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ANNUAL DEVELOPMENT PROGRAMME

2021-22

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RESURGENT
 KHYBER PAKHTUNKHWA



PTL



PLANNING AND DEVELOPMENT DEPARTMENT
 GOVERNMENT OF KHYBER PAKHTUNKHWA
 JUNE, 2021

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Annex-II

List of Proposed New Initiatives District Development Plans

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210549 - District Development Plan for Peshawar District (Proposed)

(Rs. In Millions)

S.NO	District	Sector	Nomenclature of Scheme	Amount
1	Peshawar	Roads	Construction of Roads at Ucs Kafoor Dheri, Shahi Bala, Mathra, Panam Dheri, Garhi Sherdad, VCs Shaghali Bala, Shaghali Payan, Bela Momandan, Qila Shah Baig and Village Zoormandi UC Juggani, VC Haji Kiramatullah, VC Ali Muhammad Garhi and VC Chargharmati of UC Chagharmati, VC Council Aftezai, village Badezai of UC Badezai Regi District Peshawar	200.000
2	Peshawar	Roads	Construction / Rehabilitation/ Blacktopping of roads and Bridges at UC's Mamo-Khatki, Jogani, Takhtabad, Chagharmati, Kaniza, Haryana, Pajagi, Larama and Daag District Peshawar.	200.000
3	Peshawar	DWSS	Construction / Rehabilitation of streets, Drains and Water supply schemes including filtration plants at UC Wadpaga, Kankola, Haryana, Pakha Ghulam, Khazana, Nahaqi, Takht Abad and Gulbela District Peshawar.	200.000
4	Peshawar	Water	Construction of Irrigation Channel alongside the kabal Neher towards urmar Payan and extension of warsak Canal water from Hazar Khwani Shakh upto Urmar Bala District Peshawar.	200.000
5	Peshawar	Roads	Construction / Improvement, Black Topping, Rehabilitation of Roads and Bridges at UC Pishtakhara Payan, Sufaid Dheri, Sarband, Achini Bala, sheikhan, District Peshawar.	200.000
6	Peshawar	Water	Improvement of Sanitation system on Nasirbagh UC 36 and 42 District Peshawar	200.000
7	Peshawar	Roads	Construction / Reconstruction / Rehabilitation / PCC alongwith drains, streets, culverts, side walls, shoulders and bridges at Ucs 35 Pawaka, UC-36 University road, UC-37 Shaheen Town, UC-38 Tahkal Payan1, UC-39 Tahkal Payan2, UC-40 Tahkal Bala, UC-41 Palosi and UC Babu Garhi Warsak road peshawar.	200.000
8	Peshawar	DWSS	Water Supply and Sanitation Schemes at Ucs 30, 31, 32, 33, 34, 35 and Cantt area ward 1, 2, 3, 4, 5 District Peshawar.	200.000
9	Peshawar	DWSS	Sanitation Schemes / Works at Ucs, UC-2 Khalisa-II, UC-3 Mehal Terai-1, UC-4 Mahal Terai-II, UC-5 Hassan Garhi-1, UC-6 Hassan Garhi-2, UC-7 Shahi Bagh District Peshawar.	200.000
10	Peshawar	Roads	Construction of Roads, Streets and Main Drains at Ucs 1, 3, 4, 7, 8, 9, 10, 11, 12 and 13 District Peshawar.	200.000
11	Peshawar	Roads	Construction / Improvement / Blacktopping / Rehabilitation of Roads and Bridges at Ucs Hazarkhwani 1 and 2, Musazai, Kagawala, Deh Bahadar, Bazidkhel, and Akhonabad including surrounding areas streets District Peshawar.	200.000
12	Peshawar	DWSS	Pressure Pumps, Hand pumps, Distribution system (GI and HDPE) and Sanitation (street pavement, drain, culvert, side walls etc) at Ucs Hazarkhwani 1 and 2, Musazai, Kagawala, Deh Bahadar, Bazidkhel, and Akhonabad including surrounding areas streets District Peshawar.	100.000
13	Peshawar	Roads	Construction of Roads and Brigdes at Ucs Surizai Bala, Maryamzai, Sherikira, Mattani, Adezi, Aza Khel, Bazid Khel, Shiekh Muhammadi, Sheikhan, Suleman Khel, Sarband, Sufaid Dheri, Achini Bala, Badaber, Mashogagar and Urmar Bala District Peshawar.	200.000
14	Peshawar	DWSS	Drainage for Khalisa-1, Faqir Abad, Sikandar Town, Ashraf Colony, Ghreeb Abad, Gulbahar, Shaheen Muslim Town 1 & 2 and Sheikh Abad, District Peshawar.	200.000
15	Peshawar	Roads	Roads for Khalisa-1, Faqir Abad, Sikandar Town, Ashraf Colony, Ghreeb Abad, Gulbahar, Shaheen Muslim Town 1 & 2 and Sheikh Abad, District Peshawar.	200.000

