurement to affirm/ensure that the bidder,-

- (a) has the legal capacity to enter into the contract;
- (b) has the prescribed technical proficiency, equipments/plant and/ or relevant certified experience;
- (c) is neither insolvent nor bankrupt;
- (d) is not in the process of winding up nor his/her properties are under the control of receiver nor his/her business activities have been suspended nor legal proceedings for any of the foregoing are imminent or have been initiated against him/her; and
- (e) has fulfilled all obligations under law for the time being in force.

**26. Enlistment and Pre-Registration.** ---For the enlistment and pre-registration, the following conditions should be adopted, namely:

- (a) enlistment and pre-registration shall be carried in a manner as may be prescribed;
- (b) provincial enlistment and pre-registration shall be undertaken by a committee which shall be chaired, steered, represented and coordinated by Works and Services Department, with representation from Irrigation Department and Local Government, Elections and Rural Development Department.

**27. Best practices and industry standards.** ---Procuring entities shall at all times use industry standards defined and codified by internationally recognized trade 10 associations and professional bodies in the appropriate fields in international bidding where available and local bidding where laid down.

**28. Procurement process and evaluation.**---For the procurement process and evaluation,-

- (a) the procurement system would allow a single stage single envelope, a single stage, two envelopes, a two stage single envelope and two stage two envelopes procedures depending on the nature of the procurement or as laid



- down in procurement rules made under this Act;
- (b) the rules shall prescribe the threshold and method for single source single quotation, request for quotations and open competitive procurement;
  - (c) the methodology of evaluation shall be determined by the type, value and complexity of the procurement as may be prescribed by the Authority;
  - (d) all bid solicitation documents shall fully and comprehensively detail the evaluation methodology and criteria relevant to the particular procurement;
  - (e) contract shall be awarded to the bidder whose bid is responsive and is determined as the best evaluated bid ascertained on the basis of methodology and criteria mentioned in clause (d) above and in the definition; and
  - (f) no evaluation criteria other than those stipulated in the solicitation documents shall be taken into account.

**29. Disqualification and debarment of bidders.** ---(1) The procuring entity shall disqualify a bidder if it finds at any time that the information submitted concerning qualifications of the bidder was false, or materially inaccurate or incomplete.

(2) A procuring entity may debar a bidder from taking any further part in a procurement proceeding or in future procurement proceedings if the bidder-

- (a) forms part of a cartel/ring with a view to discourage fair competition in the bidding process; or
- (b) has failed to complete his earlier contract, within a period of three years of the initiation of procurement proceeding, on ground that his approved bid was or has become unprofitable or would result in his suffering of loss; or
- (c) offers or attempts to offer inducement of any sort; such barring actions will be duly publicized and communicated to the Authority.

**30. Rejection of bids.** ---A Procuring Entity may reject any or all bids communicating the reasons for rejection in writing to the Authority at any time prior to the award of a contract.

**31. Award of Contract.** ---The procuring entity shall award contract on the following conditions, namely:

- (a) the contract shall be awarded on the basis of the best evaluated bid;
- (b) the best evaluated bid shall be determined on the basis of total conformity to the evaluation criteria which may include quality or cost or both;
- (c) the procedure to determine the best evaluated bid under different methods of procurement and consequent award of contract shall be prescribed by the rules made under this Act;
- (d) the award of contract shall be made as per timeframe prescribed in the rules made under this Act;
- (e) a procuring entity shall complete evaluation of bids and award of contract within the initial period of bid validity to avoid the necessity of extensions;
- (f) an extension of bid validity, where inevitable, shall be requested only in exceptional circumstances as may be prescribed and shall always be sought in writing from all bidders before the expiration date; and
- (g) all contracts shall be confirmed through a written agreement signed by the successful bidder and the procuring entity, except as otherwise provided for in the rules.

**32 Changes in bidders circumstances.** ---Any changes in the circumstances of the bidder during the procurement proceedings that could materially affect the capacity to execute the contract shall be immediately brought to the attention of the procuring entity by the bidder, other bidders or any other stakeholder.

**33. Methods of procurement.** ---(1) The procuring entities shall resort to open competitive bidding as the preferred method of procurement.

(2) The selection of the procurement procedure shall be made in accordance with the rules, and shall be approved by the concerned procuring entity prior to commencement of any procurement proceedings:

Provided that the procuring entities may exceptionally use other methods, including negotiations, in the following eventualities in accordance with the rules to cater for:

- (a) procurements of small value through petty purchase or through request for quotations; and
- (b) procurements through direct contracting in an emergency caused by nature or governments, for urgent requirements caused by unforeseeable events, single repeat order not exceeding fifteen percent of the original procurement, for considerations of intellectual property, if price is fixed by a Government in the country or procurement from another procuring entity/public sector organization within Pakistan.

**34. Procurement Committees.** ---Procuring entities may constitute procuring Committees for procurement of goods, works and services.

**35. Grievance Redressal Mechanism.** ---(1) Any bidder aggrieved by any act of the procuring entity may follow the two tier grievance redressal mechanism in the following manner:

- (a) file a complaint in writing to the head of procuring entity in accordance with prescribed procedure; and
- (b) file an appeal to the Authority against the decision of the procuring entity within fifteen days in accordance with the prescribed procedure.

(2) The decision of the Authority on appeal shall be final.

<sup>1</sup>[**35-A. Power to make regulations.**--- The Authority may make regulations, not inconsistent to this Act or rules, for carrying out the purposes of this Act.

**35-B. Indemnity.** ---No suit, prosecution, or other legal proceedings shall lie against the Authority, the Board, the Chairperson Managing Director, officer, servants, advisers or consultants of the Authority in respect of anything done or intended to be done in good faith under this Act or rules and regulations.]

**36. Power to make rules.** ---Government may make rules for carrying out the purposes of this Act.

**37. Repeal.** ---(1) The Khyber Pakhtunkhwa Public Procurement of Goods, Works, Services and Consulting Services Ordinance, 2002 (Khyber Pakhtunkhwa Ord. No. XVIII of 2002) is hereby repealed.

(2) Notwithstanding the repeal of Khyber Pakhtunkhwa Procurement of Goods, Works, Services and Consulting services Ordinance, 2002 (Ord. No. XVIII of 2002), any public procurement initiated under the repealed law, shall, if not inconsistent with the provisions of this Act shall be executed and dealt with in accordance with the provisions of repealed law.

**38. Removal of Difficulties.** ---If any difficulty arises in giving effect to any of the provisions of this Act, Government may, by notification in the official Gazette, make such provision as may appear to it necessary for the purpose of removing the difficulty.

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<sup>1</sup> Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2016

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

**NOTIFICATION**

Peshawar, Dated the 3<sup>rd</sup> February 2014

C.No. 2(10-9)

**KHYBER PAKHTUNKHWA PUBLIC PROCUREMENT  
REGULATORY AUTHORITY RULES, 2014**

**No. SO (FR)/FD/9-7/2010/Vol-II.**--In exercise of the powers conferred by section 36 of the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012 (Khyber Pakhtunkhwa Act No.XI of 2012), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

The Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014.

**CHAPTER 1**

**GENERAL PROVISIONS**

1. **Short title and commencement.** -- (1) These rules may be called the Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014.
  - (2) These shall come into force at once.
  
2. **Definitions.** -- (1) In these rules, unless there is anything repugnant in the subject or context,-
  - (a) “Act” means the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012;
  - (b) “bid” means a technical proposal or a financial proposal or a technical and financial proposal submitted as a result of request for quotations, tender notice, request for proposal as the case may be;
  - (c) “bid security/ [deleted]<sup>1</sup> guarantee” means a written guarantee from a third party guarantor usually a bank [deleted]<sup>2</sup> submitted to a client by a contractor or bidder with a bid;

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<sup>1</sup> The word and slash “surety/” deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/ 17449-Vol-I dated 08.02.2018.

<sup>2</sup> Words “or an insurance company” deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2011/ Vol-II dated 11.08.2016.

- (d) [Deleted]<sup>1</sup>
- (e) “contractor” means a person, a firm, a company or an organization undertaking supply of goods, works or non-consulting services;
- (f) “emergency” shall refer to situation that poses an immediate risk of loss, or has caused loss, or has high probability of escalating to cause immediate danger to health, life, property or environment as covered under the National Disaster Management Act, 2010 (Act No. XXIV of 2010) and shall include natural calamities, disasters, accidents, war and breakdown of operational equipment, plant, machinery or engineering infrastructures, which may give rise to abnormal situation requiring prompt and immediate action to limit or avoid damage to health, life, property or the environment;
- (g) “grievance redressal mechanism” means the regulations/guidelines providing for grievance redressal process;
- (h) “non -consulting services” means the provision of independent expert advice of a quality at least equal to the applicable professional standards in relation to acquisition of goods, services other than consulting services and works;
- (i) “PEC” means Pakistan Engineering Council;
- (j) “professional engineering work” means providing professional advice and opinions, the making of measurements and layouts, the preparation of reports, computations, designs, drawings, plans, specifications and construction, inspection, and supervision of engineering works, in respect of:
  - (i) railways, aerodromes, bridges, tunnels and roads;
  - (ii) dams, canals, rivers, drains, harbors, lighthouses;
  - (iii) works of an electrical, mechanical, hydraulic, communication, aeronautical, power engineering, geological or mining character;
  - (iv) water works, sewers, filtration, purification and incinerator works;

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<sup>1</sup> Clause (d) “borrower” means procuring entity;” deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- (v) residential and non-residential buildings including foundations framework and electrical and mechanical systems thereof; and
- (vi) structures accessory to engineering works and intended to house them;
- (k) “Province” means the Province of the Khyber Pakhtunkhwa;
- (l) “Public Fund” means--
  - (i) Provincial Consolidated Fund;
  - (ii) foreign assistance;
  - (iii) all moneys standing in the Public Account; and
  - (iv) funds of enterprises wholly or partly owned or managed or controlled by Government;
- (m) “repeat order” means a fresh contract or order given directly to the same contractor or consultant without going into the normal procurement process, in accordance with the specified conditions and limits contained in these rules;
- (n) “request for proposal” means bidding document for soliciting technical and financial proposals for procurement of services;
- (o) “supplier” means a person, a firm, a company or an organization undertaking supply of goods, services or works;
- (p) “terms of reference” means defining and elaborating on the objectives and intended scope of services; [deleted]<sup>1</sup>

[“(p-i) “unsolicited proposal” means an unsolicited proposal as defined in the Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014); and”.]<sup>2</sup>
- (q) “value for money” means best returns for each rupee spent in terms of quality, timeliness, reliability, after sales service, up-grade ability, price, source, and the

<sup>1</sup> After semi-colon, the word “and” deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/ 2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> New clause “(p-i)” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/ 2017/17449-Vol-I dated 08.02.2018.

combination of whole-life cost and quality to meet the procuring entity's requirements.

(2) Words, expressions and terms not specifically defined in these rules shall have the same meanings as attributed to them in relevant trade and industry practices.

3. **Applicability of these rules.** — (1) these rules shall be applicable to all public procurements.

(2) Under following circumstances deviation from the requirements of advertisement and response time under these rules is permissible:

(a) in cases of emergency as provided in the National Disaster Management Act, 2010 (Act No. XXIV of 2010), subject to the condition, --

(i) that all such procurements along with its emergent nature has to be recorded by the Procuring Officer and approved by the technical head of the procuring entity under intimation to the Principal Accounting Officer, Secretary at Provincial or Deputy Commissioner at District level;

(ii) that these have to be immediately intimated to the Accountant General Office or District Accounts Office, as the case may be;

(iii) that quantities in all such procurements shall be limited to the assessed requirement of emergency only; and

(iv) that these shall be used only for procurements up to maximum for three months, which may be extended for such a period that Government may deem fit, depending on the nature of emergency;

(b) the procurement of sensitive nature and related to National Security:

Provided that the direct sourcing of all such procurements shall be duly recorded; and

(c) the direct sourcing to a government organization for provision of works, goods or services under a cost plus



or fixed contract provided that the Public Sector Organization shall not involve a private sector enterprise as a partner or in the form of a joint venture or a sub-contractor. The government organizations shall be totally government owned and controlled or semi-autonomous and autonomous agencies under the administrative control of Federal Government or Provincial Government.

4. **Language.** —All documentation related to public procurements of entities shall be in English or Urdu.
5. **Code of ethics and integrity pact.** --- Procurement exceeding the prescribed limit shall be subject to an integrity pact, as specified by regulations/guidelines determined by Authority in consultation with procuring entities, between the procuring entity and the suppliers or contractors.

## CHAPTER II METHODS OF PROCUREMENT OF GOODS

6. [**“Open competitive bidding as principal method of procurement”**];<sup>1</sup> -- (1) Save as otherwise provided hereinafter and subject to the provisions of rule 10, the procuring entity shall use open competitive bidding as the principal method of procurement for the procurement of goods over the value of Rs. 100,000 (rupees one hundred thousand).

(2) The following procedures shall be permissible for open [competitive bidding]<sup>2</sup>, namely:

- a) *single stage, one envelope procedure.* -- this method should be used where cost is the only determining factor. Each bid shall comprise one single envelope containing financial proposal or offer and required information in accordance with the bid solicitation documents. This shall be the standard method of procurement of goods for simple and routine nature and where no technical innovation is involved;

<sup>1</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

b) *single stage, two envelopes procedure.* -- this method shall be used where bids are to be evaluated on technical and financial grounds and price is taken into account after technical evaluation. Bid shall comprise a single package containing separate envelopes. Each envelope shall contain separately the financial proposal and technical proposal; [and]<sup>1</sup>

[“(c) two stage two envelope bidding procedure.-The method shall be used for procurement where alternative technical proposals are possible, such as certain type of machinery or equipment or manufacturing plant.”.]<sup>2</sup>

(3) In case of procurement of complex or specialized goods either of the two methods may be adopted, --

(a) pre-qualification of prospective bidders and invitation of bids from the pre-qualified bidders; and

(b) through single envelope two stage method post-qualification-

(i) in the first stage, each bid shall comprise of a single package containing envelope marked as technical proposal;

(ii) the technical proposals will be evaluated in accordance with the evaluation criteria set forth in the bid solicitation document. A list of qualified and unqualified bidders will be formulated at the end of first stage;

(iii) following approval of the results of first stage, financial proposals will be solicited from qualified bidders in the second stage. The bidders will be required to submit financial proposal in

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<sup>1</sup> Added, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> New clause “(c)” added, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

a single envelope or package clearly marked as financial proposal in bold and legible letters to avoid confusion; and

- (iv) the lowest offer from the qualified bidder shall be accepted for award of the contract and will be the best evaluated bid.

**[“6A. Single bid in goods. ---** The single bid in goods may be considered if it meets the evaluation criteria expressed in advertisement or bid solicitation documents and is not in conflict with the Act, these rules, regulations or policy of Government, for the time being in force. The single bid shall be in conformity with best evaluated bid. The procuring entity shall make a decision with due diligence and in light of section 3 of the Act.”.]<sup>1</sup>

**7. [Deleted]<sup>2</sup>**

**8. Pre-qualification of suppliers. --(1)** A procuring entity, in the first stage may pre-qualify bidders only in the following cases:

- (a) where total worth of contract exceeds Rs. 10 million; and
- (b) in cases of contracts for large and complex goods and related services, in which there are high costs of preparing detailed bids.

(2) The procuring entity may pre-qualify bidders by soliciting various details in accordance with sub-rule (1) of rule 8, and rule 36 of these rules.

(3) Pre-qualification of bidders shall be based entirely upon the capability, competence and resources of the bidders relevant to performance in the particular assignment, taking into account the following--

- (a) legal status along with proof of registration with one of the Federal or Provincial Registration Acts;
- (b) proof of being a taxpayer;

<sup>1</sup> New Rule “6A” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Rule 7 deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- (c) organizational profile, relevant experience, past performance, list of clients and references;
  - (d) relevant experience and past performance;
  - (e) existing capabilities with respect to human resource, personnel, computing and engineering equipment, machinery and plant, as may be the case;
  - (f) financial position for the last three years including bank statements and audited reports by an external auditor;
  - (g) proof of possessing appropriate managerial capability; and
  - (h) any other factor that a procuring entity may deem relevant, depending on the nature and complexity of the contract but not inconsistent with these rules.
- (4) [“The bid solicitation documents shall be issued to the qualified bidders.”]<sup>1</sup>

(5) For further process sub-rule (2) of rule 6 shall be followed.

**9. Open [“competitive bidding”]2 post-qualification. --(1)** If bidding is not limited to pre-qualified firms, the procuring entity shall engage itself in post qualifying the bidders , in case of contracts of complex nature and valuing Rs. 15 million or above.

(2) Procuring entity shall specify the requirement of post-qualification in the solicitation documents. Post-qualification may be undertaken in accordance with the provision of these rules, regardless of the bidders being pre-qualified.

(3) This shall be done prior to recommending contract award; the procurement committee shall determine whether the bidder whose bid has been determined to offer the best evaluated bid has the capability and resources to effectively carry out the contract offered in the bid.

(4) In case the procurement committee is not satisfied with qualification based on the evaluation criteria resulting is not post-qualifying the best evaluated bid, it shall proceed to make a similar determination for the bidder offering the next best evaluated bid and shall go on with all the qualified and responsive bidders in accordance

<sup>1</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

with their ranking in being best evaluated, till the criteria is satisfied or till all such bids are rejected.

**10. Alternate methods for procurement of goods. --- A**

procurement entity may use the following alternative methods for procurement of goods, namely:

- (a) procurement of goods up to Rs. 50,000/- may be undertaken by obtaining a single quotation through direct sourcing.
- (b) petty purchases between Rs. 50,000/- up to Rs. 100,000/- shall be procured through alternate method only if the following conditions are met, namely:
  - (i) minimum of three quotations have been obtained:  
Provided that if despite soliciting, less than three quotations are received it would be acceptable;
  - (ii) request for quotation is sent to prospective bidders, simultaneously, with full contents and same information, which is duly acknowledged to be received;
  - (iii) the closing time, date and address for submitting quotations has been clearly defined and adhered to;
  - (iv) the object of the procurement has standard specifications;
  - (v) in case, amount pertaining to applicable tax is not added in the quotation, comparison of price is made after adding amount of applicable tax; and
  - (vi) during comparison, each item should be compared to the corresponding respective specification and bid evaluated to the corresponding total cost of the bid;
- (c) a procurement entity shall only engage in alternate method if the following conditions exist, namely:
  - (i) repeat orders within a period of six months:  
Provided that it does not exceed fifteen percent of the original contract value;
  - (ii) in case of procurement through government organizations, in accordance with provisions of rule-3(2)(c) of these rules;

- (iii) where the procurement concerns the acquisition of spare parts or supplementary services from original manufacturer or supplier or sole distributor:  
Provided that the same are not available from alternative sources;
  - (iv) where the same goods are not available from alternative sources or only one contractor, manufacturer or supplier exists for the required procurement;
  - (v) where a change of contractor or supplier would ensue the procuring entity to acquire material having different technical specifications or characteristics and would result in incompatibility or disproportionate technical difficulties in operation and maintenance, this shall be done with proper justification and recording of such reasons, provided that the contract or contracts do not exceed three years in duration;
  - (vi) where the price of goods is fixed by Government;
  - (vii) where the motor vehicles or machinery is purchased from local original manufacturers or their authorized agents at manufacturer's price including transportation charges and other applicable taxes; and
  - (viii) in case of emergency as defined in these rules and procurement specified under sub-rule 3(2)(a) and 3(2)(b):  
Provided that the procurement entity shall specify appropriate forums vested with necessary authority to declare an emergency;
- (d) a procuring entity may engage in negotiated tendering with one or more suppliers or contractors without prior publication of a procurement advertisement. This procedure shall be followed when--
- (i) the supplies involved are manufactured purely for the purpose of supporting a specific piece of research or an experiment, a study or a particular development;

- (ii) for technical or artistic reasons, or for reasons connected with protection of exclusive rights or intellectual property, the supplies may be manufactured or delivered only by a particular supplier; and
- [“(iii)”]<sup>1</sup> for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the time limits laid down for open and limited bidding methods cannot be met. The circumstances invoked to justify extreme urgency must not be attributable to the procuring entity:

Provided that any procuring entity desirous of using negotiated tendering as a method of procurement shall record its reasons and justifications in writing for resorting to negotiated tendering and shall place the same on record.

11. **Method of advertisement.** ---[“(1) The procuring entity shall engage in open competitive bidding, if the cost of the object to be procured is more than the financial limit, which is applicable under rule 10. Purchases up to Rs. 2.5 million shall be posted on the procuring entity’s website and Authority’s website, respectively. These procurement opportunities may also be advertised in print media, if deemed necessary by the procuring entity.

(2) For all purchases, other than those being covered in rules 3, 10 and sub-rule (1) of rule 11 of these rules, shall be advertised in print media, appearing in at least one national English and one Urdu daily newspaper with nationwide circulation along with advertising the same on the procuring entity’s website and Authority’s website, respectively.”]<sup>2</sup>

(3) A procuring entity utilizing electronic media shall ensure that the information posted on the website is complete for the purposes for which it has been posted, and such information shall remain available on that website until the closing date for the submission of bids.

<sup>1</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

12. **Bid security.** ---(1) The procuring entity may require the bidders to furnish bid security of up to two per cent in case of procurement of goods, if required.

(2) In cases, where procurement is of complex nature, bid security up to 5 percent can be applied.

(3) Bid security shall be kept sealed in the financial proposal. In case of two stage two envelopes the bidder shall, in addition, keep an affidavit in the technical proposal stating that a bid security amounting to 2,3,4 or 5 percent, as may be the case without indicating the figure in the letter, has been placed in the financial proposal or bid. Otherwise the technical proposal will be considered non-responsive and will be returned to the bidder after being examined by the procurement committee.

13. [**Goods warranty.** --Where possible, the procuring entity shall ask for a warranty from the supplier or contractor, as the case may be, for replacement or repair of the goods procured falling in the warranty period and in line with independently verifiable industry practices for that particular object of procurement.”.]<sup>1</sup>

### CHAPTER III

#### PROCUREMENT OF WORKS AND NON-CONSULTING SERVICES.

14. [**Open competitive bidding as principal method of procurement.”;] 2**

(1) Save as otherwise provided hereinafter and subject to the provisions of rule [“18”]<sup>3</sup>, the procuring entity shall use open competitive bidding as the principal method of procurement for the procurement of [“works”]<sup>4</sup> over the value of Rs. 100,000/ rupees one hundred thousand.

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<sup>1</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>3</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>4</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.



- (2) the following procedures shall be adopted for open competitive bidding:
- (a) *single stage* – one envelope bidding,--the bid shall comprise of one envelope containing financial bid. All bids received shall be opened and evaluated in the manner prescribed in the bidding document. This shall be the default method of open competitive bidding;
  - (b) *single stage* – two envelope bidding,--
    - (i) this method shall apply to large and complex contracts;
    - (ii) bidders for this method shall be pre-qualified;
    - (iii) each bid shall comprise a single package containing two separate envelopes. Each envelope shall contain separately the technical proposal and the financial proposal;
    - (iv) the envelopes shall be marked as technical proposal and financial proposal in bold and legible letters to avoid confusion;
    - (v) the envelope marked as technical proposal shall contain:
      - (a) the experience and past performance in the execution of similar contracts;
      - (b) the capabilities with respect to personnel and construction equipments;
      - (c) the financial status and capacity; and
      - (d) any other information asked for by the procuring entity in the notice inviting tenders;
    - (vi) the second envelope marked as financial proposal shall contain the price quoted by the bidders and be

- retained in the custody of the procuring entity without being opened;
- (vii) the procuring entity shall evaluate the technical proposal on the basis of criteria specified in the [“bid solicitation”]<sup>1</sup> documents without reference to the price and reject any proposal which does not conform to the specified requirements. During the technical evaluation, no amendment in the technical proposal shall be permitted. A list of technically qualified bidders shall be finalized in this manner;
  - (viii) after the evaluation and approval of the technical proposals the procuring entity, shall at a time within the bid validity period, publicly open the financial proposals of the technically accepted bids only. The financial proposals found technically non-responsive shall be returned un-opened to the respective bidders; and
  - (ix) the bid found to be the lowest evaluated bid shall be accepted;
- (c) *two stage - two envelope bidding*,---this method shall be used for turnkey or large or complex contracts and ensures that all technical proposals conform to the same acceptable technical standards required by the procuring entity.

