

**RULES OF BUSINESS OF FEDERALLY
ADMINISTERED TRIBAL AREAS DEVELOPMENT
AUTHORITY, 2007**

In exercise of powers conferred by section 39 of the Federally Administered Tribal Areas Development Authority Regulation 2006, and in consultation with the Authority, the Governor N.W.F.P. is pleased to make the following rules, namely, "The Federally Administered Tribal Areas Development Authority Rules of Business 2007".

PART A - GENERAL

1. Short Title and commencement:

- (1) These Rules may be called the Federally Administered Tribal Areas Development Authority Rules of Business 2007.
- (2) They shall come into force with immediate effect

2. Definitions:

In these Rules unless the context otherwise requires:-

- (a) "Authority" means the Federally Administered Tribal Areas Development Authority established under section 3(1) of the Regulation.
- (b) "Board" means Board of Directors, established under section 5(1) of the Regulation.
- (c) "Business" means all work done by the Authority to fulfill the requirements of the Regulation.
- (d) "Case" means a particular matter under consideration and includes all papers relating thereto and also any previous papers on the subject connected with it.
- (e) "Chief Executive" means the Chief Executive of the Authority appointed under section 5(1) of the Regulation.
- (f) "Chairman" means the chairman of the Board of Directors.
- (g) "Department" means an establishment headed by a General Manager of the Authority.
- (h) "Director" means a Director of the Authority.
- (i) "General Manager" means the head of a Department of the Authority.
- (j) "Federal Government" means the Government of Pakistan.
- (k) "Governor" means the Governor of the North West Frontier Province and includes any person for the time being acting as the Governor of the Province.
- (l) "Manager" means an officer incharge of a section.
- (m) "Section" means a constituent unit of a department.
- (n) "Steering Committee" means the Steering Committee established under section 4(1) of the Regulation.

- (o) "Regulation" means the Federally Administered Tribal Areas Development Regulation, 2006.
- (p) "Secretariat" means the office of Secretary.
- (q) "Secretary" means Secretary of the Board of Directors, performing the functions relating to the Board affairs and also the incharge of the administrative affairs of the Authority.
- (r) Words and expressions used in the Regulation and not defined in these Rules shall have the same meaning as assigned to them in the Regulation.

3. Allocation of Business:

- (1) The business of the Authority shall be distributed amongst the Departments and the Secretariat specified in Schedule-I to these Rules; Provided that distribution of business and constitution of the Departments and the Secretariat may be modified by the Chief Executive from time to time with the approval of the Board.
- (2) The General Manager may organize the work into a number of working units to be known as sections and distribute the work among these sections. A Section shall be headed by a Manager.

4. Organization of the Departments:

- (1) Each Department shall be headed by a General Manager and consist of such other officials subordinate to him as the Chief Executive may determine subject to the approval of the Board.
- (2) The General Manager being the official head of the Department shall be responsible for its efficient administration and discipline. He shall also be responsible for the proper conduct of the business assigned to the Department. The concerned General Managers shall be responsible for the due execution of the sanctioned schemes or projects.

5. General Procedure for Disposal of Business:

- (1) The business of the Secretariat and the Departments shall ordinarily be disposed of by or under the authority of the Secretary or the General Manager concerned, as the case may be.
- (2) Subject to the Provisions of these rules, the Secretary or the General Manager concerned may, with the approval of the Chief Executive, issue Standing Orders laying down the manner of disposal of the cases or work and distribution of

work amongst the officers in the Secretariat or the Departments as the case may be.

- (3) If any doubt or dispute arises as to the Department to which a case properly pertains, the matter shall be referred to the Secretary who shall obtain orders of the Chief Executive, if considered necessary.

PART B – POWERS AND FUNCTIONS OF THE CHIEF EXECUTIVE AND THE BOARD.

6. Powers and Functions of the Chief Executive:

The Chief Executive shall subject to the provisions of the Regulation, have the following powers and duties:-

- (1) He shall be the official head and spokesman of the Authority and shall be responsible for efficient administration, discipline and business like conduct of the affairs of the Authority.
- (2) He may call for any record from any General Manager and the Secretary, and ask for review of any orders passed thereon, provided that such cases are within the competency of the Chief Executive.
- (3) In addition, all cases specified in Schedule-II to these rules, shall be submitted to the Chief Executive.
- (4) He shall report to the Governor whether any Director is or has become subject to any of the disqualifications specified in Section 7 of the Regulation.