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210550 - District Development Plan for Nowshera and Charsadda in Peshawar Division (Proposed)

(Rs. In Millions)

S.NO	District	Sector	Nomenclature of Scheme	Amount
1	Charsadda	Roads	Improvement / Rehabilitation of roads at Ucs Harichand, Shodag, Hisara nehri & Beharam Deri district charsadda.	200.000
2	Charsadda	Roads	Construction of roads in UC's Rajjar 1, Rajjar2, Muhammad Narai, Khanmai, Dargai, Dosehra, Nisatta, Dheri Zardad, Ghunda Karkana, Shaikho, VC Faqeer Abad Majokay (Mera Prang), District Charsadda	200.000
3	Charsadda	Roads	Construction of roads at Ucs MC-1, MC-2, MC-3, MC-4, Maira Prang, Agra, Hisara Yaseenzai, Daulatpura, Kangra, Battagram and Tarnab District Charsadda	200.000
4	Charsadda	Roads	Construction / BT/ PCC roads at UC-MC-1, MC-II, MC-III, Katozai, Matta Mughal Khel, Panjpao, Rashakai, Hassanzai, Hajizai District Charsadda.	200.000
5	Nowshera	DWSS	Water Supply & Sanitation schemes in UC/s Misri Banda ,Zara Miana,pir Sabaq,Bara Banda,Gandheri,Kheshki Payan, Kheski Bala, Rashakai, Gandheri & Village Kandar District Nowshera.	200.000
6	Nowshera	DWSS	Water supply and Sanitation schemes in UC's Nizampur, Mandori, Kahi, Inzari, Khairabad, Jehangira, Saidu, Adamzai, Akora Khattak, Mera Akora Khattak, Mughalki, Misri Banda, Zara Miana, Pir Sabaq, Bara Banda, Rashakai, Ziarat Kaka Sahib, Kabul River, Amangarh, Nowshera City, Nawan Kili, Chowki Town & Risalpur, Nowshera Cantt District Nowshera.	200.000
7	Nowshera	DWSS	Water Supply & Sanitation schemes in Ucs Badrashi , Dheri Katti Khel, amangarh, nowshera city, nawn killi, chowki town, kabul river, village ismail khel, wattar, surya khel, risalpur & nowshera cantt District Nowshera	200.000
8	Nowshera	DWSS	Water Supply & Sanitation schemes in Ucs Ziarat Kaka Sahib, Manki Sharif, Pahari Katti Khel, Pir Piai, Aza Khel Payan, Aza Khel Bala, Dagai, Amankot, Mohib Banda , Kurvi, Akbarpura District Nowshera.	200.000
9	Nowshera	DWSS	Water Supply, Pressure Pumps & Pavement of streets, Sanitation Schemes in Ucs Balu, Chowki Mamreez, . Dag Behsud, Dag Ismail Khel, Jallozai, Khan Sher Garhi, Pabbi, Spin Khak, Shah Kot and Taru District Nowshera	200.000
10	Nowshera	Roads	Construction of roads i.e Cornal Sher Khan interchange to Jahangira Risalpur road, Masam Khel to Mando Khel road, Nizampur main road to Toha, Khairabad to Katimina, Juma to Parla and Shagai road to river District Nowshera.	300.000
11	Nowshera	Roads	Construction of Flyover at 11613-1614 KM, KBD-ATK section, along GT road in District Nowshera.	150.000

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ADP 2021-22

210551 - District Development Plan for Mardan Division (Proposed)