*First stage:*

- (i) the bid shall comprise a single package containing two separate envelopes. Each envelope shall contain separately the financial proposal and the technical proposal;

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<sup>1</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- (ii) the envelopes shall be marked as financial proposal and technical proposal in bold and legible letters to avoid confusion;
- (iii) initially, only the envelope marked technical proposal shall be opened;
- (iv) the envelope marked as financial proposal shall be retained in the custody of the procuring entity without being opened;
- (v) the technical proposal shall be discussed with the bidders with reference to the procuring entity's technical requirements;
- (vi) those bidders willing to meet the requirements of the procuring entity shall be allowed to revise their technical proposals following these discussions; and
- (vii) bidders not willing to conform their technical proposals to the revised requirements of the procuring entity shall be allowed to withdraw their respective bids without forfeiture of their bid security.

*second stage:*

- (i) after agreement between the procuring entity and the bidders on the technical requirements, bidders who are willing to conform to the revised technical specifications and whose bids have not already been rejected shall submit a revised technical proposal and supplementary financial proposal, according to the technical requirement;
- (ii) the revised technical proposal along with the original financial proposal and supplementary financial proposal shall be opened at a date, time and venue announced in advance by the procuring entity:

Provided that in setting the date for the submission of the revised technical proposal and supplementary price proposal, a procuring entity shall allow sufficient time to the bidders to incorporate the agreed upon changes in the technical proposal and to prepare the required supplementary financial proposal; and

- (iii) the procuring entity shall evaluate the whole proposal in accordance with the evaluation criteria and the bid found to be the lowest evaluated bid shall be accepted.

[“**14A. Single bid in works and non-consulting services.** ---The single bid in works and non-consulting services may be considered if it meets the evaluation criteria expressed in advertisement or bid solicitation documents and is not in conflict with the Act, these rules, regulations or policy of Government, for the time being in force. The single bid shall be in conformity with best evaluated bid. The procuring entity shall make a decision with due diligence and in the light of section 3 of the Act.”.]<sup>1</sup>

**15. [Deleted]2**

- 16. Pre-qualification of contractors.** --(1) A procuring entity, in the first stage shall pre-qualify bidders for specific contracts in cases where [deleted]3 a work irrespective of its worth is considered as complex.

(2)The procuring entity shall pre-qualify bidders by soliciting various details including but not limited to the following providing pass/fail thresholds, in accordance with the provisions of the Act and rules 17(1) and 34 of these rules.

- iv. legal status along with proof of registration with PEC and enlistment with the concerned provincial Government PE;

<sup>1</sup> New Rule “14A” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>3</sup> Deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- v. proof of valid or renewed relevant registration;
- vi. proof of being a taxpayer;
- vii. organizational profile, relevant experience, past performance, list of clients and references;
- viii. existing capabilities with respect to technical personnel, computing and engineering equipment, machinery and plant as may be the case;
- ix. financial position for the last three years including bank statements and audited reports by an external auditor;
- x. proof of possessing appropriate managerial capability; and
- xi. any other factor that a procuring entity may deem relevant, and is duly included in the bid solicitation documents, depending on the nature and complexity of the contract but not inconsistent with the Act and these rules.

- (3) Bidding shall be limited to pre-qualified firms.
- (4) Qualified bidders shall be issued the ["bid solicitation documents"]<sup>1</sup>.
- (5) For further process sub-rule (2) of rule ["14"]<sup>2</sup> shall be followed.

**17. Open tendering post-qualification of contractors.** --- (1) [deleted]<sup>3</sup> the procuring entity may choose to call for bids with the condition of post-qualification provided in the bidding documents.

(2) The post-qualification criteria provided in the bidding documents shall be based on the evaluation of technical and financial worth i.e. works executed, indicating value of works, list of technical and other staff, plant or equipment along with the make and financial capacity.

(3) Bidding documents shall be made available to all interested bidders.

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<sup>1</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>3</sup> Deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

(4) The qualification of the lowest evaluated responsive bidders shall be checked to ensure whether or not the bidder is qualified to perform the works.

(5) If the lowest evaluated responsive bidder is not found to be qualified on all the post-qualification criteria provided in the bidding documents, its bid shall be rejected.

(6) Credentials of the next lowest evaluated responsive bidders shall then be checked against all of the post-qualification criteria provided in the bidding documents, and the contract shall be awarded to the lowest evaluated responsive qualified bidder.

**18. Alternate methods for procurement of works, and non-consulting services.**--A procurement entity may use the following alternative methods for procurement, namely:

- (a) petty purchases, -- procurement of upto Rs. 50,000/- may be undertaken by obtaining a single quotation through direct sourcing;
- (b) request for quotations, -- procurement from Rs. 50,000/- up to Rs. 100,000/- shall be procured through alternate method only if the following conditions are met, namely:
  - (i) minimum of three quotations have been obtained, provided that if despite soliciting, less than three quotations are received it would be acceptable;
  - (ii) request for quotation is sent to prospective bidders, simultaneously, with full contents and same information, which is duly acknowledged to be received;
  - (iii) the closing time, date and address for submitting quotations has been clearly defined and adhered to;
  - (iv) the object of the procurement has standard specifications;
  - (v) in case, amount pertaining to applicable tax is not added in the quotation, comparison of price is made after adding amount of applicable tax; and
  - (vi) during comparison, each item should be compared to the corresponding respective

specification and bid evaluated to the corresponding total cost of the bid;

- (c) Direct contracting, -- a procurement agency shall only engage in alternate method if the following conditions exist, namely:
- (i) where civil works are to be contracted and are a natural extension of an earlier or ongoing job and it can be ascertained that the engagement of the same contractor will be more economical and will ensure compatibility of results in terms of quality of works subject to limitation of repeat or variation order;
  - (ii) in case of procurement through government organizations, in accordance with provisions of rule-3(2)(c) of these rules;
  - (iii) where a change of contractor or supplier would oblige the procuring entity to acquire material having different technical specifications or characteristics and would result in incompatibility or disproportionate technical difficulties in operation and maintenance, this shall be done with proper justification and recording of such reasons, provided that the contract or contracts do not exceed three years in duration;
  - (iv) in case of emergency as defined in these rules and procurement specified under sub-rule 3(2)(a) and 3(2)(b), provided that the procurement entity shall specify appropriate forum vested with necessary authority to declare an emergency;
  - (v) subject to the conditions of contract, a procuring entity may, [“issue”]<sup>1</sup> a variation order to a contractor to include works which were outside the original scope of works to ensure interests of Government and for reasons of economy, compatibility and efficiency provided that:
    - (a) the original contract is still in force;

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<sup>1</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- (b) the procuring entity has satisfied itself for technical reasons that the placing of the variation order is cost effective;
- (c) the value of variation order is not more than fifteen percent of the original contract; and
- (d) there may be more than one variation orders as long as the total value of all the variation orders remains within 15 percent of the original contract.

**19. Method of advertisement.** -- ["(1) The procuring entity shall engage in open competitive bidding if the cost of the object to be procured is more than the financial limit which is applicable under rule 18 of these rules. Procurement from Rs. 100,000/- to Rs. 2.5 million shall be posted on the procuring entity's website and Authority's website. These procurement opportunities may also be advertised in print media, if deemed necessary by the procuring entity.

(2) For all procurement, other than those being covered by rules 3, 18 and sub-rule (1) of rule 19 of these rules, shall be advertised in print media, appearing in at least one national English and one Urdu daily newspaper with nationwide circulation along with advertising the same on the procuring entity's website and Authority's website, respectively.".]<sup>1</sup>

(3) A procuring entity utilizing electronic media shall ensure that the information posted on the website is complete for the purposes for which it has been posted, and such information shall remain available on that website until the closing date for the submission of bids.

**20. Bid security.** --(1) The procuring entity ["shall"]<sup>2</sup> require the bidders to furnish bid security of two per cent in case of procurement of works, [deleted]<sup>3</sup>.

(2) The bid security shall be kept sealed in the financial proposal. In case of single stage two envelopes, the bidder shall in addition, place an affidavit in the technical proposal stating that

<sup>1</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>3</sup> Deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.



a bid security amounting to 2 percent without indicating the figure in the letter, has been placed in the financial proposal or bid. Otherwise the technical proposal will be considered non-responsive and will be returned to the bidder after being examined by the procurement committee.

(3) The bid security will be returned to unsuccessful bidders after signing of the contract with the successful bidder.

(4) The bid security of the successful bidder will be retained in case no performance guarantee is required, however such a condition shall be mentioned in the bidding document. [In case performance guarantee is required, the bid security of two percent (2%), as specified in sub-rule (1), of the successful bidder, shall not be returned. The successful bidder shall be required to deposit eight (8%), of the cost of the contract in the shape of an irrevocable bank guarantee.]<sup>1</sup>

21. **Performance guarantee.** -- The procuring entity may ask for a performance guarantee from the contractor, which shall not exceed 10 percent of the bid value, as would be specified in the standard bid solicitation documents or standard bidding document.

#### CHAPTER IV PROCUREMENT OF CONSULTANCY SERVICES

22. **Application of consultancy services rules.** --These rules shall apply only to consulting services which are of an intellectual and advisory nature and differ from the other types of services directly connected with the procurement of goods and works in which the physical component of the activity is the main function and often involves equipment-intensive assignments.
23. **Systems for selection of consultants.** --The selection system shall be determined by the procuring entity prior to the commencement of the process of selection of prospective consultants. Procuring entity may utilize one of the following systems for selection of consultants, namely:
- (a) **quality based selection (QBS),** -- this system will be used for highly specialized and complex assignments,

<sup>1</sup> Substituted by the Finance Department Notification No. SO (FR)/FD/9-7/2011/Vol-II dated 11.08.2016.

where quality is the only factor taken into consideration;

- (b) **quality and cost based selection (QCBS)**, ---this system will be used where high quality is the prime consideration while cost is a secondary consideration;
- (c) **least cost**, --- this system will only be used for assignments of standard or routine nature, where well established practices and standards exist;
- (d) **single source or direct selection**, ---subject to approval by head of the procuring entity, a procuring entity may engage in single-source procurement-
  - (i) the goods, construction or services are available only from a particular contractor or supplier, or a particular contractor or supplier has exclusive rights in respect of the goods, construction or services, and no reasonable alternative or substitutes exists; or
  - (ii) the procuring entity having procured goods, equipment, technology or services from a contractor or supplier, determines that additional supplies must be procured from that supplier or contractor for reasons of standardization or because of the need for compatibility with existing goods, equipment, technology or services, taking into account the effectiveness of original procurement in meeting the needs of the procuring entity, the limited size of the proposed procurement in relation to the original procurement, the reasonableness of the price and the unsuitability of alternative to the goods or services in question; or
  - (iii) in cases of emergency;
  - (iv) for very small assignments valuing up to Rs. 500,000/-; and
  - (v) where only one consultant is qualified or has experience of exceptional worth; and
- (e) **fixed budget**-- this system shall be used only when the assignment is simple, can be precisely defined and when the budget is fixed. The request for proposals

shall indicate the available budget. Proposals that exceed the indicated budget shall be rejected. The ranking shall be based only on evaluation of technical proposals of the qualified bidders.

**24. [“23A. Single bid in consultancy services.** ---The single bid in consultancy services may be considered if it meets the evaluation criteria expressed in advertisement or bid solicitation documents and is not in conflict with the Act, these rules, regulations or policy of the Government for the time being in force. The single bid shall be in conformity with best evaluated bid. The procuring entity shall make a decision with due diligence and in the light of section 3 of the Act.”.]<sup>1</sup>

**25. Criteria for eligibility of consultants.** --The procuring entity shall not hire a consultant for an assignment in which there is possibility of conflict of interest. If a consultant has been engaged by the procuring entity to provide goods or works for a project, it shall be disqualified from providing consulting services for the same project. Similarly, consultant should not be hired for any assignment which by its nature, may be in conflict with another assignment of the consultant.

**26. Expression of interest (EOI).** -- [“(1) A procuring entity may call for expression of interest which shall be advertised, giving to the bidders at least fifteen (15) days for national competition and thirty (30) days for international competition to submit their interest to provide consultancy services.”.]<sup>2</sup>

(2) The expression of interest shall contain at least the following information:

- (a) the name and address of procuring entity;
- (b) an appropriate description of the assignment providing scope of the intellectual and professional services required;
- (c) deadline and place of the submission of expression of interest; and
- (d) criteria for short-listing where required.

**27. Criteria for short-listing of consultants.** --[“(1) Whenever short-listing is deemed necessary, the procuring entity shall pre-determine

<sup>1</sup> New Rule “23A” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

criteria for short-listing. Except for single source, there shall be minimum three (03) and maximum six (06) consultants, with highest ranking fair bids as defined under clause (c) of sub-section (1) of section 2 of the Act, in the short-list. However, if less than three candidates apply, their proposals may be considered on merit.”; and]

(2) The procuring entity while short-listing consultants may take the following factors into consideration, namely:

- (a) qualification;
- (b) general experience; or
- (c) specific experience, particularly of the last five years; or
- (d) any other factor that a procuring entity may deem relevant, not inconsistent with these rules.

(3) All applicants shall be informed whether or not they have been short-listed.

[“(4) The procuring entity may decide to include enlistment as a short-listing criteria in contracts less than rupees one hundred (100) million.”.]<sup>1</sup>

**28. Request for proposals (RFP).** ---(1) [“when a procuring entity calls for expression of interest it”]<sup>2</sup> shall make available to all the short-listed consultants, together with the request for proposals, all information on the equal opportunity basis.

[“(1A) A procuring entity may call for request for proposal which shall be advertised, giving to the bidders at least fifteen (15) days for national competition and thirty (30) days for international competition to submit their proposals to provide consultancy services.”; and]<sup>3</sup>

[“(2) A procuring entity may call for request for proposal without calling expression of interest for seeking proposals from consultants whether shortlisted or enlisted or prequalified or not, which shall include the following, namely:

<sup>1</sup> New sub-rule “(4)” added, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>3</sup> New sub-rule “(1A)” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- (a) **letter of invitation (LOI)**,---the letter of invitation shall mention the name and address of the procuring entity and shall state the intention of the procuring entity to enter into a contract for provision of consulting services;
- (b) **instruction to consultants**,---the instructions to consultants shall contain all necessary information that would help them prepare responsive proposals and shall bring as much transparency as possible to the selection system;
- (c) **terms of reference (TOR)**,---the terms of reference shall unambiguously define the objectives, goals and scope of the assignment besides conditions of contract. Terms of reference shall list the services and surveys necessary to carry out the assignment and expected outputs. It shall also include the evaluation criteria;
- (d) **evaluation criteria**, ---except as otherwise provided, the evaluation of proposals shall be carried out giving due consideration to quality and cost;
- (e) **type of contract**, ---the procuring entity, depending on the circumstances, may use one of the following types of contract, namely:
  - (i) lump sum contract will be used mainly for assignments in which the content, duration of the services and the required output are unambiguously defined;
  - (ii) time based contract will be used when it is difficult to define the scope and the length of services;
  - (iii) hourly or daily rates will be used for small projects, especially when the assignment is for less than a month; and
  - (iv) any other, based on combination of the above and including out of pocket expenses, where required; and

- (f) **special provisions**, ---the procuring entity may specify any other requirement related to the assignment or contract etc, where required.”.]<sup>1</sup>

(3) The procuring entity will invite the prospective consultants to submit their technical and financial proposals in separately sealed envelopes. The procuring entity shall give deadline for submission of proposals. Consultants shall be given adequate time for preparing their proposals which shall not be less than [two weeks]<sup>2</sup>.

**29. Selection process of individual consultants.** ---(1) Individual consultants may not be required to submit proposals, and shall be selected based on their qualifications for the assignment.

(2) Individual consultants shall be selected by comparing the qualifications of at least three consultants among those who have expressed interest in the assignment or have been approached directly by the procuring agency. Individual consultants considered for the comparison of qualifications shall meet the minimum relevant qualifications, and the one selected to be employed by the procuring agency shall be the best qualified and shall be fully capable of carrying out the assignment.

(3) An individual consultant may be selected on a single-source basis (with due justification) in exceptional cases; such as the following--

- (a) for a task that is a continuation of previous work that the consultant has carried out and for which the consultant was selected competitively;
- (b) in an emergency situation resulting from a natural disaster; and
- (c) when the individual is the only consultant qualified for the assignment.

(4) For key assignments, interviews may be set up, and invited candidates should be paid travel and subsistence, as needed. Capability of the candidates should be evaluated.

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<sup>1</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Substituted by KPPRA Notification No. KPPRA/M&E/Estt:/1-3/2015-16 dated Dec 15, 2015.

**30. Professional liability of consultants.** --(1) The consultant selected and awarded a contract shall be liable for consequence of errors or omissions on its part. The extent of liability of the consultant should be incorporated in the contract and in no case should it be less than remunerations excluding the out of pocket expenses, nor should the liability exceed twice the remunerations.

(2) The procuring entity may demand insurance on part of the consultant to cover its liability as stated above, and necessary costs shall be borne by the consultant which shall be re-imbursed by the procuring entity as out of pocket expenses by the consultant.

(3) The consultant shall be held liable for all losses or damages and short comings in deliverance etc, suffered by the procuring entity as a result of mis-conduct or inadequate services in performing the consulting services.

#### **CHAPTER V MISCELLANEOUS PROVISIONS**

**31. Procurement planning.** ---Each procuring entity shall plan its procurements with due consideration to transparency, economy, efficiency and timeliness, and shall ensure equal opportunities to all prospective bidders in accordance with section 22 of the Act.

**32.** [“Limitation on splitting or regrouping of proposed procurement.-  
--A procuring entity shall announce all proposed annual procurements on the Authority’s website and on their own website before the end of 31<sup>st</sup> July each year and shall proceed accordingly without any splitting or regrouping of the procurements so planned, unless the procuring entity is satisfied that-

- (a) block acquisition of goods, services or works shall unnecessarily hold up available resources;
- (b) technical reasons indicate that packaging shall improve manageability and quality; and
- (c) the impact of weather, geographical spread on certain procurement, particularly in case of works contract,

shall affect its execution with regard to quality and delivery schedule.”.]<sup>1</sup>

[“**31A. Framework contract.** ---(1) A procuring entity may procure goods, services or works through framework contract in order to ensure uniformity in the procurement.

(2) The procuring entity shall adopt any of the methods of procurement mentioned in these rules for purposes of entering into a framework contract.”.]<sup>2</sup>

**33. Procurement committees.** -- (1) Each procuring entity shall constitute committees, in accordance with delegation of financial powers, separately for procurement of goods, works and services.

(2) The committees shall have a representative each from the accounts or finance or planning sections of the procuring entity apart from others.

(3) A technical member shall be inducted from the relevant line department of Government or hired in all procurements of works or in exceptional cases, provided that procurement is technical and complex in nature.

[“**32A. Enlistment.** ---(1) Each Department of Government shall constitute a sub-committee, consisting of five members with the chairperson, not below the rank of BPS-19, for scrutinizing credentials, submitted to it by the prospective bidders, before referring to the Provincial Enlistment and Pre-registration Committee for enlistment or renewal, as the case may be.

(2) After scrutinizing, the sub-committee shall recommend to the Provincial Enlistment and Pre-registration Committee that the prospective bidder may be registered, renewed or rejected, as the case may be, and the Provincial Enlistment and Pre-registration Committee shall give its final decision of enlistment, registration and rejection, within five working days:

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<sup>1</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> New Rule “31A” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.



Provided that the sub-committee, while recommending the rejection of a prospective bidder to the Provincial Enlistment and Pre-registration Committee shall also record reasons for such rejection.

(3) Subject to the approval of Government, the sub-committee shall determine the applicable fee for registration or renewal, from time to time. However, the period of such enlistment and pre-registrations shall be decided by the Provincial Enlistment and Pre-registration Committee.

(4) The criteria for enlistment of prospective bidders shall be based on evaluation of technical and financial capabilities of the bidders, as may be determined by the sub-committee, so constituted.

(5) The criteria and list of prospective bidders, so enlisted, shall be posted on the web sites of the Authority, Department of Government and Provincial Enlistment and Pre-registration Committee, as well as on a notice board placed in the respective procuring entity at an accessible site for public viewing.

(6) The process of enlistment shall be open throughout the year and any prospective bidder shall be allowed to apply for enlistment, with sub-committee without any hindrance.

(7) Bidding shall be limited to enlisted bidders only.

(8) Enlistment shall not be deemed as pre-qualification or post-qualification.”.]<sup>1</sup>

**33. Bid solicitation documents.** — [“(1) A procuring entity shall apply the standard bidding documents while preparing bid solicitation documents as are applicable and in accordance with the provision of the Act, these rules and regulations, for the time being in force.”; and]<sup>2</sup>

(2) In case of procurement of works, solicitation documents shall contain technical specifications, drawings and designs, bill of quantities and estimated costs whatever applicable, evaluation criteria, expected commencement of contract and time period for completion, bid validity,

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<sup>1</sup> New Rule “32A” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

securities demanded, payment schedule, general and special conditions of contract [deleted].<sup>1</sup>

(3) In case of procurement of goods and services, including consulting services, the standard bidding document shall include scope of work and terms of reference, the evaluation criteria, the extent of bid validity, quantity, quality and specifications; qualification and experience of consultants, securities, approach and methodology, work plan and delivery schedule, pre-shipment inspection where applicable, schedule of payments and general and special conditions of the contract.

(4) Apart from the above, any other document or information or detail that the procuring entity may deem necessary, shall be included in the solicitation documents, unambiguously.

(5) Solicitation documents shall be made available to the bidders from the date of their issuance to the closing date on submission of required fee by the prospective bidder whether in person or, if so requested through an authorized request in writing. In case the request is made through courier, it shall accompany a bank draft in favor of the procuring entity including the cost of return delivery.

(6) In case where the procuring entity deem necessary may, keep a time period ending earlier than the closing date of tender or bid, for obtaining bid solicitation documents, provided that it is not less than the minimum response time provided in rule 34.

(7) In case of modification of solicitation documents by the procuring entity in accordance with section 23(9) of the Act, it shall do so by issuing an addendum or corrigendum and intimate the bidders publicly or individually, in case it has issued the solicitation documents, 5 days before the closing date. In case, the changes are substantial, the time for submission may be extended proportionately, by issuing timely intimation to all bidders.

34. **Response time.** ---(1) The procuring entity may decide the response time for receipt of bids or proposals including proposals for pre-qualification from the date of publication of an advertisement or notice, keeping in view the contract's complexity, and urgency. However, under no circumstances the response time shall be less than fifteen days for national

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<sup>1</sup> Deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

competitive bidding and thirty days for international competitive bidding from the date of publication of advertisement [“on Authority’s website or notice in the national newspaper whichever is later, as the case may be.”]<sup>1</sup>

(2) The response time shall be calculated from the date of first publication of the advertisement in a newspaper or posting on the [“Authority’s web site, whichever is later, as the case may be.”]<sup>2</sup>

(3) In situations where publication of such advertisements or notices has occurred in both electronic and print media, the response time shall be calculated from the day of its first publication in the newspapers [“whichever is later”]<sup>3</sup>.