7. Manner of submission of Cases to the Board:

- a) In respect of all cases to be submitted to the Board, the General Manager concerned or the Secretary shall prepare, keeping in view the requirements of the Regulation, a concise but self-contained working paper giving the background and relevant facts, the points for decision and his recommendations thereon. The General Manager shall transmit to the Secretary as many sets of the working paper as the latter may specify. The working paper shall, before submission to the Board, be approved by the Chief Executive and shall include as appendices such relevant papers as may be necessary for proper appreciation of the case.
- b) Where the case concerns more than one department, the working paper shall, if an agreement is reached in terms of provisions of sub-rule (1) of rule 12 of these

Rules, contain the joint recommendations of the General Managers concerned and the Secretary. If no agreement is reached, it shall state the points of difference and recommendations of each such General Manager and the Secretary, and in the latter case, the working paper before its submission to the Board, shall be shown by the sponsoring department to the other General Managers concerned and the Secretary who shall see whether their views have been correctly and adequately reflected.

- c) A case for inclusion in the agenda of a meeting of the Board shall reach the Secretariat at least 15 days in advance of the date of meeting;

Provided that a case received later may be included if it relates to an urgent issue and prior approval of the Chairman is obtained by the Secretary for its inclusion in the Agenda.

- d) The Secretary shall satisfy himself that the papers submitted by the General Manager are complete and in the appropriate form and if he is not so satisfied, may hold up the case until this requirement has been complied with.

8. Procedure for disposal of Cases by the Board:

- (1) The cases referred to the Board shall be disposed of by:

- (a) Circulation amongst the Directors.
- (b) Discussion in a meeting of the Board.

- (2) When a case is circulated for recording opinion, the Secretary shall specify the time by which such opinion should be communicated to him. If a Director does not communicate his opinion within the specified time, it shall be assumed that he accepts the recommendations contained in the working paper.

- (3) If, in the course of circulation, a difference of opinion amongst the Directors is observed, the Secretary shall, unless the Chairman directs otherwise, obtain further observations of the Directors concerned with a view to reaching a conclusion. The Directors concerned may have direct consultations amongst themselves before communicating their views again.

- (4) After the opinions under sub-rule (2) have been received, and, where necessary, the observations under sub-rule (3) have been obtained, the Secretary shall:-

- (a) In the event of full agreement to the recommendations in the case submit the working paper to the Chairman for approval to circulate the decision.

- (b) In the event of difference of opinion or a major change in the original recommendations contained in the working paper, refer the matter to the full meeting of the Board and a decision thereon shall be taken by a majority vote.
 - (c) In the event of a direction from the Chief Executive that the case shall be discussed at a meeting of the Board, circulate the opinion recorded by the Directors in the form of a supplementary working paper to the Directors for consideration of the case in the Board meeting.
- (5) Each Director as well as the Chairman shall have one vote, but in the event of equality of votes, the chairman shall have a second or casting vote.

9. Procedure Regarding Board Meeting:

- (1) The Secretary shall ordinarily issue to the Directors ten days in advance of the meeting, a circular showing the cases proposed to be placed on the Agenda together with the working papers relating to such cases. In the case of a special meeting, the circular notice may be issued not less than three days in advance.
- (2) No case shall be discussed unless the working paper relating thereto has been duly circulated; Provided that the Chairman may dispense with this requirement where he is satisfied, on the representation of the General Manager concerned or the Secretary that the circumstances were such that the working paper could not be supplied.
- (3) The General Manager or any other sub-ordinate officer shall not ordinarily be required to be in attendance at the Board meeting except when:-
 - a) Any information on any points within his technical or specialized knowledge is required, or
 - b) The Board has specifically asked him to attend.
- (4) In such cases, the officer may be invited by the Secretary to attend a meeting only for the relevant cases.
- (5) When a case is taken up for discussion, the Chairman may ask the General Manager or the officer invited to attend the meeting under sub-rule (4) to explain the point on which decision is required.