Rs. In Millions

S.NO	District	Sector	Nomenclature of Scheme	Amount
1	Mardan	Roads	Construction / Rehabilitation / Improvement of Roads at Ucs Alo, Babozai, Kohi Barmol, Shamoza, Derai, Katigarhi, Kharki, Qasamy, Mia Essa at District Mardan	200.000
2	Mardan	Roads	Construction / Reh./BT of roads i.e Rustam Sherin Chowk at Baringan Kali road, Pishkando Pul to Zorabad to jail road, Rustam Bypass from smart school to Chena main road, Sori Ghar to Katlang road, Naqi Dhara to Nang Abad, Rustam to Pirsay Road District Mardan.	200.000
3	Mardan	DWSS	Construction / Rehabilitation of water supply and sanitation schemes, streets, culverts, Bridges at Ucs Gujrat, Bakhshali, Ghari Daulatzai, Garyala, Rural Mardan, Fatma, Babini, Shahbaz Garhi, Baghicha Dheri, Chak Hoti, Sikandari and Par Hoti District Mardan	200.000
4	Mardan	Roads	Construction of roads at U/C Toru, Chak hoti, Kandar, Gambat & Shamat Pur District Mardan.	200.000
5	Mardan	Water	Flood protection works and Irrigation channels and other allied works at U/C Toru, Chak hoti, Kandar, Gambat & Shamat Pur District Mardan.	200.000
6	Mardan	Roads	Construction/Rehab of rural roads / Culverts/streets/drainage system / clearance of drainage system at Uc/s Ghalader , Muhatabad,Rorya,Muslimabad,Guli Bagh,Bari Cham,Hoti , Sikandari, Toru , Bickat Gunj & Parhoti District Mardan	200.000
7	Mardan	DWSS	Construction / Rehabilitation of Water Supply and Sanitation schemes at U/Cs Manga , Khazana Dheri , Chamtr , Bejli Ghar , Bagh Irum , Baghdada, Dagai , Kas Koroona, Mardan Khaas, Mardan cantt, Bicket Gunj, maho Dheri & Muhabat Abad district Mardan.	200.000
8	Mardan	Roads	Construction of Roads at UC Gujjar Gari, Jehangir Abad, Saribalol, Damin-e-koh, Pat Baba, Kot Jungoro Saro Shah, Nari District Mardan	200.000
9	Swabi	Roads	Construction/Reh./ BT /PCC / Shingle of roads at Ucs Topi Sharqi, Topi Gharbi, Batakara, Zarobi, Kalabat, Kotha, Maini, Gahbasni, Gandaf, Gani Chatra and Kabgani & Village Council Malki Abad District Swabi.	200.000
10	Swabi	Water	Construction of FPW, Causeways,CPR, Bridges and Water Pumps Topi Sharqi, Topi Gharbi, Batakara, Zarobi, Kalabat, Kotha, Maini, Gahbasni, Saleem Khan, Gandaf, Gani Chatra and Kabgani & Village Council Malki Abad District Swabi.	220.000
11	Swabi	DWSS	Construction / Rehabilitation of Water supply and Sanitation schemes in U/C's Marghuz, Tandkoi, Bamkhail, Jhanda, Pabini, Swabi Khass, Maneri Bala, Maneri Payan, Swabi Maneri, Saleem Khan and Panjpir in District Swabi.	200.000
12	Swabi	Roads	Construction of roads at UC's Jehangira, Tordher-I & II, Zaida, Gar Munara, Lahor Gharbi, Lahor Sharqi, Shahmansoor, Ambar, Beka, Manki and Kunda Swabi.	200.000
13	Swabi	DWSS	Sanitation and Allied Works at Ucs Bachai Sikandari, Dagi, Yar hussain East, Yar hussain west, Sudher, yaqoobi, Sar cheena, Dobian, Ismaila, jalsai and Jalbai District Swabi	200.000
14	Swabi	DWSS	Sanitation and Allied Works at UCsTarakai, Turlandi, Ksk, Sheikh jana, Chaknoda, Asota, Kalu khan, Adina, Shewa, Parmoli and Naranji District Swabi	200.000
15	Swabi	Roads	Construction/ Rehabilitation/ Black topping of roads/ Bridges/ causeways in Tehsil Swabi, Topi and Lahore of District Swabi.	200.000
16	Swabi	Roads	Construction & Improvement Of BT Roads & PCC Road a) Nazary (1 km), b) Seen Khel (3 km), c) Luqman Dheri (1.5 Km), d) Nawish Banda (0.5Km), e) Bypass to Shumlo Camp (4 Km), f) Sher Shah Sori (1 km), g) Swai Mall Lar to Bypass (1 km), h) Loya Lar road Pirtab Banda (3.5 km), at U/C Swabi Maneri, District Swabi	310.000

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ADP 2021-22
210552 - District Development Plan for Swat and Shangla in
Malakand Division (Proposed)

(Rs. In Millions)

S.NO	District	Sector	Nomenclature of Scheme	Amount
1	Shangla	Roads	Construction, Repair, Widening, and Blacktopping of roads and Bridges at Ucs Alpuri, Lilownai, Malak khel, Dehrai, Pir Abad, Kuz Kana, Ranyal, Shahpur, Damori, Pir Khana, Kormang, Butyal, Shang, Maira and Dandai District Shangla	200.000
2	Shangla	Roads	F/S and Const/Widening of B/T of road from Karora to Ajmair and Karora to Chakisar District Shangla	200.000
3	Shangla	Roads	Construction of roads from Inawar to Kalil Kandawo connecting Shangla to Swat and Buner.	300.000
4	Swat	Roads	Construction / Rehabilitation / BT /Kacha / Track Roads and Bridges at Ucs Fatehpur, Madyan, Bashigram, Tirat, Bahrain, Mankyal, Balakot, kalam and Utror District Swat	200.000
5	Swat	DWSS	Water Supply and sanitation schemes, Hand pumps / Pressure pumps/ Pipe line, street pavements PCC Roads and Allied works at UC Kokarai, Gulkada No.2, Islampur, Dangram, Sangota, Manglawar, Qambar, Akamaroof, Bamikhel, UC Charbagh 1 &2 and seer Telegram District Swat.	200.000
6	Swat	Roads	Construction of Roads i.e Jabagai, Bawro, Mirata, Kohey, Kota Talang, Odegram Link Road & Amlok Dara at District Swat.	200.000
7	Swat	DWSS	Water Supply & Sanitation Schemes in UC Shawar , UC Gwalerai, UC Biha , UC Arkot , UC Pir Killay, UC Kuza Bandai, UC Bara Bandai, VC Labat , VC Taghma & VC Shalhand District Swat	200.000
8	Swat	Roads	Construction / BT / PCC / Reh of roads and Bridges at Tehsi khwazakhela and surrounding areas District Swat	200.000