35. **Bid validity.** --(1) Bidders shall be required to submit bids valid for a period specified in the bid documents which shall be sufficient to enable a procuring entity to complete the evaluation and comparison of bids and obtain all necessary approval so that a contract can be awarded within that period.

(2) A procuring entity shall complete evaluation of bids and award of contract within the initial period of bid validity. An extension of bid validity, if justified by exceptional circumstances, shall be required in writing from all bidders before the expiry date. Bidders consenting to extend their bid validity period shall also correspondingly extend the validity of their bid security.

(3) A bidder not agreeing to extend its bid validity period may do so without having his bid security, forfeited and in this case its bid will no longer be considered in the evaluation proceedings.

(4) The bid security shall be forfeited if a bidder withdraws his bid, within the validity period thereof or, in the case of a successful bidder, who repudiates the contract or fails to furnish performance security.

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<sup>1</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>2</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

<sup>3</sup> Added, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

36. **Pre-qualification process.**--(1) The procuring entity engaging in pre-qualification shall announce, in the pre-qualification documents, all information required for pre-qualification including instructions for preparation and submission of the pre-qualification documents, evaluation criteria, list of documentary evidence required of contractors or consultants to demonstrate their respective qualifications and any other information that the procuring entity deems necessary for pre-qualification.

(2) The procuring entity shall provide a set of pre-qualification documents to any contractor or consultant, on request and subject to payment of document fee if applicable, which shall not exceed cost of printing and providing the documents.

(3) The procuring entity shall promptly notify each contractor or consultant submitting an application to pre-qualify whether or not it has been pre-qualified and shall make available to any person directly involved in the pre-qualification process, upon request, the names of all contractors or consultants who have been pre-qualified. Only contractors or consultants who have been pre-qualified shall be entitled to participate.

(4) The procuring entity shall communicate on request, to those contractors or consultants who have not been pre-qualified the reasons for not pre-qualifying them.

37. **Submission of bids and bid opening.** --(1) Bids shall be invited through a procuring officer of the procurement entity.

(2) A procuring entity shall require bidders to submit sealed written bids or in such other manner as may be prescribed in the solicitation documents. [“The procuring entity shall also specify the place for submission of such bids.”]<sup>1</sup>

(3) The procuring entity shall issue the bidder with a receipt showing the date and time when the bid was received.

(4) No bids or tenders received after the prescribed time and date in the solicitation documents or in accordance with subsequent corrigendum, shall be entertained.

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<sup>1</sup> Added, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

(5) The method for submission of bids shall be determined by the type, complexity and evaluation method of the procurement in accordance with these rules.

(6) All announcements pertaining to public procurement shall specify the last date for submission of bids as well as the public bid opening which shall be the same.

(7) The bids, technical or financial as the case may be, shall be opened at the prescribed time provided in the solicitation documents in the presence of the procurement committee and the bidders who choose to be present.

(8) The name of the bidder, bid modifications, discounts or withdrawals, presence of bid security or affidavit as the case may be and the total amount of each bid and any alternatives, if so permitted, shall be read out aloud and recorded, and a copy of the record shall be made available to any bidder on request.

(9) No bidder shall be allowed to withdraw his bid till award of the contract or till bid is valid, whichever is earlier.

(10) A procuring entity may ask bidder for clarification of the bid to assist in the evaluation. To avoid delays, the procuring entity may hold a pre-bid conference with the prospective bidders at least five working days before the last day for submission of bids if the procurement is of complex nature and high value.

**[“37A. Registration with Khyber Pakhtunkhwa Revenue Authority. -**

--All bidders are required to be registered with the Khyber Pakhtunkhwa Revenue Authority, established under the Khyber Pakhtunkhwa Finance Act, 2013 (Khyber Pakhtunkhwa Act No. XXI of 2013), for works, consulting and non-consulting services as listed in Schedule-II of the Act *ibid*.

**37B. Unsolicited proposal. ---(1) In case of unsolicited proposal**

received for any engineering, procurement and construction project, the procuring entity shall technically and financially evaluate the proposal to ascertain its viability and after such process if the proposal is found viable, the procuring entity, with the approval of Government,-

- (a) shall advertise the proposal for open competition without disclosing the name of the initiator of unsolicited proposal;
- (b) shall conduct prequalification process;
- (c) shall exempt the initiator of the unsolicited proposal from the prequalification;
- (d) may award the contract to the initiator of the proposal, if no other bidder in response to the advertisement submits bid;
- (e) shall give first right of refusal to the initiator, if he does not emerge as the lowest bidder, in case of bidding competition; and
- (f) shall award five percent additional weightage to the initiator of the proposal from the combined score of technical and financial evaluation.

(2) Approval for the unsolicited proposal granted by Government, shall be published in the print media prior to the award of contract.”.]<sup>1</sup>

**38. Confidentiality.** --The procuring entity shall keep all information regarding the bid evaluation confidential until the time of the announcement of the evaluation report in accordance with the requirements of rule 45 of these rules.

**39. Bid evaluation.** — (1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the bidding documents.

(2) For the purpose of comparison of bids quoted in different currencies, price shall be converted into a single currency specified in the bidding documents. The rate of exchange shall be the selling rate prevailing seven working days before the date of opening of the bids specified in the bidding documents, as notified by the state bank of Pakistan.

(3) A bid once opened in accordance with the prescribed procedure shall be subject to only those rules, regulations and policies that are in force at the time of issuance of notice for invitation of bids.

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<sup>1</sup> New Rules “37A & 37B” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- 40. Discriminatory and difficult conditions.** ---Save as otherwise provided, no procuring entity shall introduce any condition, which discriminates between bidders or that is considered to be met with difficulty. In ascertaining the discriminatory or difficult nature of any condition reference shall be made to the ordinary practices of that trade, manufacturing, construction business or service to which that particular procurement is related.
- 41. [“International competitive bidding”]<sup>1</sup>---** When, in the absence of domestic capacity, effective competition cannot be obtained unless special efforts are made to attract international competition, international competition may be solicited in accordance with the provisions of the Act complemented with the following provisions:
- i. the tender documents shall be in English language;
  - ii. the invitation to tender shall be in English language and shall be placed in a newspaper of sufficient circulation to attract foreign competition and may also be placed on international web pages famous for international bidding advertisement. In addition, a procuring entity may transmit such invitations to their embassies and trade representatives of potential supplier countries;
  - iii. the time allowed for submission of tenders shall be sufficient for the invitation to reach bids, depending on the complexity and nature of procurement and for enabling them to prepare and submit bids but in no case less than thirty days;
  - iv. technical specifications shall, to the extent compatible with national requirements, be based on international standards or standards widely used in international trade;
  - v. bidders shall be permitted to express their bids, as well as any bid and performance security documents to be presented by them in their respective home currencies or in a currency widely used in international trade and stated in the solicitation documents;
  - vi. general and special conditions of contract shall be of a kind generally used in international trade; and

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<sup>1</sup> Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

- vii. standard bidding documents (SBDs) for goods, works and services shall be used for international competitive bidding (ICB) as well.

**42. Post bid negotiation.** ---Procuring entity may negotiate with the highest ranked bidder regarding methodology, work plan, staffing and special conditions of the contract. In case of consulting services, the procuring agency shall not permit substitution of key staff, unless both parties agree that undue delay in selection process makes such substitution unavoidable. Similarly, negotiations shall not seek changes in the rates quoted by the bidder. In case of failure of negotiations, the procuring agency may invite the second ranked bidder as per the evaluation report.

**43. Disqualification of suppliers, contractors and consultants.**--- The procuring entity shall disqualify a supplier or contractor or consultant if it finds, at any time, that the information submitted by him concerning his qualification as supplier or contractor was false and materially inaccurate or incomplete. However, the bidder may have right to appeal against the decision in accordance with section 35 of the Act and grievances redressal mechanism framed under the Act.

**44. Blacklisting of suppliers, contractors and consultants.** ---(1) The procuring entity shall specify a mechanism and manner to permanently or temporarily bar, from participating in their respective procurement proceedings, suppliers contractors and consultants who either consistently fail to provide satisfactory performances or are found to be indulging in corrupt or fraudulent practices or abandon the work prematurely resulting in loss to Government . Such barring action shall be duly publicized and communicated to the Authority, provided that any contractor or consultant who is to be blacklisted shall be accorded adequate opportunity of being heard in person.

(2) The bidder will have a right to complain to the administrative Secretary of the procuring entity or to file an appeal to the Authority in accordance with section 35 of the Act and regulations or guidelines to be framed under it.

**[“Explanation.** ---“Corrupt and fraudulent practices” means



either one or any combination of the practices given below:

- (i) “coercive practice” means impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
- (ii) “collusive practice” means any arrangement between two or more parties to the procurement process or contract execution, designed to achieve with or without the knowledge of the procuring entity to establish prices at artificial, non-competitive levels for any wrongful gain; impair or harm, directly or indirectly, any party or the property of the party to influence the actions of a party to achieve a wrongful gain or to cause a wrongful loss to another party;
- (iii) “corrupt practice” means the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence the acts of another party for wrongful gain; and
- (iv) “fraudulent practice” means any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;
- (v) “obstructive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in a procurement process, or affect the execution of a contract or deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements before investigators in order to materially impede an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or acts intended to materially impede the

exercise of inspection and audit rights provided for under these rules.”.]<sup>1</sup>

**45. Announcement of evaluation reports.** ---Procuring entities shall announce the results of technical bid evaluation in the form of a report before opening of the financial bids, to all bidders. The procuring entity shall also announce the final results of a bid evaluation giving justification for acceptance or rejection of bids at least ten days prior to the award of a contract and place the same on its and Authority website.

**46. Approval of contract award.**--(1) The procurement committee shall submit the bid evaluation report with its recommendations for award of contract, to the approving authority in accordance with the delegation of powers under the financial rules and the power of re-appropriation rules 2001, in an expeditious manner, so that the award can be notified before expiry of the bid validity period, without having to seek extension, in conformity with the provisions of section 31 of the Act and these rules.

(2) All contract awards shall be made public through publication on Authority website.

**47. Rejection of bids.** ---(1) The procuring entity may reject all bids or proposals at any time prior to the acceptance of a bid or proposal. The procuring entity shall upon request communicate to any contractor or consultant who submitted a bid or proposal, the grounds for rejection of all bids or proposals.

(2) The procuring entity shall incur no liability, solely by virtue of its invoking sub-rule (1) towards contractors or consultants who have submitted bids or proposals.

(3) Notice of the rejection of all bids or proposals shall be given promptly to all contractors or consultants that submitted bids or proposals.

**48. Re-bidding.** ---(1) If the procuring entity has rejected all bids under rule 47 it may call for a re-bidding.

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<sup>1</sup> Explanation inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

(2) The procuring entity before invitation for re-bidding shall assess the reasons for rejection and may revise specifications, evaluation criteria or any other condition for bidders as it may deem necessary.

**49. Payments.**---All procuring agencies shall make prompt payments to contractors and consultants against their invoices or running bills within the time given in the conditions of the contract.

**[“49A. Community participation in procurement.** ---Government may, in order to achieve certain specific social objects, call for the participation of the local community or philanthropic organizations to-

- (a) perform civil works and the delivery of non-consulting services;
- (b) increase the utilization of local know-how, goods, and materials; and
- (c) employ labor-intensive and other appropriate technologies, the procurement procedures, specifications, and contract packaging shall be suitably adapted to reflect these considerations; provided that these are acceptable to the Authority.”.]<sup>1</sup>

**50. Entry into force of the procurement contract.** --- A procurement contract shall come into force-

- (a) where no formal signing of a contract is required, from the date the notice of the acceptance of the bid or purchase order has been given to the bidder whose bid has been accepted. Such notice of acceptance or purchase order shall be issued within 15 days thereof; or
- (b) where the procuring entity requires signing of a written contract, from the date on which the signatures of both the procuring entity and the successful bidder are affixed to the written contract. Such affixing of signatures shall take place within 15 days after the letter of acceptance or award has been issued:

Provided that where the coming into force of a contract is contingent upon fulfillment of a certain

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<sup>1</sup> New Rule “49A” inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

condition or conditions, the contract shall take effect from the date whereon such fulfillment takes place.

51. **Closing of contract.** --(1) Except for defect liability or maintenance by the contractor or consultant, as specified in the conditions of contract, performance of the contract shall be deemed close on the issue of over all delivery certificate or taking over certificate which shall be issued within thirty days of final taking over of goods, or receiving the deliverables or completion of works enabling the contractor or consultant to submit final bill.

(2) In case of defect liability or maintenance period, defect liability certificate shall be issued within thirty days of the expiry of the said period enabling the contractor or consultant to submit the final bill. Except for unsettled claims, the bill shall be paid within the time given in the conditions of contract, which shall not exceed sixty days to close the contract.

(3) Relevant provision for closing of contract shall be a part of the bid solicitation document.

52. **Record of procurement proceedings.** --(1) All procuring entities shall maintain a record of their respective procurement proceedings along with all associated documentation.

(2) Such maintenance of record shall be subject to the regulations framed in this regard from time to time.

53. **Public access and transparency.** --As soon as a contract has been awarded, the procuring entity shall make all documents related to the evaluation of the bid and award of public contract:

Provided that where the disclosure of any information related to the award of a contract is of proprietary nature or where the procuring entity is convinced that such disclosure shall be against the public interest, it can withhold only such information from public disclosure subject to the prior approval of the administrative department.

- 54. Mis-procurement.** --Any breach of these rules shall account to mis-procurement and the person responsible for such breach shall be liable to be proceeded under the relevant law.
- 55. Repeal.** -- The Khyber Pakhtunkhwa Procurement of Goods, Works and Services Rules, 2003 is hereby repealed.

C.No. 3(10-9)

### NOTIFICATION

Dated Peshawar, the 15<sup>th</sup> May, 2017

NO. SO(FR)/FD/9-7/2011/Vol-II. In exercise of the powers conferred by section 36 of the Khyber Pakhtunkhwa Public Procurement Act, 2012 (Khyber Pakhtunkhwa Act No. XI of 2012), read with section 35 thereof, the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:-

### THE KHYBER PAKHTUNKHWA PUBLIC PROCUREMENT GRIEVANCE REDRESSAL RULES, 2017.

2. Short title and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Public Procurement Grievance Redressal Rules, 2017.
  - (2) These rules shall come into force at once.
3. Definitions. ---(1) In these rules, unless there is anything repugnant in the subject or context, -
  - (a) “Act” means the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012 (Khyber Pakhtunkhwa Act No. XI of 2012);
  - (b) “aggrieved bidder” means a bidder aggrieved by any act or omission of the procuring entity including a prospective bidder, who is otherwise eligible for contesting in the bid process, but due to certain reasons, he has precluded to participate, in the bidding process;
  - (c) “appeal” means an appeal made by the aggrieved bidder to the Authority against the decision of the procuring entity;
  - (d) “complaint” means a written application, made by the aggrieved bidder to the procuring entity for seeking relief or rectification regarding procuring process;
  - (e) “Grievance Redressal Committee” means a Committee, constituted under sub-rule (1) of rule 5 of these rules;

- (f) “Grievance Redressal Officer” means Head of procuring entity or Administrative Secretary, as the case may be, with whom the complaint is made; and
  - (g) “procurement rules” means the Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014.
- (3) Words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Act and the procurement rules.

4. **Filing of Complaint.** ---(1) For the purpose of clause (a) of sub-section of section 35 of the Act, an aggrieved bidder, on the grounds mentioned in rule 4 below, may file a complaint in writing with the procuring entity, clearly stating the specific grounds on which he feels aggrieved, and the relief or the rectification sought by him. The complaint shall be accompanied with certified copies of documents, including affidavits, if any, relied upon.

Provided that-

- (i) after declaration of a bidder, as successful on announcement of bids evaluation report, a complaint may be filed only by a person or firm who has participated in the procurement proceedings;
  - (ii) in cases, the technical bids are evaluated by the procuring entity before opening of the financial bids, a complaint related to financial bids may be filed only by a person or firm whose technical bid is found responsive; and
  - (iii) a complaint against execution of the contract may be filed only by a person or firm, who is a party to the contract.
- (2) Where an aggrieved bidder, for reasons beyond his control, is not in a position to furnish a duly certified copy of the order complained against or where the complaint is based on a statement of a decision, action or omission of the procuring entity, the complaint shall be accompanied by an affidavit of the aggrieved bidder to that effect.
- (3) A complaint, against any decision, action or omission in the procurement process till the announcement of final results of the bids evaluation under rule 45 of the procurement

rules, may be made, at any time prior to award of the contract, within ten (10) days of making it public in terms of rule 46 of the procurement rules and pertaining to execution of the contract until closure of the contract in terms of rule 51 of the procurement rules:

Provided that no complaint shall lie against selection of a procurement method and decision to reject all tenders, quotations or proposals, as specified under the Act and procurement rules, respectively.

(4) All complaints presented to or received by the procuring entity, shall be duly acknowledged for receipt.

5. Anonymous or pseudonymous complaints or those received after the limitation period, mentioned in sub-rule (3) above, shall not be entertained and filed without any processing.

6. **Grounds of complaint.**---Subject to the provisions of the Act and the procurement rules, a complaint may be instituted on the following grounds:

- (a) mis-procurement by the procuring entity;
- (b) violation of merit in any order of the procuring entity, pertaining to enlistment and pre-registration, short-listing, pre-qualification, qualification, post-qualification, disqualification and debarment or blacklisting;
- (c) challenging that the evaluation of bids or award of the contract is based on incorrect presentation in the bid, expression of interest, proposals or any other documents furnished to the procuring entity;
- (d) irregularity in the award of contract or its content;
- (e) violation of confidentiality by the procuring entity; and
- (f) any specific non-adherence or violation of the contractual provisions by the procuring entity, including non-payment within the stipulated period, delay caused by the procuring entity that is hindering the bidder in execution of the contract and delay in discharge of securities.

7. **Grievance handling at the level of procuring entity.** ---

(1) The disposal of the complaints, at the level of the procuring entity, shall be carried out by the Grievance Redressal Officer himself or by the Grievance Redressal Committee, to be constituted by the



Grievance Redressal Officer.

(2) The Grievance Redressal Committee shall be headed by the Grievance Redressal Officer, who shall be assisted by such number of members, within the procuring entity, as Grievance Redressal Officer may deem fit:

Provided that, in case, constitution of Grievance Redressal Committee within the procuring entity is not practicable due to non-availability of suitable members or otherwise, the Grievance Redressal Officer may designate any other suitable officer, from outside the procuring entity, as a member, after due consultation with his parent department.

(3) The decision of the Grievance Redressal Committee shall be deemed as the decision of the procuring entity.

8. **Procedure for disposal of complaint.**---(1) The Grievance Redressal Officer or the Grievance Redressal Committee, as the case may be, shall, on receipt of a complaint, examine the same and if it is found to be received after the limitation period or if it appears of frivolous or trivial nature or pertains to procurement amounting to rupees one hundred thousand (100,000) or below, may, after providing an opportunity of hearing to the aggrieved bidder, dispose of it on its merit through a written order, within three (3) days. A complaint shall be of frivolous or trivial nature, if it is based on invalid grounds or arithmetical or clerical mistakes.

(2) The Grievance Redressal Officer or Grievance Redressal Committee, as the case may be, shall summon the aggrieved bidder to appear before it at a specified venue, date and time for hearing. The aggrieved bidder shall be entitled to attend the proceedings in person or through authorized representative and heard at least once during the proceedings.

(3) The Grievance Redressal Officer or Grievance Redressal Committee, as the case may be, may call for the relevant records and other documents for examination and that must be produced by the concerned person within stipulated time period. In case of failure to produce the same, the Grievance Redressal Committee may draw appropriate inference and proceed with the case.

(4) The Grievance Redressal Officer or Grievance Redressal Committee, as the case may be, shall, after examining the

complaint, relevant records and documents and hearing the aggrieved bidder, decide the case on its merit, through consensus or majority votes, within five (5) days.

(5) The Grievance Redressal Officer or Grievance Redressal Committee, as the case may be, shall, if upholds the complaint as a whole or in part, provide specific relief to the aggrieved bidder or order rectification or annulment of the procurement process, as the case may be.

(6) The decision, on the complaint, shall be recorded in writing along with reasons and conveyed to the aggrieved bidder within three (3) days of its finalization.

(7) The Grievance Redressal Officer shall ensure implementation of the decision without any delay.

9. **Appeal handling at the level of Authority.**---(1) For the purpose of clause (b) of sub-section (1) of section 35 of the Act, an aggrieved bidder may file an appeal, against the decision of the procuring entity, with the Authority on the following circumstances:

- (a) where the procuring entity fails to decide the matter without merit;
- (b) where the procuring entity fails to communicate its decision to aggrieved bidder; or
- (c) where the procuring entity fails to decide the complaint within stipulated time period.

(2) A non-refundable fee for filing of the appeal, at the rates and in the form to be notified by the Authority from time to time, shall be deposited in favor of the Authority, on submission of the appeal.

(3) A memorandum of appeal shall be presented on the format and in the manner as specified in the guidelines issued by the Authority from time to time.

10. **Technical assistants.** ---(1) For the purpose of disposing of appeals by the Authority or the Managing Director, as the case may be, the Authority or the Managing Director shall be assisted by such number of technical assistants as may be required.

(2) The Managing Director, after due evaluation, short lists the names of the technical assistants and such list shall be referred

to the Authority for approval.

(3) The list so approved by the Authority shall be valid for a period of three (3) years which may be extended for another three (3) years by the Authority.

(4) The technical assistants shall be entitled for such remuneration as may be specified by the Authority for time to time.

11. **Appointment of Registrar of Appeals.** ---The Authority or the Managing Director, as so authorized by the Authority, may designate an officer of Authority, as Registrar of Appeals for carrying out the functions under these rules.

12. **Procedure for disposal of appeal.** ---(1) The Managing Director shall refer the memorandum of appeal to the Registrar of Appeals for acknowledgement and preliminary scrutiny. The Registrar of Appeals shall conduct preliminary scrutiny of the appeal and take other actions as per provisions of these rules and the guidelines issued by the Authority from time to time, within a period of three to five (3-5) working days after receiving the same.

(2) On receipt of the appeal from the Registrar of Appeals, if the same is admitted or admitted subsequently by the Managing Director, the Managing Director shall, keeping in view the value of procurement, nominate a technical assistant or a panel of technical assistants, from the list approved by the Authority, within [ten (10)]<sup>1</sup> days, for hearing of the appeal and giving recommendations to the Authority for its disposal; provided that the nomination may be made in a manner to include the technical assistants with most relevant expertise for the purpose and exclude those having any conflict of interests in the case.

(3) On nomination for hearing a particular appeal, the technical assistant may declare immediately if he has any conflict of interest in the case or is otherwise unable to attend the proceeding in hearing of the appeal, and the Managing Director shall accordingly substitute the nomination order to remove the conflict or inability.

(4) The technical assistants shall, at the outset of the proceeding with the appeal, examine the request for interim relief,

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<sup>1</sup> The word, brackets and figure "three (3)" be substituted vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449/KPPRA dated 26.01.2018

if sought by the aggrieved bidder in the memorandum of appeal, or may consider such request at any time during hearing of the appeal, and may issue an order for suspension of the procurement process, including award of the contract, if not already awarded, or execution of the contract till decision of the Authority on the appeal, if it is satisfied that failure to do so is likely to lead to miscarriage of justice. The interlocutory order shall be binding on the procuring entity and complied with in letter and spirit.