- (6) The Secretary shall attend all the meetings and prepare minutes of the decisions and shall within 48 hours of the closure of the meeting submit a copy of the minutes to the Chairman for his approval for circulation to the Directors.
- (7) The Secretary shall circulate to the Directors a copy of the draft minutes for comments to be conveyed within a week. If no observations are received within the specified time, the Secretary shall obtain approval of the Chairman thereon and circulate the minutes for necessary action.
- (8) If a Director considers that there has been a mistake or omission in the recording of the minutes, he shall point it out to the Secretary, who shall obtain the orders of the Chairman thereon and circulate the minutes accordingly.
- (9) In the next meeting of the Board, the Secretary shall read out the minutes of the previous meeting together with the decisions, and the General Manager concerned shall inform the Board of the action taken / compliance with the Board decisions.

10. Custody of Board Papers:

- (1) All proceedings of the Board and the records relating thereto shall be treated as confidential documents.
- (2) The Directors shall retain in their custody the copies of the minutes issued to them under sub rule (7) of the Rule 10 and shall handover the same to their successors at the time of handing over their charge.

11. Periodical Reports of Activities of the Departments.

- (1) There shall be prepared for the information of the Board, a quarterly report of the activities of each department and the reports shall be circulated amongst the Directors by the Secretary.
- (2) There shall be prepared for the information of the Board, a yearly performance report containing comprehensive review of each Department which shall be discussed at a special meeting of the Board.

- (3) The Board shall cause through the Civil Secretariat FATA, submission of the yearly reports on the conduct of the Authority to the Governor in December each year for placing it before the Steering Committee.
- (4) The audit report, after due scrutiny & comments by the Board, shall be submitted to the Governor through the Civil Secretariat, FATA.

PART C – CONSULTATION AMONGST DEPARTMENTS

12. Inter-Department Procedure:

- (1) When the subject matter of a case concerns more than one Department no orders shall issue thereon nor shall the matter be submitted to the Board, until it has been considered by all the Departments concerned and an agreement has been reached;

Provided that in the case of an urgency this requirement may, with the approval of the Chairman, be dispensed with; but the matter shall at the earliest opportunity thereafter be brought to the notice of the Department(s) concerned.

- (2) If the Departments concerned can not reach an agreement, the Department that sponsored the case shall submit it to the Chief Executive for his decision.
- (3) When a case is referred by one Department to another for consultation, all relevant facts and points shall be clearly brought out.
- (4) Even where consultation is not required, a Department may for information, pass on copies of communications received by it, or show the case to such other Departments as it considers would be interested in, or would benefit from, it.

13. Consultation with the Secretariat:

No Department shall without previous consultation with the Secretariat, authorize any orders, other than orders in pursuance of a general or special delegation made by the Chief Executive which involve:-

- (1) Reduction or extension in the scope of the functions of a Department as given in Schedule-I to these rules or the transfer of such functions from one Department to another; or
- (2) Re-organization or change in the status of offices in the Department; or
- (3) Any change in the conditions of service of officers and other regular ministerial or technical employees of the Authority; or
- (4) Adverse effect on the statutory rights and privileges of any employee of the Authority; or
- (5) Anything affecting the officers and staff on deputation to the Authority.

14. Consultation with the Finance Department:

No Department shall, without prior consultation with the Finance Department, authorize any orders, (other than orders in pursuance of any general or special delegation) which directly or indirectly affect the finances of the Authority or which particularly involve:-

- (1) The creation of posts, their up-gradation or change in terms and conditions of service involving financial implications.
- (2) Relinquishment, remission or assignment of revenue.
- (3) Expenditure for which no provision exists in the budget.
- (4) Re-appropriation within budget grants.
- (5) Alteration in Financial procedures or the method of compilation of Accounts or of the Budget Estimates.
- (6) Financial aspect of all projects directly undertaken by the Authority.
- (7) Interpretation of any rules/orders affecting finances of the Authority.

PART D - MISCELLANEOUS**15. Secrecy of Official Information:**

- (1) No information acquired directly or indirectly from any official document or relating to any official matter shall be communicated by an employee of the Authority to the Press, to an outsider or to an official belonging to an office of the Authority to which the official document or the official matter does not pertain unless he has been generally or specially empowered to do so.
- (2) All official news or information shall be conveyed, whenever a necessity arises, to the press or the public through the Secretariat in the manner to be prescribed by the Chief Executive by a general or special order.