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- 1- ویلج میاندم 3 عدد لنک روڈ کٹھائی پائپ PCC=RCC کلومیٹر 2-1/2
 - 2- ویلج سینی جوختی لنک روڈ کٹھائی پائپ PCC=RCC کلومیٹر 01
 - 3- ویلج چالیار کوٹنی فرحت آباد آسالہ کٹھائی پائپ PCC=RCC کلومیٹر 02
 - 4- ویلج شین بارگین غرشین کٹھائی پائپ PCC=RCC کلومیٹر 01
 - 5- ویلج ٹھکیداری برہ کوزہ خوازہ حیلہ بانڈی گاشگوڑ کٹھائی پائپ PCC=RCC کلومیٹر 2- 1/2
 - 6- ویلج گلی باغ عالم گنج دکوڑک آلہ آباد روڈ ڈاٹ کٹھائی پائپ PCC=RCC کلومیٹر 2- 1/2
 - 7- ویلج ٹوپسن رقبہ اژدم آڈوبہار کٹھائی پائپ PCC=RCC کلومیٹر 03
 - 8- ویلج لنگر جانو بیلہ شاداوی کوچلہ کٹھائی پائپ PCC=RCC کلومیٹر 03
 - 9- ویلج چٹکولی ڈب کوٹ جرے کٹھائی PCC پائپ کلومیٹر 1- 1/2
 - 10- ویلج مشکوئی اینڈ بابوشالون اینڈ میرہ کٹھائی پائپ PCC=RCC کلومیٹر 1-1/2
 - 11- ویلج تاروگئی، ڈاڈعقلہ برہ شالون گیدڑ سر کٹھائی پائپ PCC=RCC کلومیٹر 1-1/2
 - 12- ویلج شالین شیرے، جٹاڑ، رامبیکے، ٹانگو زرے کلومیٹر 02-1/2
 - 13- ویلج فقیرہ، المانے، شیخا، کراں، گھڑی کٹھائی پائپ PCC=RCC کلومیٹر 02
 - 14- نیا کنسٹرکشن کچہ روڈ غوز بنڑ 15 لاکھ
 - 15- جانو خوڑ پر پل دیوار 80 لاکھ
 - 16- کاری، اژدم خوڑ پل 35 لاکھ
 - 17- میاندم کشرخان محلہ اور سکول محلہ پل 50 لاکھ
 - 18- یونین کوسل ملہم جبہ ویلج کشرہ مگر کوٹ سپنہ اونہ ویلج کلومیٹر 3
 - 19- میاندم فردیسے محلہ گوجر خوڑ نیا کچہ روڈ 20 لاکھ
- مالی سال 2021-22 20 کروڑ ADP

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رامبکے
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رامبکے
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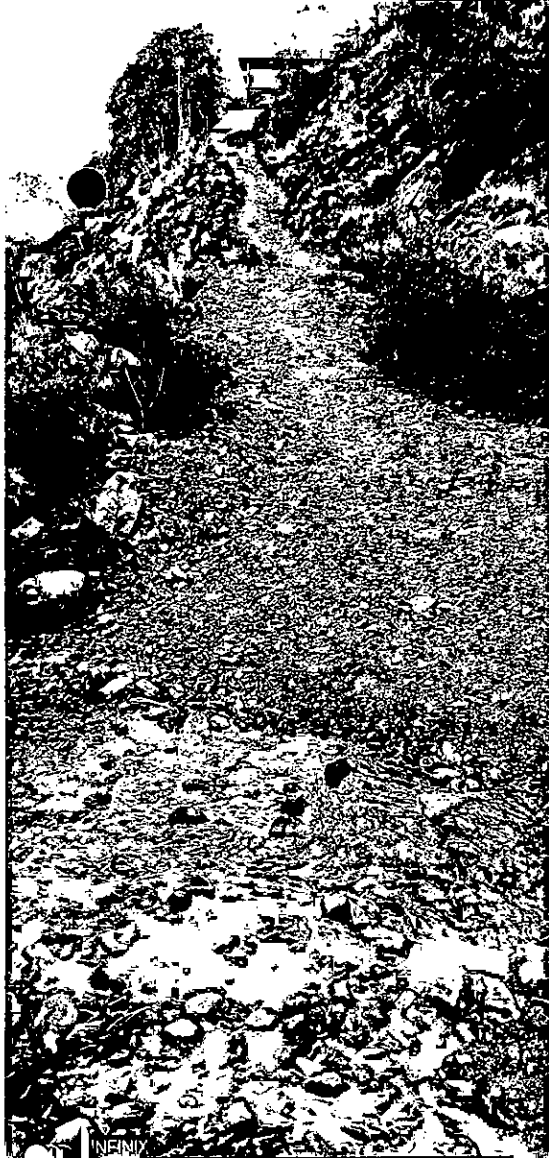
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الماكو
فقره