(5) The technical assistants shall follow the procedure for issuance of summons and production order, hearing of parties and witnesses, examination of evidence and record, adjournments, arguments and compilation and submission of the report as specified in the guidelines issued by the Authority from time to time.

(6) The aggrieved bidder and the representative from time to time on behalf of the procuring entity shall have the right to be represented and heard in person during hearing of the appeal. It shall be mandatory for both the aggrieved bidder and the representative of the procuring entity, to appear before the technical assistants as and when called, produce documents when so required and submit their responses. In case of failure to do so, unless the technical assistants deem it fit to allow adjournment, the case may be proceeded with ex-parte and finalize the same on the basis of available evidence and records.

(7) Where two or more appeals, arising from the same bidding or procurement process, are instituted, the technical assistants may, on the recommendation of the Registrar of Appeals, consolidate the appeals and hear them as if they were one appeal.

(8) The appeal shall be heard and recommendation thereon shall be submitted to the Managing Director by the technical assistants within [twenty (20)]<sup>1</sup> days of their nomination in each case.

13. Withdrawal of appeal. ---(1) An appeal may be withdrawn by a notice, in writing signed by the aggrieved bidder, submitted to the Registrar of Appeals, at any time, before commencement of the hearing or to the technical assistants during the hearing, and upon such notice being received, the appeal shall be deemed to have been

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<sup>1</sup> The word, brackets and figure "seven (7)" be substituted vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449/KPPRA dated 26.01.2018

withdrawn.

(2) When an appeal is withdrawn, under sub-rule (1), the Registrar of Appeals shall, forthwith, inform all the parties to the appeal of the withdrawal, and also the technical assistants, nominated for the case, if the withdrawal is prior to commencement of the hearing.

(3) The record pertaining to submission, processing and disposal of appeals shall be maintained by the Registrar of Appeals.

14. [Deleted]<sup>1</sup>

15. Announcement of order. ---(1) The Authority or the Managing Director, as so authorized by it, may, after examining the report so submitted under rule 12 and taking into consideration the whole recourses, shall announce its decision on the appeal, which shall be of binding nature and shall not be called in question in any Court of law.

(2) The decision of the Authority, on the appeal, shall be communicated to the parties by the Registrar of Appeals. After the decision has been issued, the complaint and decision thereon shall be posted by the Authority on its website within three (3) days; provided that no information shall be disclosed, if its disclosure would contravene the provisions of the Khyber Pakhtunkhwa Right to Information Act, 2013 (Khyber Pakhtunkhwa Act No. XXVII of 2013).

(3) The Managing Director may add comments to the report and recommendations for initiation of disciplinary or criminal proceedings against the defaulting employees of the procuring entity, if so warranted, and shall transmit it to the Authority within three (3) days for taking final decision on the same within seven (7) days. If needed, the Authority may seek clarification from the technical assistants on the report before taking final decision on the appeal.

(4) Any action, taken by the procuring entity, against the defaulting employee, in pursuance to sub-rule (2), be informed to the Authority.

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<sup>1</sup> Rule 12 "The technical assistants shall compile a report after hearing of the appeal and submit it to the Managing Director, within seven (7) days of his or their nomination for the case" be deleted vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449/KPPRA dated 26.01.2018

C.No. 4(10-9)

**GRIEVANCE REDRESSAL COMMITTEE FOR DISPOSAL OF COMPLAINTS PERTAINING TO PROCUREMENTS MADE BY DISTRICT & SESSIONS JUDGE.**

I am directed to refer to the subject noted above and to state that following guidelines shall be observed in future with regard to complaint against procurement process.

- If any complaint regarding procurement is made, the same is either to be disposed off by Grievance Redressal Officer himself or by Grievance Redressal Committee;
- The D&SJ as head of procuring entity if detaches himself from procuring agency then;
  - a) He can entertain and dispose off the complaints regarding procurement of goods in the capacity of Grievance Redressal Officers;
  - b) If the Grievance Redressal Committee is constituted in the district by Grievance Redressal officer in the light of “Khyber Pakhtunkhwa Public Procurement Grievance Redressal Rules, 2017” then the complaint can be referred to such Committee for disposal. Such committee is to be headed by Grievance Redressal Officer.
- If the D&SJ has become part of the procurement process then in such a situation the complaint is to be referred to the High Court as Administrative Department.

(PHC letter No.SDJ/PHC/REG/64(a-17)-V.III-/2490-2523 dated Peshawar 22<sup>nd</sup> June, 2021).

**SECTION-X**  
**DELEGATION OF FINANCIAL POWER RULES**

C.No. 1(10-10)

**THE KHYBER PAKHTUNKHWA DELEGATION OF  
FINANCIAL POWERS RULES, 2018**

**No.SO(FR)/FD/9-1/2018/DOP/17441.** In exercise of the powers conferred under Article 119 of the Constitution of the Islamic Republic of Pakistan, Governor of the Khyber Pakhtunkhwa is pleased to make the following rules.

**Short Title and Commencement**

These rules may be cited as the Khyber Pakhtunkhwa Delegation of Financial Powers Rules, 2018.

These shall come into force at once and shall apply throughout the Government of Khyber Pakhtunkhwa.

**Definitions**

- (m) In these rules, unless the context otherwise requires:
- a) **“Administrative Department”** means a self-contained administrative unit in the Khyber Pakhtunkhwa Secretariat responsible for the conduct of business of Government in a distinct and specified sphere and such other department or administrative unit declared as such by the Government;
  - b) **“Attached Department”** means a department notified as such by the Establishment and Administration Department;
  - c) **“Autonomous/Semi-Autonomous Bodies”** Those entities/organizations/bodies corporate / authorities or any other special institution declared as such by the Government of Khyber Pakhtunkhwa having administrative and financial autonomy and operate through independent boards;
  - d) **“Chief Secretary”** means Chief Secretary to the Government of Khyber Pakhtunkhwa;
  - e) **“Deputy Commissioner”** means the Deputy Commissioner of the district concerned posted and notified as such by the Government;
  - f) **“Finance Department”** means the Finance Department of the Government of Khyber Pakhtunkhwa;

- g) **“Government”** means the Government of Khyber Pakhtunkhwa;
- h) **“Head of District Office”** means an officer entrusted with the administrative and financial charge of a district office in the district government;
- i) **“Head of Project or Programmes”** means an officer entrusted with the administrative, financial and operational charge of a public sector project or programme funded under ADP to plan, govern and oversee the successful delivery of the project or programme’s outputs
- j) **“Officer in Category-I”** means an officer mentioned in Part-I of the First Schedule;
- k) **“Officer in Category-II”** means an officer mentioned in Part-II of the First Schedule;
- l) **“Officer in Category-III”** means an officer mentioned in Part-III of the First Schedule;
- m) **“Officer in Category-IV”** means an officer mentioned in Part-IV of the First Schedule; and
- n) **“Schedule”** means a schedule attached to these rules.

(n) Expressions used but not defined in these rules shall have the same meaning as assigned to them in the General Financial Rules.

### (3) Delegation of Powers

(3) Administrative Department for the purpose of exercising powers under these rules, unless otherwise specified, shall mean the officers mentioned at serial #.1 of Part-I of the First Schedule to these rules.

(4) The nature and extent of powers delegated to officers of different categories in the First Schedule shall be as specified in the Second and Third Schedules to these rules.

(5) Notwithstanding anything contained in Rule 3(1&2) *ibid*, the following may exercise the financial powers of an Administrative Department;

- a. Chief Justice, Peshawar High Court
- b. Khyber Pakhtunkhwa Provincial Ombudsman
- c. Chairman Khyber Pakhtunkhwa Public Service Commission



- d. Chairman Khyber Pakhtunkhwa Service Tribunal
- e. Secretary, Provincial Assembly of Khyber Pakhtunkhwa
- f. Principal Secretary to the Governor Khyber Pakhtunkhwa
- g. Principal Secretary to the Chief Minister Khyber Pakhtunkhwa
- h. Khyber Pakhtunkhwa Divisional Commissioners
- i. Inspector General of Police Khyber Pakhtunkhwa
- j. Chief Ehtesab Commissioner Khyber Pakhtunkhwa
- k. Secretary Administration Khyber Pakhtunkhwa

(6) Each Administrative Department may exercise full powers in respect of special powers delegated to it under the Third Schedule to these rules, unless specified otherwise.

(7) The Deputy Commissioners, in their capacity as the Principal Accounting Officer, shall exercise financial powers under these rules in respect of District Governments devolved offices.

(8) The Principal Accounting Officer and Controlling Officer shall be responsible not only for the efficient and economical conduct of his/her own office, but also for offices subordinate to him/her. It shall be their prime responsibility to enforce financial order and strict economy at every step.

(9) Every officer entrusted with financial powers shall observe the principles of economy i.e. getting full value for money and regularity i.e. spending money for the specified purpose and in the manner prescribed by relevant law and rules.

(10) The standards of financial propriety stipulated by General Financial Rule-10 shall be strictly adhered to:

- i. Every public officer is expected to exercise the same vigilance in respect of expenditure incurred from public moneys as a person of ordinary prudence would exercise in respect of expenditure of his own money;
- ii. The expenditure should not be prima facie more than the occasion demands;
- iii. No authority should exercise its powers of sanctioning expenditure to pass an order which will be directly or indirectly to its own advantage;

- iv. Public moneys should not be utilized for the benefit of a particular person or section of the community; and
- v. The amount of allowances granted to meet expenditure of a particular type should be so regulated that the allowances are not on the whole a source of profit to the recipients.

9 The powers delegated under these rules shall be exercised by the authorities subject to actual release of funds by the Finance Department and not on the basis of budget allocations nor in anticipation of funds.

10 Codal requirements and conditions prescribed by the Government from time to time and general or specific conditions laid down in the Schedules to these rules or in any other rules of the Government shall be strictly observed while exercising powers delegated under these rules.

11 The powers not delegated under these rules shall continue to stand vested in the Finance Department.

12 The Khyber Pakhtunkhwa Delegation of Powers under the Financial Rules and the Powers of Re-appropriation Rules, 2001 are hereby repealed.

## First Schedule – Categorization of Officers

2

### Part-I (Officers in Category-I)

1	Secretaries to Government (including Chief Secretary, Additional Chief Secretary and Senior Member Board of Revenue. Chief Secretary shall be the Secretary to Government so far as Establishment is concerned, if no other Secretary to Government in the Establishment & Administration Department has been so declared as Secretary)
2	Special Secretaries / Additional Secretaries in-charge of Administration in respect of departments having no post of Special Secretary.
3	Registrar Peshawar High Court.
4	Members Board of Revenue.
5	Chairmen Labour Appellate Tribunal.
6	Presiding Officer, Revenue Appellate Courts.
7	Presiding Officers Labour Courts.
8	All Heads of Attached Departments.
9	Additional Inspector General of Police.
10	Deputy Inspector General of Police.
11	Military Secretary to Governor Khyber Pakhtunkhwa.
12	Deputy Commissioners.
13	All Heads of Projects or Programmes either indigenous or foreign funded.
14	All Heads of the Autonomous/Semi-autonomous Bodies.
15	District and Session Judges.
16	All Medical Superintendents of the Provincial Secondary Healthcare Hospitals, Women & Children Hospitals and Specialized Hospitals.
17	Presiding Officers of the District Consumer Courts.
18	Special Judges Anti-Corruption Courts.
19	Presiding Officers/Judges Anti-Terrorism Courts.
20	Secretary Khyber Pakhtunkhwa Public Service Commission

**(v) Part-II (Officers in Category-II)**

1	Additional Secretaries in-charge of Administration not included in Part-I / Deputy Secretaries in-charge of Administration in respect of departments having no post of Special Secretary.
2	All Officers in-charge of Independent Offices/Institutions in BS-19 and above not included in Part-I.
3	All Heads of District Offices.
4	Settlement Officers.
5	All District Police Officers.
6	Director of Land Records or Inspector General of Registration.
7	KP Deputy Director Food at Karachi.
8	Deputy Director Labour Welfare.
9	Divisional Forest Officers.

**(c) Part-III (Officers in Category-III)**

1	Deputy Director Labour Welfare.
2	Divisional Forest Officers.

**2 Part-IV (Officers in Category-IV)**

1	The Drawing and Disbursing Officers other than those mentioned in Part-I, II and III.
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## Second Schedule - Powers Common to All

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
1	Abolition of Posts.	Full Powers.	Full Powers in respect of posts under his/her control.	Full Powers in respect of posts in BS-1 to BS-16 under his/her control.	--	--
	Specific Condition(s):					
	1. All orders regarding abolition of posts shall be communicated to the Accountant General, KP or District Accounts Officer concerned and Finance Department or District Officer Finance and Planning concerned, with full justification.					
	2. The delegated power of abolition of posts shall be without prejudice to the powers of Finance Department.					
2	To Sanction Expenditure against Budget Provision.					
(i)	Project Pre-Investment Analysis	Full Powers	Full Powers	--	--	--
	Specific Condition(s):					
	1. Include Feasibility Studies; Research, Surveys and Exploratory Operations.					
(ii)	Operating Expenses					
(a)	Fuel and Power	Full Powers	--	--	--	--
	Specific Condition(s):					
	1. Include High Speed Diesel Oil - Operational & Non-Operational; Furnace Oil - Operational & Non-Operational; Electric Traction.					
	2. Subject to specified departmental admissibility and prescribed conditions.					
(b)	Fees	Full Powers	Full Powers	Upto Rs. 100,000 Each case	Upto Rs. 50,000 Each case	Upto Rs. 20,000 Each case
	Specific Condition(s):					
	1. Include Bank Fees; Legal Fees; License Fees; Membership Fees.					
(c)	Communication	Full Powers	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s):					
	1. Include Postage and Telegraph; Telephone and Trunk Calls; Telex, Tele-printer and Fax; Electronic Communication; Courier and Pilot Service; Photography Charges.					
	2. Subject to observance of prescribed ceilings, where applicable.					

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
(d)	Utilities	Full Powers	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Include Gas; Water; Electricity; Hot and Cold Weather Charges; POL for Generator. 2. Subject to observance of prescribed ceilings, where applicable.					
(e)	Occupancy Costs	Full Powers	Full Powers	Upto Rs. 100,000 At a time	Upto Rs. 50,000 At a time	--
	Specific Condition(s): 1. Include Charges; Rent for Office Building; Rent other than on Building; Royalties; Rates and Taxes; Rent of Machinery and Equipment; Insurance; Security; Rent of Hall for Council Meetings; Sewerage/Waste Charges. 2. Rent of Office Building is subject to the explicit conditions that: a. The accommodation is according to the scale prescribed by the Government. b. Either the rent does not exceed the rent assessed by the Excise & Taxation Department for the purpose of Urban Immovable Property Tax or the rent to be paid is made the basis of property tax. c. Assessment made by the Communication & Works Department. d. No objection certificate from Communication & Works Department for non-availability of office accommodation. 3. Rent of Land is subject to the rent reasonability certificate given by an officer of the Revenue Department exercising the powers of the Collector under the KP Land Revenue (Amendment) Act, 2014.					
(f)	Operating Leases	Full Powers	--	--	--	--
	Specific Condition(s): 1. Include Machinery and Equipment; Buildings; Motor Vehicles; Computers; Medical Machinery and Technical Equipment. 2. Subject to specified departmental admissibility and prescribed conditions.					
(g)	Motor Vehicles	Full Powers	Full Powers	--	--	--
	Specific Condition(s): 1. Include Insurance; Registration.					
(h)	Consultancy & Contractual Work	Full Powers	--	--	--	--
	Specific Condition(s): 1. Include Computer; Management; Government Departments. 2. Subject to specified departmental admissibility and prescribed conditions.					
(i)	Travel & Transportation	Full Powers	Full Powers	Full Powers	Upto Rs. 40,000 At a time	Upto Rs. 20,000 At a time

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
	Specific Condition(s): 1. Include Training – Domestic/International; Travelling Allowance; Transportation of Goods; POL Charges, Aeroplanes, Helicopters, Staff Cars, Motorcycles; Conveyance Charges; CNG Charges; Tour Expenditure State Conveyance and Motor Cars; Railway Concession Voucher. 2. Subject to admissibility under the rules and observance of prescribed ceilings, where applicable.					
(j)	General – Printing & Publication	Full Powers	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Include Stationery; Printing and Publication; Conferences/ Seminars/ Workshops/ Symposia; Newspapers, Periodicals and Books; Advertising and Publicity; Contribution and Subscription; Essay Writing and Copyrights; Exhibitions, Fairs and other National Celebrations. 2. Subject to admissibility under the rules and observance of prescribed ceilings, where applicable.					
(k)	General – Cost of Other Stores	Full Powers	Full Powers	Full Powers	Upto Rs. 50,000	--
	Specific Condition(s): 1. Include Hire of Vehicles; Uniforms and Protective Clothing; Purchase of Drugs and Medicines; Expenditure on Confiscated Goods; Cost of Other Stores; Ordnance Store; Free Text Books. 2. Subject to admissibility under the rules and observance of prescribed conditions.					
(l)	General – Secret Service	Full Powers	--	--	--	--
	Specific Condition(s): 1. Include Secret Service Expenditure. 2. Subject to admissibility under the rules and observance of prescribed ceilings, where applicable.					
(m)	General – Other Services	Full Powers	Full Powers	--	--	--
	Specific Condition(s): 1. Include Payments to Government Department for Services rendered; Law Charges; Payments to Other for Services rendered; Service Charges; Special Cost incurred in performance of Government Functionaries. 2. Subject to admissibility under the rules and observance of prescribed conditions.					
(iii)	Write-offs of Public Money / Loss of Assets	Upto Rs. 100,000	--	--	--	--
	Specific Condition(s): 1. Include Loss of Public Money; Inventories Obsolescence / Slow Moving Charge; Impairment of Property, Plant and Equipment; Write Off of Inventories; Loss on Disposal of Property, Plant and Equipment; Loss on Sale of Scrap. 2. Provided that the loss does not disclose a defect of system the amendment of which requires the orders of higher authority. 3. That there has not been any serious negligence on the part of some individual Government Officer or Officers which may possibly call for disciplinary action requiring the orders of any					

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
	higher authority. 4. All Sanctions to write off shall be communicated to the Accountant General and Finance Department.					
(iv)	Scholarships & Other Awards	Full Powers	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Include Merit Scholarships; Other Scholarships; Cash Awards to Informers. 2. Subject to number of Scholarships and rates sanctioned by Finance Department in consultation with Administrative Department. 3. Cash Awards subject to admissibility under the rules and observance of prescribed rates and conditions.					
(v)	Entertainment & Gifts					
(a)	Entertainment	Full Powers	Full Powers	--	--	--
	Specific Condition(s): 1. For light refreshment upto Rs. 100 per head at meetings convened for official business. 2. For serving lunch boxes upto Rs. 500 per head in meetings which are prolonged beyond office hours without break in the interest of Government work.					
(b)	Purchase of Gifts for State Guests	Principal Secretary to CM Rs. 100,000	--	--	--	--
	Specific Condition(s): 1. For presentation to the foreign dignitaries only.					
(vi)	Expenditure on Acquiring Physical Assets	Full Powers	Full Powers	Upto Rs. 1,000,000 At a time	Upto Rs. 500,000 At a time	Upto Rs. 300,000 At a time
	Specific Condition(s): 1. Include Purchase of Building; Computer Equipment; Commodity Purchase (Cost of State Trading); Other Stores & Stock; Purchase of Transport; Purchase of Plant & Machinery; Purchase of Furniture & Fixture; Purchase of Other Assets. 2. Subject to fulfilment of all codal requirements enunciated by relevant legislative and regulatory frameworks.					
(vii)	Civil Works	i. Approved Development Schemes: <b>Full Powers</b> ii. Non-Development Schemes: <b>Rs. 1,000,000</b>	i. Approved Development Schemes: <b>Full Powers</b> ii. Non-Development Schemes: <b>Rs. 500,000</b>	--	--	--



S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
	Specific Condition(s): 1. Include Roads, Highways and Bridges; Irrigation Works; Embankments and Drainage Works; Building and Structures; Other Works; Telecommunication Works; Drought Emergency Relief Assistance Works. 2. Subject to fulfilment of all codal requirements enunciated by relevant legislative and regulatory frameworks.					
(viii)	Repairs & Maintenance	Rs. 300,000 or 50% of the book value of machinery whichever is less	Rs. 150,000 or 50% of the book value of machinery whichever is less	Rs. 70,000 or 25% of the book value of machinery whichever is less	Rs. 50,000 or 10% of the book value of machinery whichever is less	Rs. 25,000
	Specific Condition(s): 1. Include Transport. 2. Subject to carrying out of Repairs in the Government Workshops, in absence of which due process of public procurement and specific conditions shall be strictly adhered to.					
(ix)	Repairs & Maintenance	Full Powers	Full Powers	Full Powers	Upto Rs. 200,000 At a time	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include Machinery & Equipment; Furniture & Fixture; Buildings & Structure; Irrigation; Embankment & Drainage; Roads, Highways and Bridges; Computer Equipment; General; Telecommunication Works. 2. Subject to admissibility under the rules and observance of prescribed ceilings, where applicable.					
(x)	Honoraria	Full Powers	--	--	--	--
	Specific Condition(s): 1. The total amount of the honoraria shall not exceed the amount provided in budget for the payment of honoraria and no re-appropriation shall be made from other budget heads for this purpose; 2. The sanction for the honoraria must show specific detail of the work done; 3. The amount of honoraria for each individual shall not exceed one Month's Basic Pay; 4. Each Administrative Department shall send consolidated statement to the Chief Secretary and Finance Department showing names and amount; and 5. The honoraria fees in connection with the Departmental examinations shall be paid in accordance with the rules of the various Departments.					
(xi)	Reimbursement of Medical Charges	Full Powers	Full Powers	Upto Rs. 10,000 Each case	Upto Rs. 5,000 Each case	Upto Rs. 3,000 Each case
	Specific Condition(s): 1. Advance payments for serious nature cases/operations shall be subject to the condition of					

S #	Nature of Power	Department	In Category-I	In Category-II	In Category-III	In Category-IV	
		certification by a broad-based medical board duly notified and prior approval of Finance Department on cases to case basis.					
3	To Sanction Budget Bonus in Finance and P&D Departments	Chief Secretary Full Powers upto 3 Months Basic Pay	--	--	--	--	
4	Power of Sanctioning Development Projects / Programmes	<b>Forum</b>				<b>Limit to Sanction</b>	
		1. Departmental Development Working Party (DDWP)				Rs. 200 Million	
		2. District Development Committee (DDC)				Rs. 60 Million	
		3. Tehsil Development Committee (TDC)				Rs. 20 Million	
		4. Projects Approval Committee for Village / Neighbourhood Councils				Rs. 5 Million	
	Specific Condition(s):						
	1. The project/programme so sanctioned shall be sent to the Planning & Development Department and Finance Department.						
	2. In case of difference of opinion, the project/programme shall be referred to the Provincial Development Working Party (PDWP).						
	3. Prior clearance of revenue component (creation of new posts, pay & allowances, purchase of vehicles, purchase of machinery & equipments, operating expenses etc.) of the project/programme from Finance Department / District Officer Finance & Planning concerned shall stand as a prerequisite.						
	4. Project/programme having a subsidy / foreign aid element shall be referred to the Provincial Development Working Party (PDWP) for approval, irrespective of its cost.						
5	Issuance of Administrative Approval to Works / Development Schemes	Full Powers	i. Deputy Commissioner ii. Registrar Peshawar High Court ii. Heads of Autonomous /Semi-Autonomous Bodies Full Powers		--	--	
	Specific Condition(s):						
	1. Subject to prior approval of the relevant forum competent to sanction projects i.e. DDC, DDWP, PDWP, CDWP, ECNEC and clearance of revenue component (creation of new posts, pay & allowances, purchase of vehicles, purchase of machinery & equipments, operating expenses etc.) of the project/programme from Finance Department / District Officer Finance & Planning concerned.						
6	Re-appropriation of Funds						
(i)	Re-appropriation of Funds in Current Budget	Full Powers	Full Powers	--	--	--	