16. Channel of Communication:

- (1) The cases mentioned in schedule III to these Rules shall be processed by or through the Civil Secretariat, FATA.
- (2) All correspondence, other than on purely routine matters, with the Civil Secretariat (FATA), the Federal Government or a Provincial Government shall ordinarily be conducted through the Secretariat.

17. Observance of the Rules:

- (1) The General Manager shall be responsible for the careful observance of these rules in his Department and, if he is satisfied that there has been a material departure from them, he shall bring the matter to the notice of the Chief Executive.
- (2) The Chief Executive may, with the approval of the Board, permit where he considers it necessary, relaxation of the provisions of these rules in individual cases.
- (3) If any doubt or dispute arises as to the interpretation of these rules, the matter shall be referred to the Secretary who shall obtain the orders of the Chief Executive where necessary.

- (4) Any instructions ancillary to these rules, whenever considered desirable, shall be issued by the Secretary;

Provided that any special or general order required to be framed by a Department in terms of these rules may be issued by the General Manager after consultation with the Secretary.

18. Individual and Collective Responsibility:

The General Managers and the Secretary shall be responsible, collectively as well as severally, for the executive orders issued in the name of the Authority in pursuance of a decision by the Board. The Chief Executive, Secretary and General Managers shall, however, primarily be responsible for the disposal of business pertaining to their spheres of jurisdiction.

19. Orders, Instructions, Agreements & Contracts:

- (1) All executive action of the Authority shall be expressed to be taken by the Authority.
- (2) The officers listed in Schedule-IV to these Rules, and any other officer authorized in this behalf by the Board for any particular occasion, may authenticate by signature all orders and other instruments made and executed in the name of the Authority.

SCHEDULE-I

(See Rule 3(1))

DISTRIBUTION OF BUSINESS**Secretariat:**

- 1) Matters relating to meetings of the Board. Preparation, circulation of minutes of the Board meetings and follow-up progress on implementation of the Board decisions.
- 2) Preparation of reports and reviews on activities of the Authority.
- 3) Correspondence with the Federal and Provincial Governments on Important matters.
- 4) Service rules and regulations.
- 5) Recruitment policy.
- 6) Constitution of recruitment and promotion committees.
- 7) Organization and structure of the Secretariat and the Departments.
- 8) Creation of posts.
- 9) Disciplinary cases.
- 10) Recruitment of officers and staff and maintenance of their personal files and records.
- 11) Office procedures.
- 12) Foreign experts, procurement of services, etc.
- 13) Foreign Training of officers.
- 14) Medical facilities.
- 15) Annual confidential reports of officers and staff.
- 16) Engagement of counsels.
- 17) Terms and conditions of service of officers and staff taken on deputation.
- 18) Delegation of administrative powers.
- 19) Receipts, issue and duplication work.

- 20) Issue of general orders and decisions regarding holidays, office hours, security measures, fire fighting measures, cleanliness of offices, punctuality etc.
- 21) Issue of liveries to Class IV employees.
- 22) Drawing and disbursing work.
- 23) Issue of stationary, stores, office equipment etc.
- 24) Provision of office and residential accommodation.
- 25) Allocation and installation of telephones.
- 26) Library of the Authority.

Planning Department:

- 1) Assessment of potentialities for economic development of FATA.
- 2) Investigation and preparation of survey and feasibility reports in relation to development projects.
- 3) Preparation of development programs/plans, relating to the specified sectors and its processing for approval of the Board and the Federal Government. .
- 4) Determination of the agency or agencies to whom the execution of development projects may be entrusted.
- 5) Prepare terms of reference and guidelines for consultancy agreements.
- 6) Examine and recommend for Board's approval of consultancy agreements.
- 7) Examine & advise the Authority on plans prepared by private sector.
- 8) Keep record, data and statistics for FATA development.
- 9) Arrangement of workshops and seminars.
- 10) Such other functions as may be directed by the Chief Executive to be performed.
- 11) Monitoring & Evaluation of Authority's Projects.