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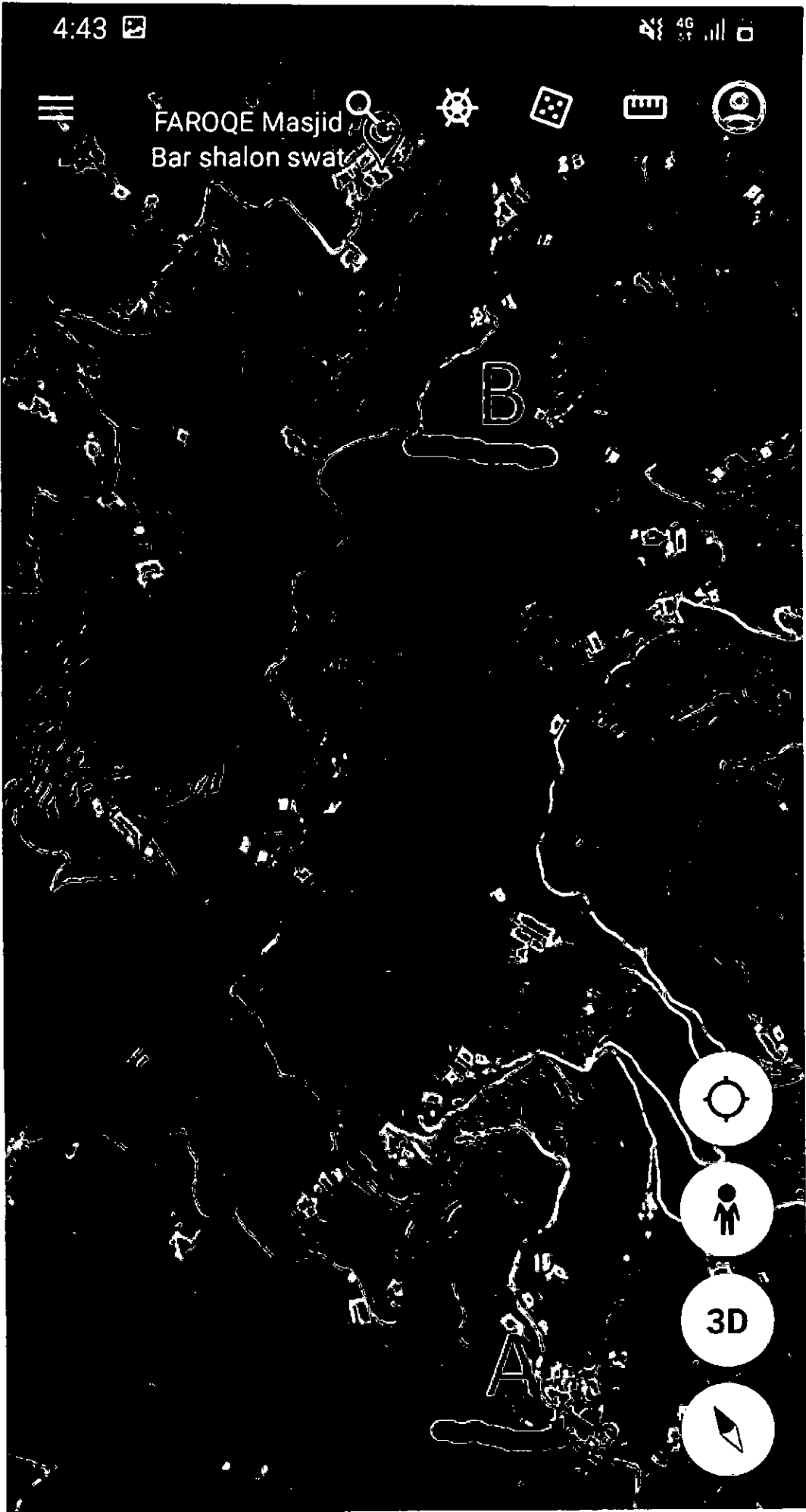


FAROQE Masjid
Bar shalon swat



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تو برشلون



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(34°56'01"N 72°33'15"E) 4.13 km ▲