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
<p>Specific Condition(s):</p> <ol style="list-style-type: none"> <li>7. The authority sanctioning re-appropriation shall certify that;                             <ol style="list-style-type: none"> <li>(a) The expenditure proposed to be met through re-appropriation could not be reasonably foreseen.</li> <li>(b) The expenditure can't be reduced nor can it be postponed to the next year.</li> <li>(c) The expenditure in question was not specifically disallowed or reduced by Finance Department at the time of approving the budget estimates.</li> </ol> </li> <li>8. No re-appropriation shall be made;                             <ol style="list-style-type: none"> <li>(a) From one grant to another grant.</li> <li>(b) After the expiry of the financial year.</li> <li>(c) Between funds authorized for expenditure charged on the Provincial Consolidated Fund/Local Fund and other expenditure.</li> <li>(d) From development to current expenditure and vice versa.</li> </ol> </li> <li>9. No re-appropriation shall be made beyond 15<sup>th</sup> of April each year.</li> <li>10. No authority subordinate to the one which reduced an allocation shall increase such reduced allocation by means of re-appropriation.</li> <li>11. No re-appropriation from/to Employees Related Expenditure; Secret Service Expenditure; Utilities; POL; TA/DA and Medicines and Dietary Charges.</li> <li>12. No funds shall be provided by Finance Department against such items of expenditure wherefrom the Administrative Department re-appropriated funds.</li> <li>13. No re-appropriation shall be made so as to divert the provision for specified new items to other purposes.</li> <li>14. In case of expenditure on works;                             <ol style="list-style-type: none"> <li>(a) No re-appropriation to meet any expenditure which is likely to involve further outlay in a future financial year.</li> <li>(b) No re-appropriation shall be made from/to the Major Work / Minor Work and Repairs &amp; Maintenance.</li> </ol> </li> </ol> <p>Re-appropriation permissible from an original Major Work in Progress only to a Work(s) of the same category.</p>						
(ii)	Re-appropriation Of Funds in Development Budget	Full Powers	--	--	--	--
<p>Specific Condition(s):</p> <ol style="list-style-type: none"> <li>1. Conditions governing the Re-appropriation of Funds in Current Budget via 6(i) ibid shall apply to Re-appropriation of Funds in Development Budget.</li> <li>2. In addition to 1 ibid, the following specific conditions shall apply;                             <ol style="list-style-type: none"> <li>a. Re-appropriation shall not be made except for approved schemes.</li> <li>b. The approved cost of the schemes shall not be exceeded, through re-appropriation, beyond 10% of the amount for which the scheme has been administratively approved.</li> </ol> </li> </ol>						
7	Unserviceable Stores					

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
(i)	Declaration of Stores as Surplus or Unserviceable	Full Powers	Upto Value of Rs. 1,000,000 per item	Upto Value of Rs. 500,000 per item	Upto Value of Rs. 100,000 per item	--
	Specific Condition(s):					
	1. Full justification for declaring Stores as Surplus or Unserviceable, as the case may be, shall be prepared and furnished to Administrative Department, Accountant General or District Accounts Officer concerned and Finance Department or District Officer Finance and Planning concerned.					
	2. Value refers to Un-depreciated Book Value.					
	3. The Dead Stock Register shall accordingly be updated as per prescribed rules.					
(ii)	Disposal of Unserviceable or Surplus Stores	Full Powers	Full Powers	Full Powers	Rs. 100,000 At a time	Rs. 20,000 At a time
	Specific Condition(s):					
	1. Disposal of Unserviceable or Surplus Stores, as the case may be, shall be via public auction through a duly notified disposal committee having representation of Establishment & Administration Department and Finance Department.					
8	Miscellaneous					
(i)	To Sanction Investigation of Claim(s) of Government Servants	Full Powers	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s):					
	1. Administrative Department and Officers in Category-I shall have full Powers in respect of T.A. Claims not more than three years old and other claims not more than seven years old.					
	2. Officers in Category-II, III, & IV shall have full powers in respect of claim not more than three years old of Government Servants whom they are competent to appoint.					
	3. T.A. Claim more than 3 years old and claim of arrear of pay and allowances, other than T.A. more than six years old, shall require sanction of the Finance Department after investigation by Audit.					
(ii)	Relaxation of the Prescribed Time Limit:	Full Powers	--	--	--	--
	Specific Condition(s):					
	1. Include Arrears of Pay & Allowances within the limit of 3 years.					
	2. Include Submission of T.A Bill(s) where TA Advance not drawn. TA adjustment bill should be submitted within one year of the date of performance of journey by the Government servant, failing which the advances shall be recovered					
(iii)	Relaxation of the Prescribed Time	Chief Secretary Upto 1 year	--	--	--	--

S #	Nature of Power	Administrative Department	Officers In Category-I	Officers In Category-II	Officers In Category-III	Officers In Category-IV
	Limit.	Administrative Department Upto 6 months				
	Specific Condition(s): 1. Include Joining Time where the family of transferred Government Servant could not join him/her within one year due to shortage of accommodation, education of children or on medical or compassionate grounds.					
(iv)	Grant of Travelling & Daily Allowance or Lodging charges	Full Powers	--	--	--	--
	Specific Condition(s): 1. To non-official members of Commissions/Committees setup by the Government and to foreign experts. 2. Not to exceed the maximum limit prescribed by the Government for highest category.					
(v)	To refund in accordance with rules or in pursuance of decisions of court	Full Powers	Full Powers	Rs. 500,000	Rs. 300,000	Rs. 100,000

### Third Schedule - Special Powers

#### 1. Administration of Justice

S #	Nature of Power	Registrar Peshawar High Court	District & Session Judges
1	Leases of land pertaining to Government Buildings under Administrative control of Administration of Justice	Full Powers	Full Powers
	Specific Condition (S): 1. Subject to the condition that lease being openly auctioned for a period not exceeding one year and proceeds are deposited in Government Account.		
2	Leases of Fruit trees and sale of grass growing in the compounds of Government buildings/lands under Administrative control of Administration of Justice.	Full Powers	Full Powers
	Specific Condition (S): 1. Subject to the condition that lease being openly auctioned for a period of not more than one year and proceeds are deposited in Government Account.		

## 2. Agriculture Department

1.1 Agriculture Wing						
S #	Nature of Power	DG Agriculture Extension	DG On Farm Water Management	DG Soil & Water Conservation	Director Agriculture Engineering	District Director Agriculture
1	To Sanction Prizes	Full Powers	Full Powers	--	--	--
	Specific Condition(s): 1. Include Prizes for Fruit and Agricultural Product Competitions.					
2	To Sanction Expenditure					
(i)	Purchase of Improved Seeds	Full Powers	--	--	--	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include Purchase (at fixed rates) of improved seeds and other seed depot commodities including bags (under seed depot Rules) for distribution to the growers.					
(ii)	Purchase of Seeds and Manures	--	Full Powers	--	--	Upto Rs. 100,000 At a time

1.1 Agriculture Wing						
S #	Nature of Power	DG Agriculture Extension	DG On Farm Water Management	DG Soil & Water Conservation	Director Agriculture Engineering	District Director Agriculture
	Specific Condition(s): 1. Include the Purchase of seeds, manures, implements insecticides bags for general use in the Department.					
(iii)	Purchase of Livestock	Full Powers	--	--	--	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include Purchase of Livestock for use in Departmental Institutions.					
(iv)	Purchase of Aviation Spirit	Full Powers	--	--	--	--
	Specific Condition(s): 1. Include Purchase of Aviation Spirit for Aerial Sprays.					
(v)	Purchase of Photographic Material	Full Powers	Full Powers	Full Powers	Full Powers	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include Purchase of photographic materials for publicity works.					
(vi)	Purchase of Tarpaulins	Full Powers	Full Powers	Full Powers	Full Powers	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include Purchase of tarpaulins required for Departments experimental research & seed farms & covers for vehicles.					
(vii)	Building of Bodies of Trucks/Buses	Full Powers	--	--	--	Upto Rs. 100,000 At a time
3	Sale of Depot Commodities.	Full Powers	Full Powers	Full Powers	--	Full Powers
4	Technical	--	Upto	Upto	--	--

Sanction		Rs. 3,000,000 At a time	Rs. 3,000,000 At a time	
Specific Condition(s):				
1. Include Improvement of Water Courses & Precision land levelling.				
2. Include Soil & Water Conservation interventions.				

S #	Nature of Power	Director General	Director /Add: Director	Deputy Director	Assistant Director/DDO
1	To Sanction Leases				
(i)	Fishing Leases in Open Auction	Full Powers	Upto Rs. 200,000 At a time	Upto Rs. 100,000 At a time	
Specific Condition(s):					
1. Include Approving highest bid of fishing leases in open auction.					
(ii)	Auction of Fishing Rights	Full Powers	Upto Rs. 200,000 At a time	Upto Rs. 100,000 At a time	
(iii)	Lease of Land	Full Powers	Upto Rs. 200,000 At a time	--	
Specific Condition(s):					
1. Include Lease of land for grazing of cattle or cultivation of fruit trees in fisheries project areas.					
(iv)	Lease of Land	Upto Rs. 500,000 At a time	Upto Rs. 300,000 At a time	Upto Rs. 200,000 At a time	Upto Rs. 100,000 At a time
Specific Condition(s):					
1. Include Lease of Land for fish pond/nurseries/fodder etc.					
2	To Fix Rate(s).	Full Powers	--	--	
Specific Condition(s):					
1. Include Power to fix rates for disposal of fish/fish seed (to determine rates at which fish caught on Government Account may be sold).					
3	To Sanction Sale of Trees/Grass	Full Powers	Upto Rs. 50,000 At a time	--	
Specific Condition(s):					
1. Include Sanctioning sale of trees/grass whether standing or fallen, green or dead growing in fisheries project areas.					

1.3 Livestock & Dairy Development; Extension & Research Wing						
S #	Nature of Power	DG Livestock & Dairy Development	Director Breed Improvement	District Director Livestock	Heads of Institutions	Drawing & Disbursing Officers
1	To Sanction Prizes	Full Powers	--	Upto Rs. 20,000	--	--
1.3 Livestock & Dairy Development; Extension & Research Wing						
		DG Livestock &	Director Breed	District	Heads of	Drawing &

S #	Nature of Power	Dairy Development	Improvement	Director Livestock	Institutions	Disbursing Officers
				At a time		
	Specific Condition(s): 1. Include Sanctioning Prizes for Livestock & Poultry Competitions.					
2	Invitation / Acceptance of Tenders	Full Powers	--	Upto Rs. 300,000 At a time	Upto Rs. 200,000 At a time	Upto Rs. 100,000 At a time
	Specific Condition(s): 1. Include Invitation/acceptance of tenders for vegetable stores.					
3	Price Fixation	Full Powers	--	Upto Rs. 30,000 At a time	--	--
	Specific Condition(s): 1. Include Fixation of prices for the sale of animal, animals produce and by-products.					
4	Purchase of Livestock & Poultry	Full Powers	Upto Rs. 300,000 At a time	Upto Rs. 100,000 At a time	--	--
5	Sale of Livestock including Poultry and its By-Products	Full Powers	Upto Rs. 300,000 At a time	Upto Rs. 100,000 At a time	--	--
6	Declaration of Livestock as Surplus / Unserviceable and its Disposal by Public Auction	Full Powers	Upto Rs. 300,000 At a time	Upto Rs. 100,000 At a time	--	--
7	To write off losses of animals died and vaccines expired	Full Powers	--	--	--	--
	Specific Condition(s): 1. Include losses on account of death of livestock/animals/poultry birds/vaccine expiration other than negligence or fraud.					

### 3. Communication & Works Department

S #	Nature of Power	Chief Engineers	MD PKHA/ Superintending Engineer PBMC	Superintending Engineers	Executive Engineers
1	Technical Sanction				
(i)	Original Works	Full Powers	--	Upto Rs. 20,000,000 (Highways & Bridges)	Upto Rs. 6,000,000 (Highways & Bridges)
	Specific Condition(s): 1. Excess amount over the amount for which Administrative Approval has been accorded does not exceed 10%. In case it does exceed Revised Administrative Approval shall be required.				
(ii)	Ordinary & Special Repairs	Full Powers	Full Powers	Upto Rs. 2,000,000 Each case	Upto Rs. 400,000 Each case
	Specific Condition(s): 1. Include. Non-residential buildings & machinery and equipment.				
(iii)	Ordinary & Special Repairs	Upto Rs. 200,000 (Building Each Case)	Full Powers	Upto Rs. 100,000 (Building Each Case)	Upto Rs. 50,000 (Building Each Case)
	Specific Condition(s):				



	1. Include Residential buildings. 2. Full Powers only to Superintending Engineer PBMC				
(iv)	Ordinary & Special Repairs	Full Powers	Full Powers	Upto Rs. 4,000,000 Each case	Upto Rs. 1,000,000 Each case
	Specific Condition(s): 1. Include Roads. 2. Full Powers only to MD PKHA				
2	Acceptance of Tenders	Power Equivalent to Grant of Technical Sanction in relevant Category.			
	Specific Condition(s): 1. The rates quoted and/or amounts tendered are such that the total cost of a project/programme/works shall not exceed the amount for which the project/programme/works is administratively approved by more than 45%. 2. If the lowest tender from an approved contractor is not accepted, reasons thereof shall be recorded and further approval shall be obtained as under; a. Chief Engineers upto the value of Rs. 1,000,000. b. Administrative Department, if the value tendered does not exceed Rs. 3,000,000. c. The P&D Department, if the value tendered exceeds Rs. 3,000,000.				
3	To Sanction Fixation of Stock Limits	Full Powers	--	--	--
4	To Dismantle & Sell Unserviceable	Upto Rs. 10,000,000	--	Upto Rs. 5,000,000	Upto Rs. 2,000,000

S #	Nature of Power	Chief Engineers	MD PKHA/ Superintending Engineer PBMC	Superintending Engineers	Executive Engineers
	Buildings				
5	Leases of Land	Full Powers	--	--	--
	Specific Condition(s):				
	<ol style="list-style-type: none"> <li>1. Include Land along Provincial Highways / National Highways and District Roads for Petrol Pumps / CNG Stations / LPG Stations and Storage Tanks at the prescribed rates.</li> <li>2. The site shall be approved by relevant forum.</li> <li>3. Land shall be under the control of Communication &amp; Works Department.</li> <li>4. No Objection Certificate of competent forum shall be obtained.</li> <li>5. The Lease shall be awarded under open public auction.</li> <li>6. The land shall not be used for any permanent structure(s).</li> </ol>				
6	To Sanction Sale of Trees	Full Powers	--	Full Powers	--
	Specific Condition(s):				
	<ol style="list-style-type: none"> <li>1. Land on which trees, whether standing or fallen, green or dead shall be under the control of Communication &amp; Works Department</li> <li>2. The sale shall be through open public auction.</li> </ol>				
7	Payment of Compensation	Full Powers	--	Full Powers	--
	Specific Condition(s):				
	<ol style="list-style-type: none"> <li>1. Include Payment under Workmen Compensation Act.</li> <li>2. In case of any doubt with respect to applicability of the Act, the case shall be referred to Law Department for legal advice.</li> </ol>				
8	To Sanction Employment of Work Charged Establishment	Full Powers	--	Upto Rs. 10,000 Per-mensum	--
	Specific Condition(s):				
	<ol style="list-style-type: none"> <li>1. Provision shall exist in the sanctioned estimates.</li> <li>2. Permissible only when the order to commence work has been received and shall be hired only for such particular work.</li> <li>3. The monthly wages not to exceed the emolument including allowances admissible to regular establishment of the same category.</li> <li>4. Permissible only for developmental schemes.</li> <li>5. Services shall be dispensed with as soon the work is completed and shall not be transferred to current budget or carried on from work to work.</li> </ol>				

**(d) Elementary & Secondary Education Department**

S #	Nature of Power	Officers in Category-I	Officers in Category-II	Officers in Category-III	Officers in Category-IV
1	To Dismantle & Sell Unserviceable Buildings	Upto Rs. 1,000,000	--	--	--
	Specific Condition(s): 1. Include Buildings belonging to E&SE Education Department and not born on the books of Communication & Works Department. 2. The Competent Authority shall certify the buildings as unserviceable and not required by any other Government Department.				
2	Leases of Land	Full Powers	Full Powers	Full Powers	--
	Specific Condition(s): 1. Include Land belonging to E&SE Education Department in Forest Areas and not borne on the books of Forest Department. 2. The Lease shall be awarded under open public auction.				
3	To Sanction Sale of Trees	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Land on which trees, whether standing or fallen, green or dead shall be under the control of E&SE Education Department. 2. The sale shall be through open public auction.				

**5. Environment Department**

4.1	Environment				
S #	Nature of Power	Officers in Category-I	Officers in Category-II	Officers in Category-III	Officers in Category-IV
1	Technical Sanction Original Works	--	--	--	--
	Specific Condition(s): 1. Excess amount over the amount for which Administrative Approval has been accorded does not exceed 10%. In case it does exceed Revised Administrative Approval shall be required.				
2	Acceptance of Tenders	--	--	--	--
	Specific Condition(s): 1. The rates quoted and/or amounts tendered are such that the total cost of a project/programme/works shall not exceed the amount for which the project/programme/works is administratively approved by more than 45%. 2. If the lowest tender from an approved contractor is not accepted, reasons thereof shall be recorded and further approval shall be obtained as under; a. Special Secretary upto the value of Rs. 1,000,000.				

<b>4.1</b>	<b>Environment</b>				
<b>S #</b>	<b>Nature of Power</b>	<b>Officers in Category-I</b>	<b>Officers in Category-II</b>	<b>Officers in Category-III</b>	<b>Officers in Category-IV</b>
	b. Administrative Department, if the value tendered does not exceed Rs. 3,000,000. c. The P&D Department, if the value tendered exceeds Rs. 3,000,000.				

<b>4.2</b>	<b>Forests/Wildlife</b>				
<b>S #</b>	<b>Nature of Power</b>	<b>Chief Conservator Forest/Wildlife</b>	<b>Conservator Forest/Wildlife</b>	<b>Divisional Forest/Wildlife Officer</b>	
1	Technical Sanction				
(i)	Original Works	Upto Rs. 10,000,000	Upto Rs. 5,000,000	Upto Rs. 2,000,000	--
	Specific Condition(s):				
	1. Works in respect of Forestry and Wildlife				
	2. Excess amount over the amount for which Administrative Approval has been accorded does not exceed 10%. In case it does exceed Revised Administrative Approval shall be required.				
(ii)	Ordinary & Special Repairs	Upto Rs. 500,000	Upto Rs. 300,000	Upto Rs. 200,000	--
	Specific Condition(s):				
	1. Include. Special & Ordinary repairs including replacement and renewal of existing works.				
2	Acceptance of Tenders	Power Equivalent to Grant of Technical Sanction in relevant Category.			
	Specific Condition(s):				
	1. Include Forest/Wildlife Works or Civil Works, such as construction of buildings and conservancy works.				
	2. The rates quoted and/or amounts tendered are such that the total cost of a project/programme/works shall not exceed the amount for which the project/programme/works is technically sanctioned by more than 2%.				
	3. If the lowest tender from an approved contractor is not accepted, reasons thereof shall be recorded and further approval shall be obtained as under;				
	a. Chief Conservator Forest/Wildlife upto the value of Rs. 1,000,000.				
	b. Administrative Department, if the value tendered does not exceed Rs. 2,000,000.				
	c. Retendering if the value tendered exceeds Rs. 2,000,000.				
3	Execution of Forest/Wildlife Contracts	Upto Rs. 4,000,000	Upto Rs. 2,000,000	Upto Rs. 500,000	--
	Specific Condition(s):				
	1. Include Contracts for disposal of forest/wildlife produce and to fix the terms of contracts.				
	2. The contract(s) shall be vetted by Law Department.				

4.2 Forests/Wildlife					
S #	Nature of Power	Chief Conservator Forest/Wildlife	Conservator Forest/Wildlife	Divisional Forest/Wildlife Officer	
4	To Dismantle & Sell Unserviceable Buildings	Full Powers	Upto Rs. 500,000	Upto Rs. 300,000	--
5	Purchase of Livestock/Wildlife Stock/Feeds and its products	Upto Rs. 2,000,000	Upto Rs. 1,000,000	--	Upto Rs. 500,000
6	Leases of Land	Full Powers	Full Powers	Full Powers	--
Specific Condition(s):					
<ol style="list-style-type: none"> <li>1. Include Forest/Wildlife Land.</li> <li>2. The Lease shall be awarded under open public auction/tender.</li> <li>3. Administrative Department and Chief Conservator may grant lease upto 5 years for irrigated land and 10 years for barani land.</li> <li>4. Conservator or Divisional Forest/Wildlife Officer may grant lease upto 50 acres for one year in each case.</li> </ol>					
7	To Sanction Sale of Livestock/Wildlife & its By-Products	Upto Rs. 1,000,000 Per annum	Upto Rs. 500,000 Per annum	--	Upto Rs. 200,000 Per annum
8	To Sanction Payments	Upto Rs. 8,000,000	Upto Rs. 4,000,000	Upto Rs. 2,000,000	--
Specific Condition(s):					
<ol style="list-style-type: none"> <li>1. Include Usual payments on sowing and planting etc. under Forestry development and non-development budget.</li> </ol>					
9	Lease of Land Buildings	Upto Rs. 30,000 Per-mensem	--	--	--
Specific Condition(s):					
<ol style="list-style-type: none"> <li>1. Include Lease of land buildings for specific purposes such as mills, timber depots etc.</li> </ol>					
10	Reward in Forest Cases	Full Powers	Full Powers	Full Powers	--
Specific Condition(s):					
<ol style="list-style-type: none"> <li>1. Include i) Out of the sum accepted as compensation not exceeding <math>\frac{1}{4}</math> of the amount realized, ii) Out of the sum accepted as compensation plus value of property not exceeding <math>\frac{1}{4}</math> of the amount realized.</li> </ol>					
11	To Write Off Irrecoverable Forest Revenue	Upto Rs. 40,000	Upto Rs. 20,000	--	--

4.2	Forests/Wildlife			
S #	Nature of Power	Chief Conservator Forest/Wildlife	Conservator Forest/Wildlife	Divisional Forest/Wildlife Officer
	Specific Condition(s):			
	1. The Administrative Department shall have a restricted delegated power upto Rs. 100,000.			