Technical Department:

- 1) Preparation and execution of schemes and projects of the Authority.
- 2) Formulation and implementation of schemes for training of artisans and small industrialists.
- 3) Establishment of Industries either by itself or by any institution or organization set up by it or as a public-private partnership.
- 4) Taking over, execution and management of such projects and schemes and training institutions as may be transferred to it by the Governor.
- 5) Technical considerations involving engineering skills in all schemes of the Authority.
- 6) Project design.
- 7) Appointment of Consultants and pre-qualification of Construction Contractors.
- 8) Technical scrutiny of tenders and supervision of construction work.
- 9) Authentication of bills of construction works before they are passed on to the Finance Department for payment.
- 10) Development of operational procedures for technical approval of the projects to be undertaken with private sector and managing outsourcing of assignments.
- 11) Providing advice on business development and marketing partnership with the private sector.
- 12) Scrutiny of technical aspects of joint ventures with the private sector and other agencies
- 13) Providing overall policy guidance and technical support for industrial development, construction of small dams and skill development.
- 14) Development of parameters on technical aspects of contracting and outsourcing, in consultation with other departments of the authority.

Finance Department:

The Finance Department shall be responsible for:-

- 1) Maintenance of accounts of the Authority.

- 2) Pre-audit of payments at the head office and post audit of project accounts.
- 3) Prepare Budget Statements and other Financial and Accounts Statements to be rendered to the Governor and the Federal Government.
- 4) Financial control of Authority's Projects.
- 5) Render financial advice on contracts entered into by the Authority.
- 6) Control of Bank Accounts and Management of Funds.
- 7) Appropriation and re-appropriation of Funds.
- 8) Long term and short term financial planning.
- 9) Employees Provident Fund.
- 10) Income Tax cases.
- 11) Examine economic and financial feasibility of Schemes/Projects.
- 12) Render advice on Costing and Pricing.
- 13) Cost analysis of Projects and providing financial and cost data for PC-I's.
- 14) Floating loans and controlling repayments of loans and interests on loans.
- 15) Loans and Advances to Authority's Employees.

Mineral Department:

- 1) Prospect identification.
- 2) Prospect evaluation through detailed geological exploration.
- 3) Laboratory and pilot plant scale studies of the identified mineral deposits.
- 4) Resource Estimation.
- 5) Outsourcing of the established minerals deposits.
- 6) Grant of Prospecting Licenses.
- 7) Grant of mining Leases.
- 8) Revenue collection.
- 9) Inspection of mines.
- 10) Rescue operations.
- 11) Training and Labour Welfare.
- 12) Infra-structure development in mineral bearing areas.

SCHEDULE-II

(See Rule 6(3))

Cases to be submitted to the Chief Executive

- 1) Cases of financial sanctions beyond the powers of the General Managers.
- 2) Progress reports of the Projects as prescribed.
- 3) All such papers, reports and statements as are required under the Regulation to be sent to the Governor, Steering Committee or the Federal Government.
- 4) All cases falling in the jurisdiction of the Secretariat except those which are desired by the Chief Executive to be disposed of at lower level.
- 5) All cases connected with press statement releases.
- 6) Appeals against the orders of the General Managers.
- 7) Contracts and Consultancy deeds falling beyond the powers delegated to General Managers.
- 8) Any other case which the Chief Executive may require by general or special order to be sent to him.

SCHEDULE-III
(See Rule 16(1))

Cases to be processed by or through the Civil Secretariat FATA.

- 1) Issuance of, and amendments in, statutory notifications.
- 2) Cases in which the ACS (F) is either the competent or appellate Authority.
- 3) The following cases, which are required to be submitted to the Governor NWFP under the Regulation.
 - a. Establish the Authority (section 3-1).
 - b. Determine the Head office of the Authority, to be notified in the official Gazette (section 3-3).
 - c. Appoint co-opted members on the steering committee (section 4-1).
 - d. Appoint Chief Executive of the Authority / Chairman of the Board of Directors (section 5-1-a).
 - e. Appoint representatives from the private sector as members of the Board (section 5-1-e).
 - f. Review audit reports of the Auditor General (section 37-2), and issue directions to the Authority for the rectification of any matter objected to in audit report (section 37-3).
 - g. Review annual report on the conduct of Authority's affairs (section 38-1).
 - h. Rules to carry out the purposes of the Regulation (section 39).
- 4) Processing of projects for approval of the CDWP / ECNEC.
- 5) Obtaining loans from the foreign sources and the Federal Government.

SCHEDULE-IV

(See rule 19(2))

List of officers authorized to make and execute orders and other instruments in the name of the Authority.

- 1) General Manager (Technical).
- 2) General Manager (Finance).
- 3) General Manager (Planning).
- 4) General Manager (Mineral).
- 5) Secretary.