36

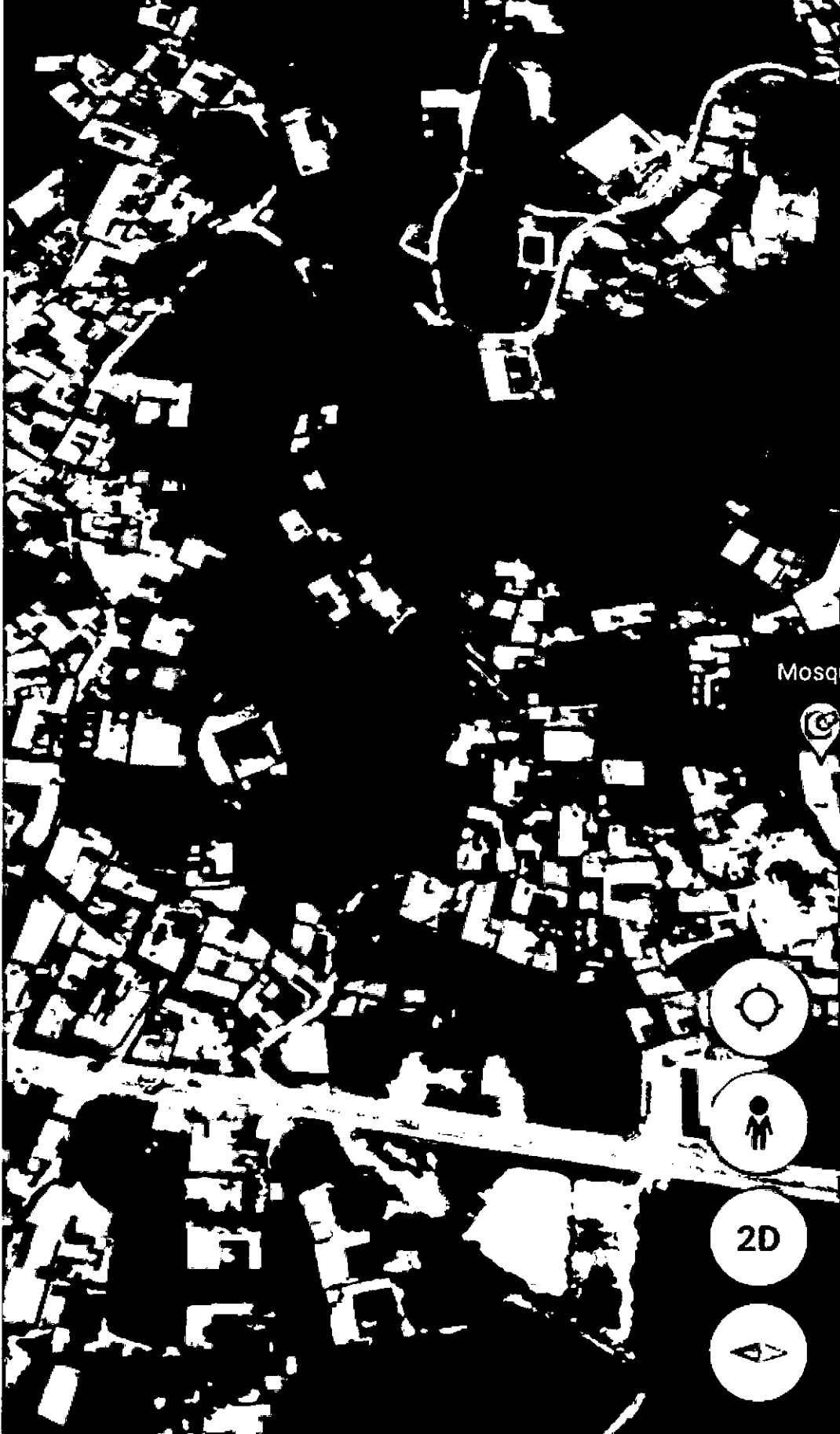


6 56

4G



37



Mosq



2D



(34°53'45"N 72°26'20"E) 1.89 km ▲



(38)



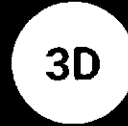
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FAROOQ Masjid
Bar shalon swat