## 6. Establishment & Administration Department

S #	Nature of Power	Chief Secretary	Secretary Administration
1	To Sanction Expenditure		
(i)	Rent of Residential Buildings & Housing Subsidy	Full Powers	Full Powers
	Specific Condition(s):		
	1. 75% of the Basic Pay of the Occupant, or intending Occupant subject to standing instructions and certificate from Communication & Works that rent is reasonable.		
(ii)	Ceremonial Functions & State Entertainments	Full Powers	Upto Rs. 100,000 At a time
	Specific Condition(s):		
	1. Include. Ceremonial functions and State entertainments administered/organized by Establishment & Administration Department.		
2	Acceptance of Tenders	Full Powers	Full Powers
	Specific Condition(s):		
	1. The rates quoted and/or amounts tendered are such that the total cost of a project/programme/works shall not exceed the amount for which the project/programme/works is administratively approved by more than 45%.		
	2. If the lowest tender from an approved contractor is not accepted, reasons thereof shall be recorded and further approval shall be obtained as under;		
	a. Special Secretary upto the value of Rs. 1,000,000.		
	b. Administrative Department, if the value tendered does not exceed Rs. 3,000,000.		
	c. The P&D Department, if the value tendered exceeds Rs. 3,000,000.		
3	To Sanction Fixation of Stock Limits	Full Powers	Full Powers
4	To Dismantle & Sell Unserviceable Buildings	Full Powers	Full Powers
5	Leases of Surplus Buildings	Full Powers	Full Powers
6	Leases of Land	Full Powers	Full Powers

S #	Nature of Power	Chief Secretary	Secretary Administration
	Pertaining to Government Buildings		
7	To Sanction Sale of Trees	Full Powers	Full Powers
	Specific Condition(s):		
	1. Land on which trees, whether standing or fallen, green or dead shall be under the control of Establishment & Administration Department		
	2. The sale shall be through open public auction.		
8	Payment of Compensation	Full Powers	Full Powers
	Specific Condition(s):		
	1. Include Payment under Workmen Compensation Act.		
	2. In case of any doubt with respect to applicability of the Act, the case shall be referred to Law Department for legal advice.		
9	To Sanction Employment of Work Charged Establishment	Full Powers	Full Powers
	Specific Condition(s):		
	1. Provision shall exist in the sanctioned estimates.		
	2. Permissible only when the order to commence work has been received and shall be hired only for such particular work.		
	3. The monthly wages not to exceed the emolument including allowances admissible to regular establishment of the same category.		
	4. Permissible only for developmental schemes.		
	5. Services shall be dispensed with as soon the work is completed and shall not be transferred to current budget or carried on from work to work.		

## 7. Food Department

S #	Nature of Power	Director Food	Deputy Director Food	District Food Controller
1	To Accept Tenders	Full Powers	Full Powers	--
	Specific Condition(s):			
	1. Include Transportation, handling and labour charges (including charges for loading unloading stacking, un-stacking weighing, up-gradation / sieving if required on account of infestation etc.) of Government stocks.			
2	To Sanction Transfer of Stocks	Full Powers	--	--
3	To Accept Quotations	Full Powers	Upto Rs. 100,000	--

S #	Nature of Power	Director Food	Deputy Director Food	District Food Controller
	Specific Condition(s): 1. Include Transportation of Government stocks and labour activity (including charges for loading, unloading, stacking, un-stacking, weighing up-gradation / sieving if required on account of infestation etc.) in cases where tenders have been invited but no response is received under prevailing KP Public Procurement Rules.			
4	To Forfeit & Release Securities of Food Grains Agents	Full Powers	--	--
5	Schemes to be Financed from Sugarcane Development Cess Fund	The Deputy Commissioner of respective District shall have Full Powers		
	Specific Condition(s): 1. Schemes not to exceed the funds released by the Finance Department. 2. The Power shall be exercised by the Deputy Commissioner concerned in relevant forum.			

### 8. Higher Education, Archives & Libraries Department

S #	Nature of Power	Officers in Category-I	Officers in Category-II	Officers in Category-III	Officers in Category-IV
1	To Dismantle & Sell Unserviceable Buildings	Upto Rs. 1,000,000	--	--	--
	Specific Condition(s): 1. Include Buildings belonging to Higher Education Department and not born on the books of Communication & Works Department. 2. The Competent Authority shall certify the buildings as unserviceable and not required by any other Government Department.				
2	Leases of Land	Full Powers	Full Powers	Full Powers	--
	Specific Condition(s): 1. Include Land belonging to Higher Education Department in Forest Areas and not borne on the books of Forest Department. 2. The Lease shall be awarded under open public auction.				
3	To Sanction Sale of Trees	Full Powers	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Land on which trees, whether standing or fallen, green or dead shall be under the control of Higher Education Department. 2. The sale shall be through open public auction.				



## 9. Industries Department

S #	Nature of Power	Officers in Category-I	Officers in Category-II	Officers in Category-III	Officers in Category-IV
1	To Dismantle & Sell Unserviceable Buildings	Upto Rs. 1,000,000	--	--	--
	Specific Condition(s):				
	1. Provided that certificate is obtained from Communication & Works Department about these being unserviceable.				
2	Leases of Land Pertaining to Government Buildings	Full Powers	--	--	--
	Specific Condition(s):				
	1. Subject to public auction as per prescribed rules.				
3	To Sanction Sale of Trees	Full Powers	Full Powers	--	--
	Specific Condition(s):				
	1. Land on which trees, whether standing or fallen, green or dead shall be under the control of Industries Department				
	2. The sale shall be through open public auction.				

### (f) Inspectorate General of Prisons

S #	Nature of Power	IG Prisons	Superintendent Central Jail	Superintendent District Jail
1	Technical Sanction			
(i)	Estimates of Expenditure on Works	Power Equivalent to Grant of Administrative Approval in relevant Category.		
	Specific Condition(s):			
	1. Include. Jail Buildings to be carried out of Departmental Fund / Grant and invitation and acceptance of tenders.			
2	Leases of Land	Full Powers	--	--
	Specific Condition(s):			
	1. Include Land pertaining to the Inspectorate General of Prisons and not born on the books of Communication & Works Department.			
3	To Sanction Sale of Trees	Full Powers	Full Powers	--
	Specific Condition(s):			
	1. Land on which trees, whether standing or fallen, green or dead shall be under the control of			

## 11. Irrigation Department

S #	Nature of Power	Chief Engineers	Superintending Engineers	Executive Engineers
1	Technical Sanction			
(i)	Original Works	Full Powers	Upto Rs. 20,000,000	Upto Rs. 6,000,000
	Specific Condition(s): 1. Excess amount over the amount for which Administrative Approval has been accorded does not exceed 10%. In case it does exceed Revised Administrative Approval shall be required.			
(ii)	Ordinary & Special Repairs	Full Powers	Upto Rs. 2,000,000 Each case	Upto Rs. 400,000 Each case
	Specific Condition(s): 1. Include. Irrigation Works, Non-residential buildings and other structures belonging to the Government.			
(iii)	Ordinary & Special Repairs	Upto Rs. 200,000 Each case	Upto Rs. 100,000 Each case	Upto Rs. 50,000 Each case
	Specific Condition(s): 1. Include. Residential buildings.			
2	Acceptance of Tenders	Power Equivalent to Grant of Technical Sanction in relevant Category.		
	Specific Condition(s): 1. The rates quoted and/or amounts tendered are such that the total cost of a project/programme/works shall not exceed the amount for which the project/programme/works is administratively approved by more than 10%. 2. If the lowest tender from an approved contractor is not accepted, reasons thereof shall be recorded and further approval shall be obtained as under; a. Chief Engineers upto the value of Rs. 500,000. b. Administrative Department, if the value tendered does not exceed Rs. 1,000,000. c. The Ministerial Committee, if the value tendered exceeds Rs. 1,000,000.			
3	To Sanction Fixation of Stock Limits	Full Powers	--	--
4	To Dismantle & Sell Unserviceable Buildings	Upto Rs. 1,000,000	--	--

S #	Nature of Power	Chief Engineers	Superintending Engineers	Executive Engineers
	Specific Condition(s): 1. Include Buildings belonging to Irrigation Department. 2. Provided that a certificate is obtained from Communication & Works Department about these being unserviceable.			
5	To Sanction Estimates	Full Powers	Full Powers	--
	Specific Condition(s): 1. Include Purchase or Manufacture of materials to be used on works. 2. Subject to explicit conditions prescribed by the public works codes.			
6	Leases	Full Powers	Upto Rs. 1,000,000	--
	Specific Condition(s): 1. Include Leases of buildings, land or other immovable property belonging to Irrigation Department by Auction or Competitive Tenders. 2. No Objection Certificate of competent forum shall be obtained.			
7	To Sanction Sale of Trees	Full Powers	Full Powers	Full Powers
	Specific Condition(s): 1. Land on which trees, whether standing or fallen, green or dead shall be under the control of Communication & Works Department 2. The sale shall be through open public auction.			
8	Payment of Compensation	Full Powers	Full Powers	--
	Specific Condition(s): 1. Include Payment under Workmen Compensation Act. 2. In case of any doubt with respect to applicability of the Act, the case shall be referred to Law Department for legal advice.			
9	To Sanction Employment of Work Charged Establishment	Full Powers	Upto Rs. 10,000 Per-mensum	--
	Specific Condition(s): 1. Provision shall exist in the sanctioned estimates. 2. Permissible only when the order to commence work has been received and shall be hired only for such particular work. 3. The monthly wages not to exceed the emolument including allowances admissible to regular establishment of the same category. 4. Permissible only for developmental schemes. 5. Services shall be dispensed with as soon the work is completed and shall not be transferred to current budget or carried on from work to work.			
10	Lease of Water Power for Mills	Full Powers	Full Powers	--

S #	Nature of Power	Chief Engineers	Superintending Engineers	Executive Engineers
11	To Sanction Supply of Canal Water (Non-Irrigation Purposes)	Full Powers	Full Powers	--
12	To Sanction Carriage & Handling Charges of Stock	Full Powers	Full Powers	Full Powers
13	To Sanction Purely Temporary Increase	Full Powers	Upto 20% Increase	--
	Specific Condition(s):			
	1. Include Stock limit of a Division to be absorbed within six months from the date of temporary increase.			
	2. Subject to fulfillment of prescribed codal requirements.			

## 9. Police Department

S #	Nature of Power	Additional IG Police	Deputy IG Police	District Officer Police
1	Technical Sanction			
(i)	Ordinary & Special Repairs	Full Powers	Upto Rs. 1,000,000 Each case	Upto Rs. 500,000 Each case
	Specific Condition(s):			
	1. Include. Residential and Non-residential Buildings.			
2	Acceptance of Tenders	Power Equivalent to Grant of Technical Sanction in relevant Category.		
	Specific Condition(s):			
	1. Subject to prescribed rules and regulations.			
3	Payment of Death Compensation	--	--	--
	Specific Condition(s):			
	1. Include Death compensation to the dependents of the Police Personnel killed on duty (Gazetted or Non-Gazetted) / Compensation for injuries sustained by Police Personnel on duty.			
	2. Subject to laid down criteria as approved by Government from time to time.			
4	To Sanction Animal Ration	Full Powers	--	--
5	Purchase of Ammunition / Anti-Riot	--	--	--
6	Installation of Telephone	--	--	--

S #	Nature of Power	Additional IG Police	Deputy IG Police	District Officer Police
	Specific Condition(s):			
	1. Include Installation of Telephone in Police Station, Police Line, and District Police Offices.			
	2. Subject to admissibility and within the prescribed ceilings, where applicable.			

## 2 Public Health Engineering Department

S #	Nature of Power	Chief Engineers	Superintending Engineers	Executive Engineers
1	Technical Sanction			
(i)	Original Works	Full Powers	Upto Rs. 12,000,000	Upto Rs. 4,000,000
	Specific Condition(s):			
	1. Excess amount over the amount for which Administrative Approval has been accorded does not exceed 10%. In case it does exceed Revised Administrative Approval shall be required.			
(ii)	Ordinary Repairs & Maintenance work of W.S.S	Full Powers	Upto Rs. 500,000 (Each Case at a time)	Upto Rs. 200,000 (Each Case at a time)
	Specific Condition(s):			
	1. Include: Leakage removal in pipes, tanks etc, Cleaning and disinfection of distribution system and tanks etc, repair of machinery, equipment and civil works of residential and non-residential buildings.			
(iii)	Special Repairs and Maintenance of Water supply schemes	Full Powers	Upto Rs.1,000,000 (Each Case at a time)	
	Specific Condition(s):			
	1. Include Replacement of tube well, pipeline, Pumping machinery along with accessories, Transformers and allied components, parts of solar systems, civil works etc.			
2	Acceptance of Tenders	Power Equivalent to Grant of Technical Sanction in relevant Category.		
3	To Sanction Fixation of stock Limits	Full Powers	--	--
4	To Dismantle & sell Unserviceable Buildings, Materials, pumping machinery & accessories and T&P	Upto Rs. 10,000,000	Upto Rs. 5,000,000	Upto Rs. 2,000,000

5	Leases of Land/ tube wells/ tanks etc.	Full Powers	--	--
	Specific Condition(s): <ol style="list-style-type: none"> <li>1. Include Land of tube wells, Over Head Tanks, surface tanks, treatment plants etc. Land of abandoned schemes also included.</li> <li>2. Land shall be under the control of Public Health Engineering Department.</li> <li>3. No Objection Certificate of competent forum shall be obtained.</li> <li>4. The Lease shall be awarded under open public auction.</li> <li>5. The land shall not be used for any permanent structure(s).</li> <li>6. For auction prior approval of the department shall be obtained.</li> </ol>			
6	To Sanction Sale of trees	--	--	--
	Specific Condition(s): <ol style="list-style-type: none"> <li>1. Land on which trees, whether standing or fallan, green or dead shall be under the control of Public Health Engineering Department</li> <li>2. The sale shall be through open public auctions.</li> </ol>			
7	Payment of Compensation	Full Powers	--	--
	Specific Condition(s): <ol style="list-style-type: none"> <li>1. Include payment under Workmen Compensation Act.</li> <li>2. In Case of any doubt with respect to applicability of the Act, the case shall be referred to Law Department for legal advice.</li> </ol>			
8	To Sanction Employment of Work Charged Establishment	Full Powers	Upto Rs. 10,000 Pre-mensum	--
	Specific Condition(s): <ol style="list-style-type: none"> <li>1. Provision shall exits in the sanctioned estimates &amp; the total expenditure should not exceed the approved limit of PC-I.</li> <li>2. Permissible only when the order to commence work has been received and shall be hired only for such particular work.</li> <li>3. The monthly wages not be exceed the emolument including allowances admissible to regular establishment of the same category.</li> <li>4. Permissible only for developmental schemes.</li> <li>5. Services shall be dispensed with as soon the work is completed and shall not be transferred to current budget or carried on from work to work.</li> </ol>			
9	To sanction consumables for laboratories	Upto Rs. 1,000,000	Upto Rs. 500,000 at a time	200,000

**11. Revenue Department**

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
1	To sanction loans under Agriculture Loans Act	Full Powers	Rs. 10,000 in each case		
	Specific Condition(s): 1. As per instructions issued by Board of Revenue.				
2	To sanctions loans under the Land Improvement Loans Act	Rs. 10,000 in each case	Rs. 10,000 in each case		
	Specific Condition(s): 1. As per instructions issued by Board of Revenue when Finance Department has allowed such loaning.				
3	Suspension of recoveries of loans under the Land Improvement Loans Act and Agriculture Loans Act	Full Powers	--		
	Specific Condition(s): 1. Includes the provision of Taqavi Acts and the Rules made there under. BOR has to pass a detail order justifying this action.				
4	Refund in cases in which money is credited to Government for purchase of stamps but stamps are not actually purchased	Full Powers			
	Specific Condition(s): 1. Subject to Law				
5	To write off value of: i) Non-Postal stamps obsolete, unserviceable or spoiled ii) Water marked plain paper which is damaged and unfit for use a) Stamps lost in transit b) Loss of stamps forming part of the stock in a local Branch Department	Full Powers	Rs. 300		
	Specific Condition(s): 1. Subject to detail order justifying the auction.				
6	To write off irrecoverable loss of stamps revenue	Rs. 10,000			
	Specific Condition(s): 1. Subject to detail order.				
7	Refund of Court fee stamps affixed un-necessarily, in consequence of an	Full Powers			

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
	order of a Court				
	Specific Condition(s): 1. Subject to production of Court orders.				
8	Refund or renewal of impressed or adhesive court-fee stamps which have been spoiled or rendered useless or unfit for purpose intended or for which the purchaser has not immediate use	--	Full Powers		
	Specific Condition(s): 1. Subject to the deduction of ten paise per rupee of face value in the case of refunds except in case of court fee stamps not spoiled or rendered unfit for use returned to Collector's store on. a) Expiration of License; b) Revocation of License for any reason other than fault of the Licensee.				
9	Refund of revenue otherwise than in accordance with the rules but not in relaxation of any rules	Rs. 5,000 in each case	--		
10	Remission of Revenue in accordance with rules	Full Powers			
	Specific Condition(s): 1. Subject to approval of Government.				
11	Remission of Revenue otherwise than in accordance with rules but not in relaxation of rules	Rs. 5,000			
12	Remission of Land revenue due to calamities	Full Powers			
	Specific Condition(s): 1. Subject to detail order and approval of Government.				
13	To Sanction Remission of by Audit Officer	--	Upto Rs. 100 In individual cases		
14	Remission of acreage rates	Full Powers	Rs. 500 per harvest in a single case		
15	To levy or remit acreage rates	Full Powers	--		
16	Remission of rent on temporary cultivation	--	Rs. 100		
	Specific Condition(s):				



S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
	1. Full power subject to standing orders issued by Board of Revenue from time to time ( returns of remission granted should be furnished to the Board of Revenue)				
17	Shifting of installment connected with disposal of land	2 years	--		
18	Increase in number of installments connected with disposal of land	Upto 10 half year installment	Upto 4 half year installment		
19	To dismantle and sell unserviceable buildings	Full Powers	--		
	Specific Condition(s): 1. Provided that a certificate from Communication and works Department about their being unserviceable should be obtained.				
20	Leases of land pertaining to Government Buildings	Full Powers	--		
	Specific Condition(s): 1. Subject to leases being openly auction for one year at a time				
21	Leases of surplus buildings	Full Powers	--		
	Specific Condition(s): 1. For a period not exceeding one year after obtaining competitive offers/open auction				
22	Leases of fruit trees and sale of grass growing in compounds of Government Buildings belonging to Revenue Department	Full Powers for period not more than 1 year	Full Powers for period not more than 1 year	--	Full Powers for period not more than 1 year
23	Leases of:- i) Land under the rules in accordance contained in appendix-III with the rules for the lease to land Administration rules for the lease of waste Manual other than that lands contained in appendix-II include in a colonization to land Administration Manual or which is likely to come under perennial irrigation in the foreseeable future	Full Powers		--	--
	Specific Condition(s): 1. In accordance with the rules for the lease of waste lands contained in Appendix-II and III to Land Administration for a Maximum Period of twenty years provided that the total area held on lease by a single lessee does not exceed one hundred and fifty acres.				

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
	ii) Land for grazing of cattle	--	Full Powers (for 1 year upto 10 acres for a period not exceeding 2 years)		
	iii) Fruit trees not in the compound of Government Buildings	--	Full Powers (for 1 year)		
	Specific Condition(s): 1. Provided that the reserve rent does not exceed Rs. 1,000/-				
24	Lease of state Agricultural	--	Upto 50 acres for a period not exceeding 10 harvests		
	Specific Condition(s): 1. To any order issued by the Govt. or the Board of Revenue and provided that the Area to be held at one time by Lease shall not exceed the limit Fix under the Revenue ordered.				
25	Lease of state land for Agri. purposes by private treaty	Full Powers Upto five years	Upto fifty acres for period of two years only in respect of land for which offers by tenders or auction fail to attract a bidder		
	Specific Condition(s): 1. Subject to the condition that the District Revenue Officer/Collector can make lease for a period of two years only in respect of land for which offers by tenders or auction failed to attract a bidder provided that no lease of land by District Revenue Officer/Collector beyond two years is allowed in continuation of the allowed same lease without the sanction of BOR				
26	Lease of state land for Non-Agricultural purposes	Full Powers	--		
	Specific Condition(s): 1. Subject to condition that the lease does not involve the erection of a building.				
27	Lease of land to Local Bodies	Full Powers	--		
	Specific Condition(s): 1. Subject to the approval of the Government.				

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
28	Lease of state land for brick kilns	--	Full Powers		
	Specific Condition(s): Subject to condition that the standing orders of the BOR and in consultation with City District 1. Govt. in respect of Urban areas and District Govt. in other areas.				
29	Long lease with special conditions under a scheme approved by Government	Full Powers	--		
30	Lease of Nazul Land	Full Powers	--		
	Specific Condition(s): Subject to condition that if the lease is for non-agricultural purposes it does not involve an 1. erection of a building.				
31	Grant of state Agricultural land in Colonies	Full Powers	--		
	Specific Condition(s): 1. Subject to the conditions that the grant is made in accordance with the standing orders of the scheme approved by the Revenue Department and in consultation with Finance Department.				
32	Allotment of land for graveyards & cremations ground	--	Full Powers		
	Specific Condition(s): 1. Includes consultation with City District or District Govt. as the case may be				
33	Allotment of land for Kanals (Tanning Yards)	--	Upto 2 Kanals		
	Specific Condition(s): 1. Includes standing orders of the BOR				
34	Sale of state land for agricultural purposes	Upto 50 Acres	--		
	Specific Condition(s): 1. The land is sold by auction held in accordance with the conditions approved by government or Board of Revenue; and 2. the reserve price is approved by Board of Revenue before auction is held 3. The result of such auction should be reported to the Board of Revenue in such a form as may be prescribed by it.				
35	Sale of state land for non -agricultural purposes by:- a) Public auction	Full Powers	--		
	b) Private treaty at Market Value	Full Powers			
	Specific Condition(s): 1. half an acre in urban area				

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
	2. five acres in rural area Both in case of (a) and (b) where applicable City District clearance to be obtained.				
36	Sale of escheated Land Specific Condition(s): 1. That the land is sold by auction after wide publicity.	--	Rs. 50,000		
37	Sale of awkward plots of state land for Agri purposes by private treaty	Full Powers	--		
38	Sale of Nazul Land by:- a) Public auction b) Private treaty at market value Specific Condition(s): 1. Half an acre in urban area 2. Five acres in rural area	Full Powers Full Powers	--		
39	To sanction or cancel sale of old wells	--	Full Powers		
40	Grant of Nazul land free of cost to local bodies	Full Powers within the approved grant	--		
41	Sale of sites required exclusively for the purpose of a temple mosque or other religious building in state owned towns i.e. town built mainly on state owned Land in colonies Specific Condition(s): 1. That the first four kanals are paid for half the market value and any area in excess is paid for at full market rates	Full Powers	--		
42	Sale of Land required exclusively for the purpose of mosque, temple, or church in areas of other than those specified in item 20.44 Specific Condition(s): 1. Subject to the condition that clearance of City District is obtained where applicable.	Full Powers	--		
43	To sanction reserve price of land to be sold by auction	Full Powers	--		
44	To cancel sale of state land and refund the price already paid	Full Powers	--		

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
	Specific Condition(s): 1. Provided that the cancellation is of the whole area and not of part of it and the price paid is refunded without an interest there on or compensation: - 2. The land is sold and after sale it transpires that:- a) It or a part of it, is owned by another person; or b) It or part of it, is already allotted or leased out to another person or it has already been sold on installment basis to another person; or c) a part, or whole of it is graveyard. 3. The land is sold as commanded by a canal but is found later as a result of the Irrigation Department's report that a major part of it is situated outside the Irrigation boundary of the canal. 4. The land is sold erroneously under some mistake of fact. A copy of the order canceling the sale should in each case be supplied to the Board of Revenue.				
45	Exchange of Nazul land of equal value	i. Upto Half of an acre in urban areas ii. Upto Half of an acre in rural areas	--		
46	Exchange of land under the present grant of occupancy with state land in colony areas	Full Powers	--		
	Specific Condition(s): 1. where land has been acquired for public purposes; 2. where the Irrigation Department find difficulty in maintaining irrigation; and 3. where the land has been adversely affected by water logging and the sub-soil water is reported by the Irrigation Department or any other agency of Government dealing with water logging and salinity control, to be within five feet of the surface and the area affected has become banjar to the extent of one third of the total holding and is in-capable of bearing 25 paisa crop owing to the presence of thur.				
47	To sanction renewal for the term of the new settlement of land revenue, assignments enjoyed by religious and charitable institutions or rest houses the terms of which have expired with the expiring settlement	Grant of Annual value of Rs. 5000 or under	--		
48	To convert an assignment of land revenue released for the life or lives of altered the Manager or Managers of religious and charitable institution or rest house into an assignment for	Grant of annual value of Rs. 1,000			

S #	Nature of Power	Board of Revenue	District Revenue Officer /Collector	Director Land Record	Settlement Officer
	the terms of the new settlement on the conditions of its proper maintenance even though one or more of the grantees is still alive				
	Specific Condition(s): 1. That a grant of which the conditions have been so shall in no case be resumed until it is liable to resumption under the conditions on which it was originally made.				
49	To sanction continuance of village grants at general re-assessment of a district	All grants of the annual value of Rs. 400 or under the period not exceeding the term of the new settlement			
50	To sanction continuance of religious & charitable grant for the remainder of terms of a settlement if the original term of release expires during the period of settlement	All grants of annual value of Rs. 1,000 or under			
51	Sale of village residential shop site by private treaty	--	Full Powers		
	Specific Condition(s): 1. Subject to the orders of the Board of Revenue regarding the price.				
52	Fixation of compensation in case involving breach of the conditions of sale	Full Powers	--		

**SECTION-XI**  
**BUDGET**

C.No. 1(10-11)

**CONSTITUTIONAL PROVISIONS RELATING TO PROVINCIAL GOVERNMENT BUDGET**

**Article 118 - Provincial Consolidated Fund and Public Account.** – (1) All revenues received by the Provincial Government, all loans raised by that government, and all moneys received by it in repayment of any loan, shall form part of a consolidated fund, to be known as the Provincial Consolidated Fund.

(2) All other moneys –

- (a) Received by or on behalf of the Provincial Government; or
- (b) Received by or deposited with the High Court or any other Court established under the authority of the province;

Shall be credited to the Public Account of the Province.

**Article 120 - Annual Budget Statement.** – (1) The Provincial Government shall in respect of every financial year, cause to be laid before the provincial assembly, a statement of the estimated receipts and expenditure of the Provincial Government for that year, in this Chapter referred to as the annual Budget Statement.

(2) The Annual Budget Statement shall show separately –

- (a) The sums required to meet expenditure described by the Constitution as expenditure charged upon the Provincial Consolidated Fund; and
- (b) The sums required to meet other expenditure proposed to be made from the Provincial Consolidated Fund;

And shall distinguish expenditure on revenue account from other expenditure.

**Article 121 - Expenditure charged upon Provincial Consolidated Fund.** The following expenditure shall be expenditure charged upon the Provincial Consolidated Fund: -

- (a) The remuneration payable to be Governor and other expenditure relating to his office, and the remuneration payable to –
  - i. The Judges of the High Court; and
  - ii. The Speaker and Deputy Speaker of the Provincial Assembly;
- (b) The administration expenses, including the remuneration payable to officers and servants, of the High Court and the Secretariat of the Provincial Assembly;
- (c) All debt charges for which the Provincial Government is liable, including interest, sinking fund charges, the repayment or amortization of capital and other expenditure in connection with the raising of loans and the service and redemption of debit on the security of the Provincial Consolidated Fund;
- (d) Any sums required to satisfy any Judgment, decree or award against the province by any Court or Tribunal; and
- (e) Any other sums declared by the Constitution or by Act of the Provincial Assembly to be so charged.

**Article 122 - Procedure relating to Annual Budget Statement. (1)** So much of the Annual Budget Statement as relates to expenditure charged upon the Provincial Consolidated Fund may be discussed in, but shall not be submitted to the vote of, the Provincial Assembly.

- (2) So much of the Annual Budget Statement as relates to other expenditure shall be submitted to the Provincial Assembly in the form of demands for grants, and that Assembly shall have power to assent to, or to refuse to assent to, any demand or to assent to any demand subject to a reduction of the amount specified therein.
- (3) No demand for grant shall be made except on the recommendation of the Provincial Government.

**Budget Call Circular:** - Annual budget preparation in the public sector begins with the issuance of budget call letter or circular by the respective Finance Departments of Provincial Government. It is issued to Administrative Secretaries with copies to Heads of attached Departments and Deputy Commissioners in districts. The concerned Line Departments further circulate the Budget Call Circular among their respective district tiers of offices. The call letter provides a calendar for key activities, timelines to be met, and policy parameters for preparation of budget proposals, and format



in which districts may submit their budget proposals. Budget Call Letter is required to be issued in October every year.

**RELEVANT PROVISIONS OF GENERAL FINANCIAL RULES AS  
GUIDELINES FOR MAKING ESTIMATES OF REVENUE AND  
ORDINARY EXPENDITURE  
(NON-DEVELOPMENT AND DEVELOPMENT).**

Para 67. Except in cases in which Government has expressly directed otherwise, departmental estimates of Revenue and Expenditure should be prepared in two parts namely,

**Part-I.** Relating to standing charges which though they may vary from year to year or never the less not dependent upon the volition of the head of department. Examples of such charges are permanent establishments (both officers and staff), travelling and other fixed allowances, and ordinary contingent expenditure.

**Part-II.** Relating to fresh charges which may include new objects of expenditures, such as temporary additions to existing establishments or to services, facilities and organizations which are either continued from year to year on temporary basis or have been newly sanctioned and have not been provided for in the current year's budget. This applied also to estimates of development expenditure special feature of whose estimates have been dealt with separately in these rules<sup>1</sup>.

C.No. 2(10-11)

**(PART I - NON-DEVELOPMENT)**

69. The detailed estimates should be prepared on forms supplied by the Account Offices<sup>2</sup> which contain separate columns to show: -

- (i) The sub heads and detailed heads of the estimates;
- (ii) The actuals of the past three years under each detailed head or sub head;
- (iii) The Budget estimates for the current year;
- (iv) Actuals of the last eight months of the previous year and first four months of the current year;
- (v) The revised estimates for the current year, and
- (vi) The Budget estimates for the ensuing year.

<sup>1</sup> Para 82 of GFR.

<sup>2</sup> In case of Provincial Government, it is Finance Department which provides the forms with Budget Call Circular.

The revised estimates, like past actuals are one of the important factors to be taken into account in preparing the Budget estimates. The column “Revised” should, therefore, be invariably filled in and great care should be taken in including or omitting commitments that are likely to materialize or not during the year.

**Para 70.** The making of the revised estimates should always precede an estimate of a future year. A revised estimate should be framed in the light of

—

- i. Actuals for the first four months of the current year;
- ii. The actuals for the last eight months of the previous year;
- iii. The twelve month’s actuals of the past three years;
- iv. Orders issued or proposed to be issued regarding —
  - a. Appropriation or re-appropriation within the sanctioned grant,
  - b. New items of expenditure sanctioned through supplementary grants, and
  - c. Surrenders already made or likely to be made during the year.
- v. Any other relevant factors.

Any information required from the Accountant-General in connection with these estimates should be obtained from him separately.

**Para 70A.** Where Revised Estimates of expenditure for the current financial year exceed the sanctioned grant, it should be clearly stated that whether the increase has been authorized by Competent Authority and, if so, attested copies of relevant orders should be appended to the estimates. It is also necessary to indicate how the increase is proposed to be met (i.e., by re-appropriation of savings within the grant or through supplementary grant). When the Revised Estimates are less than authorized grant, reasons for the savings should also be given. These requirements are applicable to both Part – 1 and Part – II estimates.

**Para 71.** In framing the budget estimates, the estimating authorities should exercise the utmost foresight. All items of receipt and expenditure that can be foreseen should be provided for and care should be taken in consultation with the Accountant General, where necessary, to see that the provision is included under proper heads. Needless to say, although the estimating authorities are asked to provide for all foreseeable items, Finance Division<sup>1</sup> will exercise its

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<sup>1</sup> For Provincial Government Finance Department.

right to excise or reduce the provision for any item which it thinks unjustifiable. An exhortation to show foresight is not an invitation to provide for additional items of expenditure without adequate justification. While provision should be made for all items of expenditure that can be foreseen, it is essential that the amount of the provision should be restricted to the absolute minimum requirement. The budget Estimates of non-development expenditure for ensuing year should be accompanied by such details as nominal rolls in the prescribed form, calculation of Allowances, Honoraria, etc. and Other Charges so as to permit proper scrutiny. They should further be supported by a comparative statement in Form S-203 showing the position of past three years actual, the sanctioned grant and the Revised Estimates for current year and the proposed Budget Estimates for next year.

**Para 72.** In making estimates in respect of fixed charges, it must be borne in mind that what are called fixed establishments are not irrevocably fixed for all items and should be brought under the formal critical review of heads of departments from time to time. Even when there is no thought or intention of making any change in establishments, heads of departments should review the entire estimates of the requirements of their departments. Similarly, sanction to recurring contingent expenditure should also be brought under the review of heads of department from time to time.

**Para 73.** The following are the main rules for the preparation of the detailed estimates: —

(i) The Federal Budget<sup>1</sup> is on disbursement basis and not on commitment basis. The estimates should, therefore, be prepared on the basis of what is expected to be actually received or paid (under proper sanction) during the ensuing year, including arrears of previous years and not merely the demand or the liability of expenditure falling due within the year. The transactions are to be shown gross and in full even where the receipts are treated as deduction from expenditure. In no case the net receipts or the net charge only are to be entered.

(ii) The budget estimates should only include items which have already been cleared with Finance Division<sup>2</sup>. Any item which is appearing in Part I estimates for the first time should be supported by a copy of the sanction authorizing the continuance of that particular item of expenditure on a permanent basis. Fresh items of expenditure which have been previously agreed to by Finance Division should be included only through Part II estimates. Provision for posts sanctioned for a specific period should, if their

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<sup>1</sup> In case of Provincial Government "Provincial Budget"

<sup>2</sup> In case of Provincial Government "Finance Department"

continuance be considered necessary, be made through Part II estimates. In such cases, justification should be established to the satisfaction of Financial Advisor concerned before submission of budget estimates.

(iii) The estimates proposed under the primary units, 'Pay of Officers' and 'Pay of Establishments' should be accompanied by detailed nominal rolls in Form GFR-I.

(iv) The estimates should further show the charged and other than charged portions of the provision under the relevant primary units separately: —

(1) In framing estimates for sanctioned establishment whether permanent or temporary, the full amount of pay and increments likely to be drawn by officers and staff on duty during the year should be included. Suitable provision for leave salary should be made both for officers and establishment on the basis of past actuals with due regard to any known factors which may affect the past actuals. No provision of leave salary should be made for officers and staff of those cadres for which leave reserve has been provided. Provision for those who are on deputation or otherwise absent and unlikely to return to the strength within the period of budget should be excluded, but the names of the personnel on deputation should be shown in the nominal rolls. A lump deduction should be made where experience shows that a saving may occur by reason of posts remaining vacant or for other reasons.

(2) When consolidating the detailed estimates in respect of "Pay of Officers" and "Pay of Establishments" the number of posts must be carefully checked and in case of variation in numbers or the amounts of the provisions compared to those in the current year's budget, an explanation should be included in the estimates. If the increase is based on specific Government sanction, a copy of the sanction should be enclosed with the estimates.

(3) Provision should not be made in the estimates for posts which it has been decided to leave unfilled. If it is desired to revive any of these posts which has remained vacant for more than a year, prior concurrence of Finance Division should be obtained before including any provision in the estimates on this account. In all such cases, the relevant estimates should be accompanied by a copy of the sanction.

(v) For all fixed recoveries and fixed payments (other than establishment charges) an authenticated copy of the sanction fixing the amount should be enclosed.

(vi) Opposite every item of fluctuating charges (such as traveling allowance, contingent charges, official postage, telephone charges, etc.) the actual expenditure in the last three years should be shown in red ink. If estimates of these charges for the ensuing year differ to any appreciable degree from the actuals of the preceding year, full explanation for the variation should be given.

**NOTE.** —the estimates of contingent charges should be carefully checked by the Controlling Officers by comparison with past actuals. In the case of contract contingent charges, only the sanctioned amount of the contract grant should be included.

(vii) The provision for traveling allowance and honoraria under the primary unit Allowances, Honoraria, etc, should be shown distinctly and separate from other allowances.

(viii) The estimate of receipts and varying charges should not be merely an arithmetical average of three year's figures. The average is a guide but it should not be taken absolutely.

(ix) Under revenue, the calculation of fixed revenue is to be based on actual demands, including arrears, if any and likelihood of realization during the year. The arrears and current demand are, however, to be shown separately. The estimates of fluctuating revenue may be based on the average of last 3 years' actuals, unless there are any known circumstances to affect these actuals one way or the other.

(x) Every department will provide for the whole receipt and charge with which it deals finally; thus, when the Pakistan Public Works Department collects revenue on account of civil works, it will estimate for it.

(xi) Lump sum provision in the budget should not be made or proposed except in most exceptional circumstances, which should be invariably recorded. As far as possible, provision for contingent charges under the primary unit "Other Charges" should be proposed according to the prescribed detailed heads of expenditure so that the number of references to the Financial Advisers / Finance Division is reduced to the minimum.

(xii) Provision for losses should not be made in the expenditure estimates. If, however, the nature of the work of a department is such that some losses must be regarded as inevitable each year, provision in this behalf may be made with the specific sanction of Finance Division.

(xiii) Estimates of anticipated revenue both for current and subsequent years will be prepared by each Ministry / Division / Department and rendered to the Accountant General on dates to be prescribed by him;

(xiv) Part I of the budget which relates to standing charges and Part II estimates relating to fresh charges should be scrutinized finally by the Financial Adviser concerned. He would issue to AGPR / Budget Wing of the Finance Division copies of the Budget orders in respect of Part I estimates and New Item Statements in respect of Part II estimates. The admitted Part I and Part II estimates would be compiled together into relevant “Demands for Grants” by the Finance and Accounts Officer of the Administrative Ministry / Division and sent through the Financial Adviser to the Budget Wing of Finance Division.

### **ESTIMATES OF FRESH CHARGES (Part-II—Non-development)**

**Para 74.** Subject, as provided in Annexure A to this Chapter, proposals if any, involving fresh charges should be submitted by heads of departments and other estimating authorities to the Administrative Divisions concerned not later than the 15th October, each year to permit the latter to undertake an examination of the proposals in their various aspects. It is open to the Administrative Divisions to require heads of departments, etc, to submit proposals for fresh charges in the course of the year without reserving them for a consolidated report at the time of the submission of the budget estimates of the ensuing year and also to require them to submit direct to other Ministries/ Divisions of the Federal Government such of the proposals for fresh charges as require to be considered by the later, in order to ensure that the proper consideration of the proposals from the administrative and financial points of view is completed before the 1st of November.

**Para 75.** No scheme of fresh charges will be included in the Budget unless it is complete and finally approved. In submitting proposals for fresh charges, administrative difficulties and delays in sanctioning processes should always be borne in mind and not more should be recommended for provision in the budget than is likely to be spent during the course of the financial year.

**Para 81.** For purpose of economic classification of the Federal Government’s budget, the provision of contingent charges and other expenditure included under the primary unit, ‘Other Charges’ will be broken down into the under-noted detailed heads, wherever applicable:—

- (a) Land and buildings, purchase of.
- (b) Plant, machinery, equipment, livestock etc.

- (c) Purchases of Transport (specify whether Motor Cars, Motor Cycles or Cycles).
- (d) Stores, furniture, tents, stationery, etc.
- (e) Repair and maintenance of: — (i) Building and structures, plant machinery and equipment. (ii) Transport (Car, Motor Cycle, etc.) (f) Books, Periodicals, newspapers, etc.
- (g) Liveries, uniforms, etc.
- (h) Electricity, gas and water charges.
- (i) Hot and cold weather charges.
- (j) Payments to contingent staff (part time employees such as Sweepers, Farashes, Malis, etc., and charges for supply of drinking water).
- (k) Conveyance allowances paid from contingencies.
- (l) Rewards, bonuses, etc.
- (m) Section-writing and copying charges.
- (n) Royalties paid (details to be given.)
- (o) Stipends, scholarships, prizes, etc.
- (p) Postage and telegram charges.
- (q) Rent: (i) Office Buildings. (ii) Residential Accommodations.
- (r) Telephone and trunk call charges.
- (s) Transportation charges.
- (t) Local rates and taxes.
- (u) Other taxes and duties.
- (v) Grant in aid, contributions, donations (details to be given).
- (w) Payments to other Government Departments, etc, for services rendered (details to be given).
- (x) Expenditure on delegations (details of traveling and other allowances to be given).
- (y) Law charges.
- (z) Printing and publication charges.
- (aa) Entertainments and gifts.
- (ab) Expenditure on fares and exhibitions (details of expenditure on establishment, equipment, etc., to be given).
- (ac) Expenditure on subsidies (details to be given).
- (ad) Surveys and experimental operations (details of expenditure on staff, tools, and plants, etc, to be given).
- (ae) Publicity charges (details to be given)

C.No. 3(10-11)

## PART II.—DEVELOPMENT

**Para 82.** (1) The concept of a workable definition of development expenditure should take into account of following basic considerations: —

- (i) That it creates material assets;
- (ii) That it is designed to keep intact, to enlarge and to improve the physical resources of the country;
- (iii) That it will improve the knowledge, skill and productivity of the people; and
- (iv) That it will encourage efficiency with which available resources are used.

(2) The estimates of development expenditure will include only the schemes approved in according with the prescribed procedure. Simultaneously with the formulation and submission of their Annual Development Program to Planning Division, the administrative Ministries / Divisions will supply a copy of the program to their respective Financial Adviser. This will be accompanied by detailed expenditure estimates for budget provision in respect of individual projects. Other relevant information or material shall be supplied according to the time-table prescribed by Planning Division.

(3) In the case of on-going projects, the estimates should also be accompanied by relevant files in which budget provision was admitted. All new projects for which budget provision is proposed for the first time should be supported by relevant PC I or PC II Form. A statement in PPWD Form 4 showing the provision that may have been separately proposed to Works Division for works expenditure if any, pertaining to a project should also be submitted alongwith the budget estimates. Works Division will compile them according to individual development projects included in the Annual Development Program and furnish a copy to the Budget Wing of Finance Division within three days after the finalization of the Budget estimates in respect of development projects.

(4) While proposing budget estimates for projects/schemes included in the Annual Development Program, the Ministries / Divisions will ensure that there is no overlapping as to be nature and scope of project / scheme included in the ADP between (a) items proposed for the development budget, and (b) those provided for in the non-development budget. In cases where budget provision for carrying out certain activities and operations is made partly through the non-development budget and partly through the development budget (e.g., Plant Protection, Survey of Pakistan, Meteorological services,



etc.) the administrative Ministry / Division concerned should present a consolidated picture while referring its budget estimates of development expenditure to the Financial Adviser.

(5) Fair copies of New Item Statements in respect of accepted estimates of development expenditure will be distinctly marked to indicate that the provision relates to development expenditure. Another important point to be kept in view is that the classification of expenditure (i.e., major, minor and sub-heads of accounts) are correctly shown on the NISs and submitted to the Budget Wing of Finance Division within 24 hours of approval by Priorities Committee.

(6) The revised estimates will not in any case exceed the original budget plus supplementary grants already sanctioned minus surrenders and shortfall in utilization of foreign project assistance.

(7) The foreign exchange component of estimates of development expenditure is required to be shown distinctly together with the source from which it will be met (i.e., whether from “own resources” or from “foreign aid”). This information should be furnished in separate statements to be submitted to the Financial Adviser along with the estimates of development expenditure. When the foreign exchange component is intended to be financed (wholly or partly) from foreign aid, the source and type of aid will be invariably indicated in the New Item Statement. The foreign exchange component from “own resources” will be distinguished between each, barter, and / or commodity assistance. Similarly foreign aid will be distinguished between loans and grants / suppliers credit, etc., and the source of foreign aid clearly identified.

(8) Irrespective of its source / type, all foreign aid (loan or grant) is required to be reflected in the expenditure estimates of the relevant projects. The estimates of foreign aid will be cleared with Economic Affairs Division before incorporation in the budget estimates. All foreign aid directly or indirectly received by the Federal Government / Provincial Governments bodies and other agencies should be duly accounted for in the relevant Federal or Provincial sections of accounts as the case may be. In case of foreign aid received by any private body / individual with the approval / guarantee of the Government, all transactions in this behalf shall be made with the knowledge and approval of the respective Government.

(9) Foreign commodity assistance, though classified as foreign aid, is budgeted on the resource side in bulk and is not apportioned to projects even though some of the commodities may be utilized for development projects. Since such commodities have to be paid for in rupees, the portion of

expenditure related thereto will be included by the Ministries / Divisions in their requirements of local currency for the relevant projects. This provision will also be clearly distinguished in the relevant New Item Statements.

(10) The provision made for foreign exchange expenditure is not available for rupee expenditure or vice versa and no re-appropriation is permissible between the provision for rupees and foreign exchange expenditure. This should be kept in view while framing the estimates for rupee as well as foreign exchange requirements.

(11) When furnishing the above information the estimating authorities should, as far as feasible, specify the physical targets in quantitative terms e.g., road mileage to be constructed, hospital beds to be provided, number of new school seats to be made available, acreage to be covered by Plant Protection measures, etc., etc.). In cases where quantitative assessment of physical targets is not feasible, the likely achievements should be specified in broad details.

(12) As in the case of non-development budget, details of posts under “Pay of Officers” and “Pay of Establishment” should be given in respect of development budget as well.

(13) The sponsoring agencies will accord priority to foreign aided projects as are in conformity with national objectives.

(14) All schemes may be classified into on-going/new and approved or unapproved, as the case may be, according to the status of the scheme. If the original scheme is revised, approval of the competent authority for revised cost will be obtained before any request for budgetary allocation is made.

(15) No expenditure should be incurred, nor any commitment of funds made for any project not included in the Annual Development Program, nor any work started, contract awarded, any down payment made, letters of credit opened for which there is no budgetary provision.

(16) Ongoing projects which are in fairly advanced stage of completion or such projects as are likely to yield quick return to the Government should be given priority.

(17) All schemes shall automatically qualify for inclusion in the Annual Development Program if these are also included in the short or mid-term plan viz, Five Year Plan, Mid Term Perspective etc. as the case may be and would

be given priority over other schemes while making allocation of resources within the sectoral ceilings.

(18) The Annual Development Program will be prepared within the following parameters: —

- (i) Annual Phasing of sectoral allocations in the Medium Term (5 year) plan.
- (ii) Phasing of expenditure on approved projects included in the Medium-Term Plan and their present status.
- (iii) Actual resource availability compared with projected resource for the year in the Medium-Term Plan

(19) The agencies concerned will prepare their Annual Development Programmes on the basis of the annual sectoral allocation in the Plan and requirements of individual projects according to their actual status. They will also be required to take into account the expected utilization of committed foreign aid. Simultaneously, Finance Division will prepare the resource position in order to work out the fiscal surplus and other internal and external resources available for financing the next year's Annual Development Programme. For this purpose, estimates of all revenue and capital receipts will be prepared on the basis of existing taxation. The estimates of revenue surplus and net capital receipts and surpluses of Provinces and Corporations will constitute the net internal resources available, for financing development expenditure. The Economic Affairs Division will furnish the estimates of external assistance.