BILAL MASJID
SHALOON



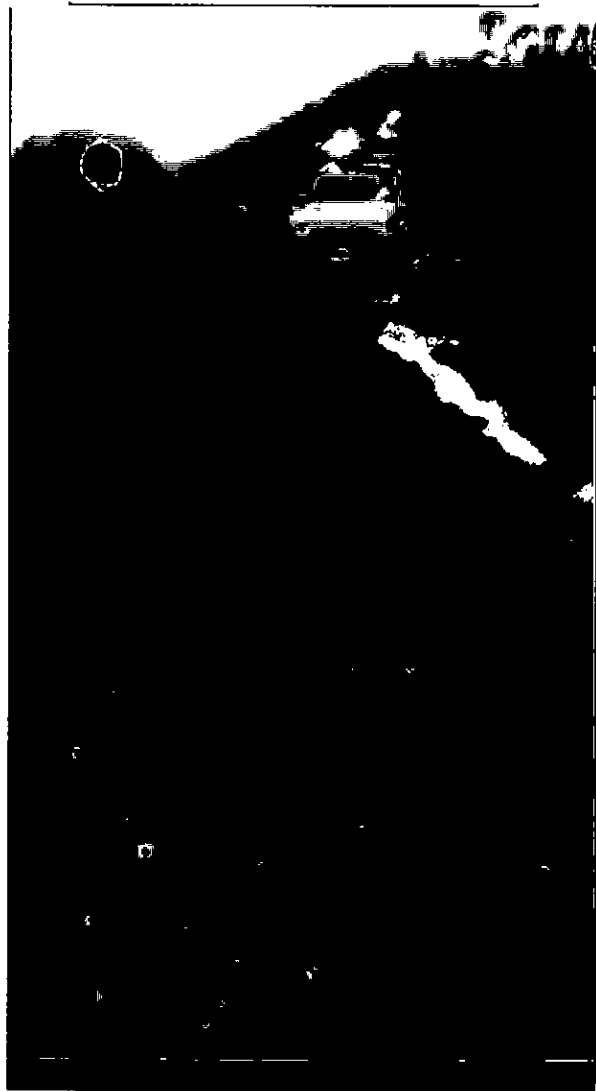
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39

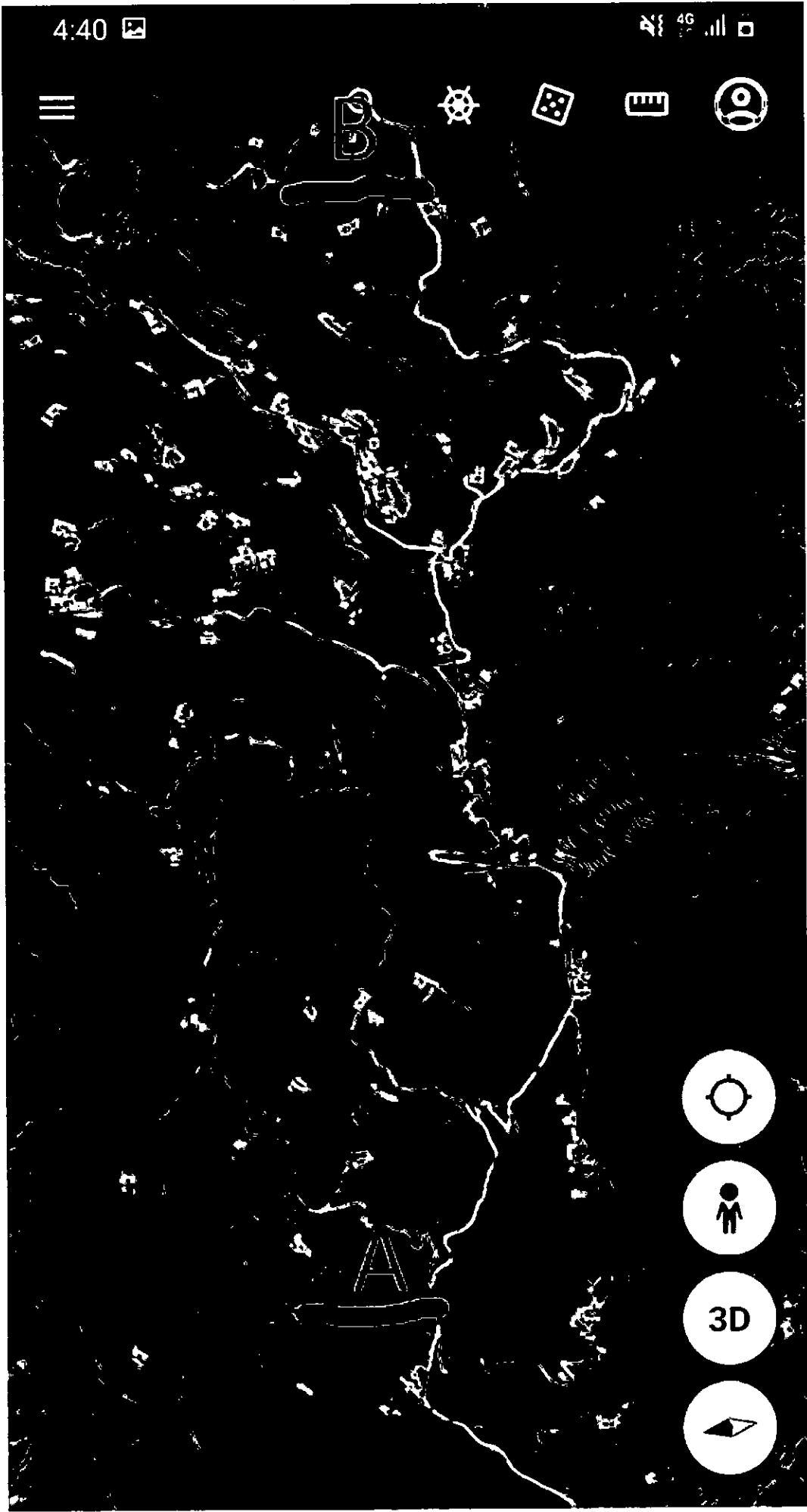
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سلاطین
سلاطین