(20) In order to determine the size of the Annual Development Programme, the following data will be computed: —

- (i) Revenue surplus and net capital receipts on the basis of status quo;
- (ii) Estimates of external assistance;
- (iii) Likely size of additional taxation effort, and
- (iv) Share of budgetary support in the overall monetary expansion planned for the next year.

(21) Once the size of Annual Development Program is tentatively determined on the above basis, readjustment in priorities and sectoral allocations in the Annual Development Program will be made by Planning Division. Thus, a frame-work for the next year's Annual Development Programme will be prepared.

(22) The Priorities Committee, headed by Additional Finance Secretary (Budget) will examine the demands for allocation for individual projects in the light of the total available resources, the revised sectoral priorities,

phasing of the projects, availability of foreign assistance and the present status of the projects. The projects-wise allocations made to Ministries / Divisions under each sector will constitute the draft of the public sector annual development programme which will be submitted to the Annual Plan Coordination Committee. The draft will be reviewed by the committee in the light of predetermined priorities, resource position and representation from various agencies. The Annual Plan Coordination Committee will also review the development requirements of the Provincial Government and make allocation for their Annual Development Programmes. The Provinces will then be required to make adjustments in sectoral and project-wise allocations in the light of overall size and priorities approved by the Annual Plan Coordination Committee. The National Public Sector Annual Development Programme comprising the Federal Programme and the outlines of the Provincial Program will be submitted to the National Economic Council for approval.

(23) The approved project-wise allocations to the Federal agencies will constitute the authority for framing the development demands for grants of these agencies in the Federal Budget. Similarly, the overall size of the Provincial ADPs, and the break-down between expenditure financed from foreign loans and grants will constitute the basis for budgeting of the Federal development assistance to the Provinces. Thus, the allocations in the ADP and their break-down into internal and external expenditure, expenditure not from foreign aid, expenditure from loan and grants will constitute the basis for compilation of the development portion of the Federal Budget.

### **SURRENDER OF ANTICIPATED SAVINGS**

**Para 94.** A department or disbursing officer may find in the course of the year that the expenditure under some sub-head is likely to be less than the provision in the Budget. The saving may be due to one or more of the following causes: —

- (i) Actual postponement of expenditure;
- (ii) Real saving due to economy; and
- (iii) Normal savings due either—

- (1) To original over-estimating; or
- (2) To the usual administrative causes, e.g., casualties, etc.

Saving due to cause (i) should in no circumstances be used for re-appropriation to meet new items of expenditure without the sanction of Government. Unless savings due to cause (ii) have been made deliberately to provide for an unforeseen emergency, they should not ordinarily be utilized

in the course of the year for new items of expenditure, as it is desirable that all such new items should be considered together at the time of the preparation of the Budget.

95. “All anticipated savings should be surrendered to Government immediately these are foreseen but not later than 15th May of each year in any case, unless they are required to meet excesses under some other unit or units which are definitely foreseen at the time (see paragraph 98). However, savings accruing from funds provided through Supplementary Grant after 15th May shall be surrendered to Government immediately these are foreseen but not later than 30th June of each year. No savings should be held in reserve for possible future excesses.”]

96. It is contrary to the interest of the State that money should be spent hastily or in an ill-considered manner merely because it is available or that the lapse of a grant could be avoided. In the public interest, grants that cannot be profitably utilized should be surrendered. The existence of likely savings should not be seized as an opportunity for introducing fresh items expenditure, which might wait till next year. A rush of expenditure particularly in the closing months of the financial year will ordinarily be regarded as a breach of financial regularity.

## **EXPENDITURE NOT PROVIDED FOR RE-APPROPRIATIONS AND SUPPLEMENTARY GRANTS**

### **GENERAL RULES**

**Para 97.** Expenditure for which no provision has been made in the original budget estimate of the current financial year should rarely, if ever, be incurred.

**Para 98.** It may, however, be found that an excess is likely owing to either (1) an unforeseen emergency, or , (2) under-estimating or insufficient allowance for factors leading to the growth of expenditure. In the case of an excess of either type, the head of the department or Controlling officer concerned should proceed as follows:—

- (i) He should in the first place examine the allotments given to other disbursing officers under the same detailed head inside the unit of appropriations, and transfer to the disbursing officer who requires an additional allotment such sums as can be permanently or temporarily spared. Since appropriation audit will ordinarily be conducted against total allotments for a unit. There is here no question of re-appropriation in the technical sense of the word. The process amounts to nothings

more than redistribution, which the Controlling officer can ordinary affect without reference to any other authority.

(ii) Should he find such redistribution impossible, he should examine the allotments against other detailed heads inside the primary units of appropriation, with the object of discovering provable savings and effecting a transfer. Where such redistribution is feasible, he should, if he has been invested with the necessary powers, carry it out. Otherwise, he should obtain the sanction of the competent authority.

(iii) If provision of funds from within the primary unit proves to be impossible, an examination of the whole grant should be undertaken to see whether there are likely to be savings under any of the other units of appropriation due to cause (iii) described in paragraph 94, which can be utilized to meet it. If so, he should proceed as indicated in clause (ii) above.

(iv) If such savings are not available, it should be seen whether special economies can be effected under other sub-heads. If funds cannot be provided by either of these methods, it will have to be considered whether the excess should be met by postponement of expenditure or whether an application for a supplementary grant should be made. In either case, application will have to be made to the Ministry of Finance through the Administrative Department concerned and the course recommended by the latter stated. Normally, an application for a supplementary grant will not be entertained by Government unless the anticipated excess is due to a cause beyond the control of the authority concerned and funds cannot be found by any legitimate postponement of expenditure for which provision already exists. All application for supplementary grants should be accompanied by a full explanation of the reason for the excess and of the impossibility of providing funds to meet it.

### RE-APPROPRIATION OF FUNDS

**Para 99.** Re-appropriation, which implies the transfer of funds from one primary unit of appropriation to another such unit within a grant, can be sanctioned under formal orders of a competent authority, only when it is known or anticipated that the appropriation for the unit from which funds are to be diverted will not be utilized in full, or that savings can be effected in the appropriation for that unit in the manner indicated in paragraph 94. In no case it is permissible to re-appropriate from a unit with the intention of restoring

the diverted appropriations to that unit when savings become available under other units later in the year. Any allotment or re-appropriation within a grant or appropriation may be authorized at any time before but not after the expiry of the financial year to which such grant or appropriation relates.

**NOTE.** —The powers of re-appropriation conferred upon subordinate authorities (vide schedule III to the Book of Financial Power) are also subject to the condition specified in paragraph 8 and 9 of that Book and such other general or specific restrictions as may be imposed by Government in this behalf.

**Para 100.** An application for additional appropriation of funds should ordinarily be supported by a statement in form G.F.R. 8 (or other special form as may be authorized by departmental regulations) showing how the excess is proposed to be met. In all orders sanctioning re-appropriation, the reasons for savings and excess of Rs.1,000 or over and the primary units (and secondary units, where necessary), affected should be invariably stated. The authority sanctioning the appropriation should endorse a copy of the order to the Accountant General, concerned.

### SUPPLEMENTARY GRANTS

#### RELEVANT PROVISION OF THE CONSTITUTION OF 1973: -

123. **Supplementary and excess grant:** - if in respect of any financial year it is found -

- (a) that the amount authorized to be expended for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon some new service not included in the Annual Budget Statement for that year; or
- (b) that any money has been spent on any service during a financial year in excess of the amount granted for that service for that year;

the Provincial Government shall have power to authorize expenditure from the Provincial Consolidated Fund, whether the expenditure is charged by the Constitution upon that fund or not, and shall cause to be laid before the Provincial Assembly a Supplementary Budget Statement or, as the case may be, an excess Budget Statement, setting out the amount of that expenditure, and the provisions of Article 120 to 123 shall apply to those statements as they apply to the Annual Budget Statement.

**SUPPLEMENTARY GRANTS (General Financial Rules)**

**Para102.** All applications for Supplementary Grants under paragraph 98 of GFR be submitted so as to reach Ministry of Finance by 31st May at the latest. Administrative Ministries/Departments should not, however, hold up applications till that day but should forward each application to Ministry of Finance as soon as a Supplementary Grant becomes necessary. Finance Division would not entertain any request for a Supplementary Grant beyond 31st May of the respective financial year.

**Para103.** On receipt of an application for a supplementary grant, the Ministry of Finance will review the position of the grant as a whole with reference to the known actuals of the year to date and actuals and estimates for previous years. If after this examination, the Ministry of Finance comes to the conclusion that it should be possible for the Administrative Department to meet the expenditure within the sanctioned grant, either from normal savings or by special economies or in the last resort by judicious postponements of other expenditure, the Administrative Department will be so informed and no supplementary demand will be presented to the Assembly. If, on the other hand, the Ministry of Finance considers that a supplementary grant will be necessary, a demand will be placed before the Assembly as soon as possible.

**Para 104.** The supplementary grants and appropriation referred to in the preceding paragraphs are such as are required by extra expenditure on the normal activities or the department. Expenditure on a new service, in the technical sense, and on new items, such as, new buildings new roads, etc., for which no provision exists in the budget, may be incurred in the middle of the year only in exceptional cases. Government is averse, on general principle, to admitting such demands in the course of the year. In case, however, the necessity to incur such expenditure is urgent, the Administrative Department should explain clearly why it was not provided for in the original Budget, and it cannot be postponed for consideration in connection with the next Budget. The Ministry of Finance, if satisfied on these points, will consider whether it would not be reasonable to ask the department concerned to curtail its other expenditure so as to keep the total within the grant. Ordinary, no new service or item will be accepted by the Ministry of Finance unless the department concerned can guarantee that the extra expenditure will be met from normal savings or by special economies within the grant. Cases which involve a supplementary grant will normally be accepted by the Ministry of Finance only if they relate to matters of real imperative necessity, or to the earning or safe-guarding of revenue. In such cases the demand for a supplementary grant, or for a token grant in respect of a 'new service' if the expenditure can



be met by re-appropriation, will be presented to the Legislature as soon as practicable after the need arises.

**SECTION-XII  
FINES & FEES**

C.No. 1(10-12)

**RULES UNDER SECTION 386(2) OF THE CODE OF CRIMINAL  
PROCEDURE, 1898**

**Section 386(2):-** The Provincial Government may make rules regulating the manner in which warrants under sub-section 1 clause (a) or to be executed, and for the summary determination of any claim made by any person other than the offender in respect of any property attached in execution of such warrant.

**THE WEST PAKISTAN RECOVERY OF FINE RULES, 1959**

No. 15/195-H-Judl/56. – In exercise of the powers conferred by sub section (2) of Section 386 of the Code of Criminal Procedure, 1898, he Governor of the West Pakistan is pleased to make the following rules:-

1. (1) These rules may be called the West Pakistan Recovery of Fine Rules, 1959.  
(2) They shall apply to all areas within West Pakistan (except the Federal Capital and the Special Areas) to which the Code of Criminal Procedure, 1898 is applicable.  
(3) They shall come into force at once.
2. Words and expression used in these rules shall have the same meaning as are assigned to them in the Code of Criminal Procedure, 1898.
3. (1) Where the Court passing the sentence to pay a fine resort to action under clause (a) of sub-section (1) of Section 386 of the Code of Criminal Procedure 1898, it may, if such movable property is within the local limits of such court issue a warrant for attachment thereof and, subject to other provisions of these rules, proceed to sale.  
(2) If such property is without the local limits of such Court, it may by warrant authorize attachment and sale thereof and forward the warrant for endorsement to the District Magistrate of the place within the local limits of whose jurisdiction such property may be found.  
(3) The District Magistrate may himself execute the warrant or make it over to any Magistrate of the first of second-class subordinate to him. The District Magistrate or the Magistrate, as aforesaid, shall exercise the same power and perform the same duties in respect of such

warrant as if it has been issued in pursuance of sentence of fine passed by himself.

4. If the property ordered to be attached is a debit other movable property, the attachment shall be made as nearly as may be in accordance with the provisions of Order XXI, rules 43, 46, 47, 48, 51 and 53 of the First schedule to the Code of Civil Procedure, 1908, as if the sentence of fine were a decree passed by a Civil Court and the Court, the District Magistrate or the Magistrate as aforesaid, were a Civil Court executing the decree.

5. If the property ordered to be attached consists of live-stock or is of perishable nature the Court may, if it thinks it expedient, order immediate sale thereof and in such case the proceeds of the sale shall abide the order of the Court.

6. The powers, duties and liabilities of a receiver appointed in pursuance of these proceedings shall be the same as those of a receiver appointed under Order XL of the First Schedule of the Code of Civil Procedure, 1908.

7. If any claim is preferred to or objection made to the attachment of any property attached under these rules within thirty days of the date of such attachment by any person other than the offender on the ground that the claimant or objector has an interest in such property and that such interest is not liable to attachment under Section 386 of the Code of Criminal Procedure, 1898, the claim or objection shall be inquired into and may be allowed or disallowed in whole or in part.

Provided that any claim preferred or objection made within the period allowed by these rules may, in the event of the death of the claimant or objector be continued by his legal representative

8. Claims or objections under the preceding rule may be preferred or made as the case may be; -

- (i) In the court by which the order of attachment is issued;
- (ii) If the claim or objection is in respect of property attached under an order endorsed by the District Magistrate, in the court of such District Magistrate;
- (iii) If such warrant has been made over to a Magistrate subordinate to the District Magistrate in pursuance of sub-rule (3) of rule 3, in the Court of such Magistrate

9. If during the proceedings the offender pays the fine, the property shall be released from attachment and further action shall terminate.

10. The sale of the attached property shall be governed as nearly as may be, by the provisions of Order XXI, rules 64, 65 to 69, 74, 75 and 80 of the First Schedule to the Code of Civil Procedure, 1908.

11. Any person whose claim or objection has been disallowed on whole or in part by an order under rule 7, may, within a period of one year from the date of such order, institute a suit to establish the right which he claims in respect of the property in dispute; but subject to the result of such suit, if any, the order shall be conclusive.

### **INSTRUCTIONS RELATING TO FEES**

C.No. 2(10-12)

### **MAL-PRACTICE IN THE SALE AND PURCHASE TRANSACTIONS OF IMMOVABLE PROPERTIES**

I am directed to say that it has been complained that generally the people got into agreement with each other, and obtain consent decrees from the Civil Court, which causes great loss to Government in the shape of saving of court fee stamp, by them. The Law on the point is clear, and in order to curb the evil, I am to request that all the Civil Courts should take into consideration the provision of Rule 3 of order XXIII of the Civil Procedure Code, and take themselves sure, and satisfied that the agreement, and compromise is legal, and is not effected to avoid provision of Law.

(PHC letter No.4606-18/ Dated Pesh: the 7<sup>th</sup> Oct; 1974)

C.No. 3(10-12)

### **PROCESS FEE**

I am directed to refer to the subject noted above and to say that it has come to the notice of this Court that the courts do not charge process fee in all the civil cases irrespective of the value of the subject matter or relief claimed therein.

The actual legal position is that the process fee is very much part of court fee as charged under the Court Fees Act, 1870 and a fortiori does fall within the ambit of NWFP Court Fees (Abolition) Ordinance, 1978, as interpreted by this Court in a case entitled "Shahzullah v/s Syed Shahabuddin" reported in PLD 1979 Pesh: 33. The ratio of this case was further approved by august Supreme Court of Pakistan in a case entitled "Ajab Khan v/s Messers Karim Industries Ltd" reported in 1988 SCMR 1660.

After the promulgation of NWFP Court Fees (Abolition) Ordinance, 1978, only those civil cases have been exempted from the court fee (including process fee), the value of subject matter whereof, or relief claimed wherein does not exceed twenty five thousand rupees and no blanket exemption is accorded by the said law.

You are, therefore, asked to ensure the compliance of the said law in letter and spirit by getting the process fee charged on civil cases, the value of subject matter whereof or relief claimed wherein exceed twenty five thousand rupees. This directive may be circulated amongst all the judicial officers of your district for compliance.

(PHC letter No.508-528/Admn Dated Peshawar, 11<sup>th</sup> January, 2010)

C.No. 4(10-12)

### **COURT FEE STAMPS ON ATTESTED COPIES**

I am directed to refer to the subject noted above and to say that after the promulgation of NWFP Court Fees (Abolition) Ordinance, 1978, no court fee, in any form, can be charged in all criminal cases and in cases of civil nature, the value of the subject matter whereof, or relief claimed wherein, does not exceed twenty five thousand rupees.

The affixation of court fee stamps for the purpose of obtaining attested copies verily fall within the ambit of Court Fees Act, 1870, and pari ratione, the said Ordinance as further interpreted by a Single Bench of this Court in a case entitled “Shahzullah v/s Syed Shahabuddin” reported in PLD 1979 Pesh: 33. The ratio of this case was further approved by august Supreme Court of Pakistan in a case entitled “Ajab Khan v/s Messers Karim Industries Ltd” reported in 1988 SCMR 1660.

During the recent inspections of some copying agencies of the Province by this Court, it has been observed that the court fee in the form of court fee stamps is still being charged for providing attested copies in all criminal as well as civil cases and the applications for permission to get attested copies are also being stamped with court fee. It has also been observed that applicants are also being burdened with charges of photo copying in addition to court fee stamps. This practice is not in accordance with legal position as explained above.

After the promulgation of the Ordinance *ibid*, such fee cannot be charged in all criminal cases and those civil cases, the value of the subject matter whereof, or relief claimed wherein, does not exceed twenty five thousand rupees.

The inspections so conducted also reveal that the procedure as laid down by rules for copying agency is also not strictly adhered to which results in multiple irregularities such as delayed supply of copies, delayed receipt of

court files, and so on & so forth. Needless to mention that such irregularities have far reaching legal repercussions such as filing of cases, appeals etc within time or otherwise at the mercy of copying agency.

You are, therefore, asked to ensure the compliance of the legal position as discussed above, so that the benefit of the laws, probono publico, may be extended to the public in general and litigants in particular.

(PHC letter No.482-505/Admn Dated Peshawar, 11<sup>th</sup> January, 2010)

C.No. 5(10-12)

### **SHERIFFS' PETTY ACCOUNT – NEWSPAPERS CHARGES AND COMMISSION FEE**

I am directed to refer to the subject noted above and to say that during inspection of various courts by this Court, it has been observed that certain sums required to be deposited in Sheriffs' Petty Account are not deposited in the account rather kept with the staff of the court which is unauthorized by rules on the subject. The attention of all concerned is drawn to Schedule 'A' of Sheriffs' Petty Accounts Rules as contained in chapter 8-D of volume-II of High Rules and Orders. The Schedule includes, inter alia, the advertisement charges of newspapers and commission fee. This practice also shows the lack of supervision by officer in charge of the agency.

You are, therefore, requested to ensure that the subject rules are complied with so that any possible financial defalcation is checked and curbed which is the true spirit of the rules on the subject. The officer in charge of the agency and District & Sessions Judge as inspecting authority are expected to make periodical checking & inspection as provided by the rules. The directive may be circulated amongst all the Judicial Officers under your control.

(PHC letter No.2098-2121/Admn Dated Peshawar, 11<sup>th</sup> February, 2010)

C.No. 6(10-12)

### **PROPER VALUATION OF SUIT AND AFFIXATION OF COURT FEE.**

I am directed to refer to the subject noted above and to invite your attention, for your guidance, to a recent judgment of the august Supreme Court of Pakistan, reported as PLD 2016 Supreme Court 409. The Hon'ble Court has considered some significant propositions on the subject, which have been described in para-4 of its Judgement. The propositions are reproduced below:

- i. Where the value of the suit for purposes of jurisdiction fixed in the plaint has been altered (increased) by the civil court (trial court), what shall be the forum of appeal in view of the provisions of section 18(1)(a)(A) of the Civil Courts Ordinance, 1962;
- ii. Whether in the suits which are consolidated the trial court is obliged to pass separate decrees in each of the suits or a single decree shall be sufficient pursuant to a common judgment disposing of such suits; and
- iii. If two (or more) consolidated suits have different jurisdictional valuation and are decided through a common Judgement but separate decrees have been drawn, what shall be the forum of appeal in relation to such suits/decrees; whether in such a situation the aggrieved party is obliged to file separate (RFA) appeal before District Court and the High Court as per valuation of the suits, but the High Court where the appeal is competently filed against the common judgment and a decree which is pending can, in order to avoid conflict of judgments, withdraw the appeal filed/pending in the District Court and decide the same.

(PHC Letter No. 4610-34/Admn, Dated 10<sup>th</sup> March, 2017)

### **INSTRUCTIONS RELATING TO FINES**

C.No. 7(10-12)

#### **JUDICIAL FINES**

I am directed to invite the attention of all the Courts to Vol. IV, Chapter II, Rule 5 and 19 of the High Court Rules & Orders (Criminal) for strict compliance in future.

Under Rule 5 all the Presiding Officers are obliged to check at the close of each day the amount of aggregate realization of fines entered in the register of Judicial Fine against the aggregate of the various receipts of payment of fine issued on that day with the following endorsement in the fine register in his own hand.

“Checked with the aggregate of receipt issued during the day and found correct”

Under Rule 19 the fine realized in a day is to be deposited in the Government Treasury on the same day except the Courts situated at a distance from a Government Treasury. The Courts situated at a distance from Government Treasury will deposit the fines on the 25<sup>th</sup> day of each month

and oftener if the amount received since the last payment exceed Rs. 100. In all the fine so realized will be taken charge by the Nazir, Assistant Nazir or other officer performing the duties of Nazir depositing in the Government Treasury.

If certain amounts of fines realized on the previous day were not deposited on that day the closing balance of the previous day shall be brought forward in the summary.

I am, further directed to ask you to circulate these instructions among all the judicial officers of your district.

(PHC letter No. 7391-7414/ Admn: Dated Peshawar the 28/6/2003)

C.No. 8(10-12)

### **LIMIT OF SENTENCE IN DEFAULT OF PAYMENT OF FINE OR COMPENSATION**

I am directed to refer to the subject noted above and to say that during his lordship's, the Chief Justice, visits to various jails in NWFP, it has been noticed that the law on the subject is not properly applied by some Courts, while awarding punishment in default of payment of fine or compensation. The relevant provisions of law on the subject are section 66 & 67 of Pakistan Penal Code, 1860 and section 544-A Criminal Procedure Code, 1898. Under section 65 of PPC, the maximum term of imprisonment in default of payment of fine is one fourth of the term of imprisonment which is maximum fixed for the offence. Under section 67 of PPC the scale of two, four and maximum six months is fixed in offences punishable for fine only, having regard to the quantum of fine. Under section 544-A Cr.P.C, the maximum term of imprisonment to be awarded is six months in case of default of payment of compensation.

All the courts awarding sentence in default of payment of fine or compensation are directed to strictly follow the relevant provisions of law as they are. This directive be circulated amongst all the Judicial Officers under your control.

(PHC letter No.5528-87/Admn Dated Peshawar, 25<sup>th</sup> March, 2010)



C.No. 9(10-12)

**VIOLATION OF PROVISION UNDER SECTION 544-A Cr.P.C**

I am directed to refer to the subject noted above, and to say that Hon'ble the Chief Justice during hearing of criminal appeals has noticed that some of the Presiding Officers of trial courts, at the time of conviction, pass sentence of imprisonment on the accused person beyond the limit as fixed by the subject law i.e six months in default of payment of compensation.

I am, therefore, to request you to circulate this directive amongst all the Judicial Officers under your control for compliance in future.

(PHC Letter No. 5072-5095 /Admn Dated 24<sup>th</sup> April, 2013).

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