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(35°02'59"N 72°34'18"E) 3.52 km ▲

45





4:38

4G 19



B

46

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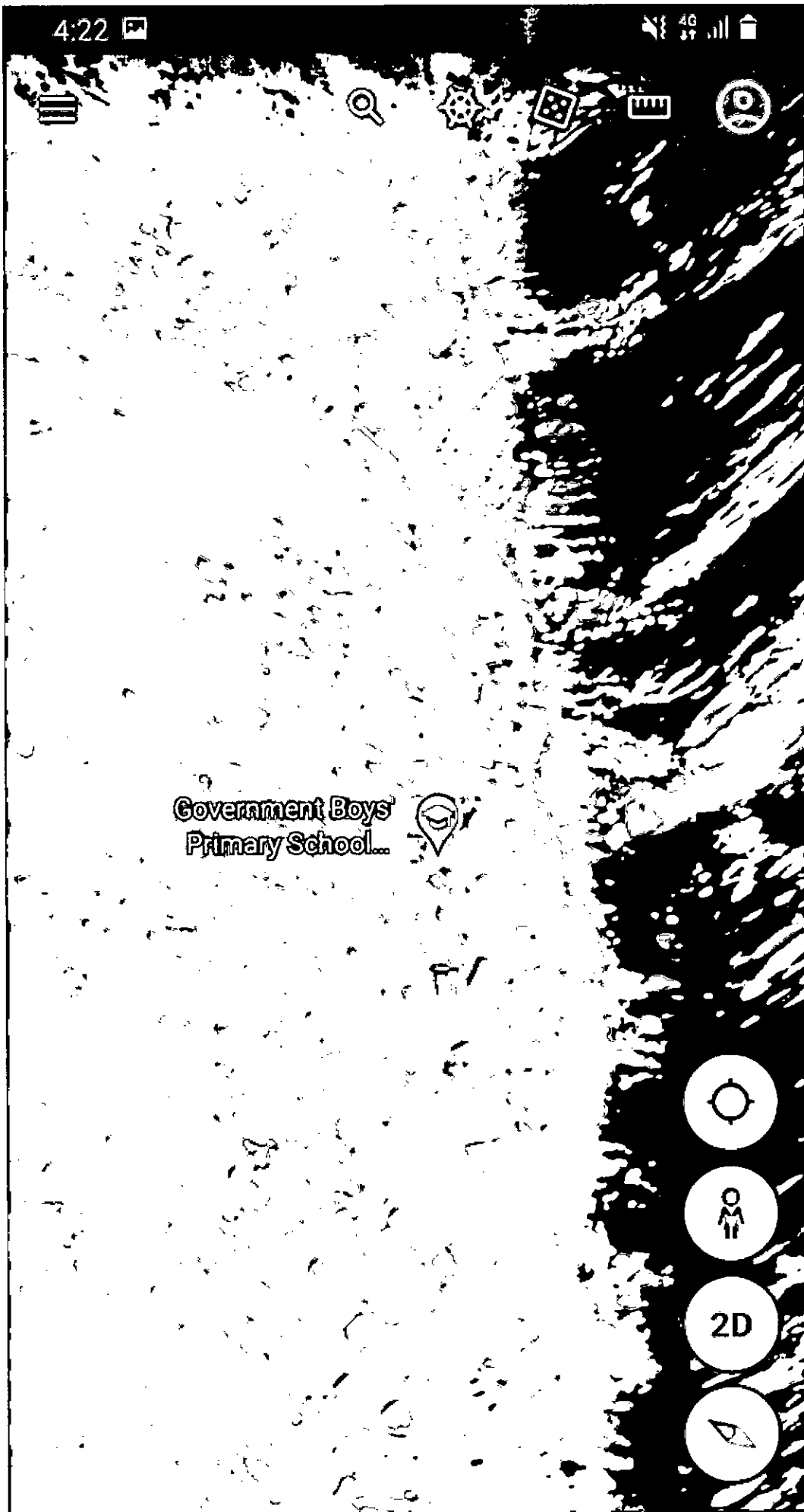
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(34°54'38"N 72°33'20"E) 3.81 km ▲



47





میدان (تو، خود)

سیانم
گوسر خود

48



(35°03'19"N 72°33'49"E) 3.49 km ▲



49





جولفج سباند
جولفج
سباند
50



(35°03'19"N 72°31'02"E) 5.26 km ▲



(51)



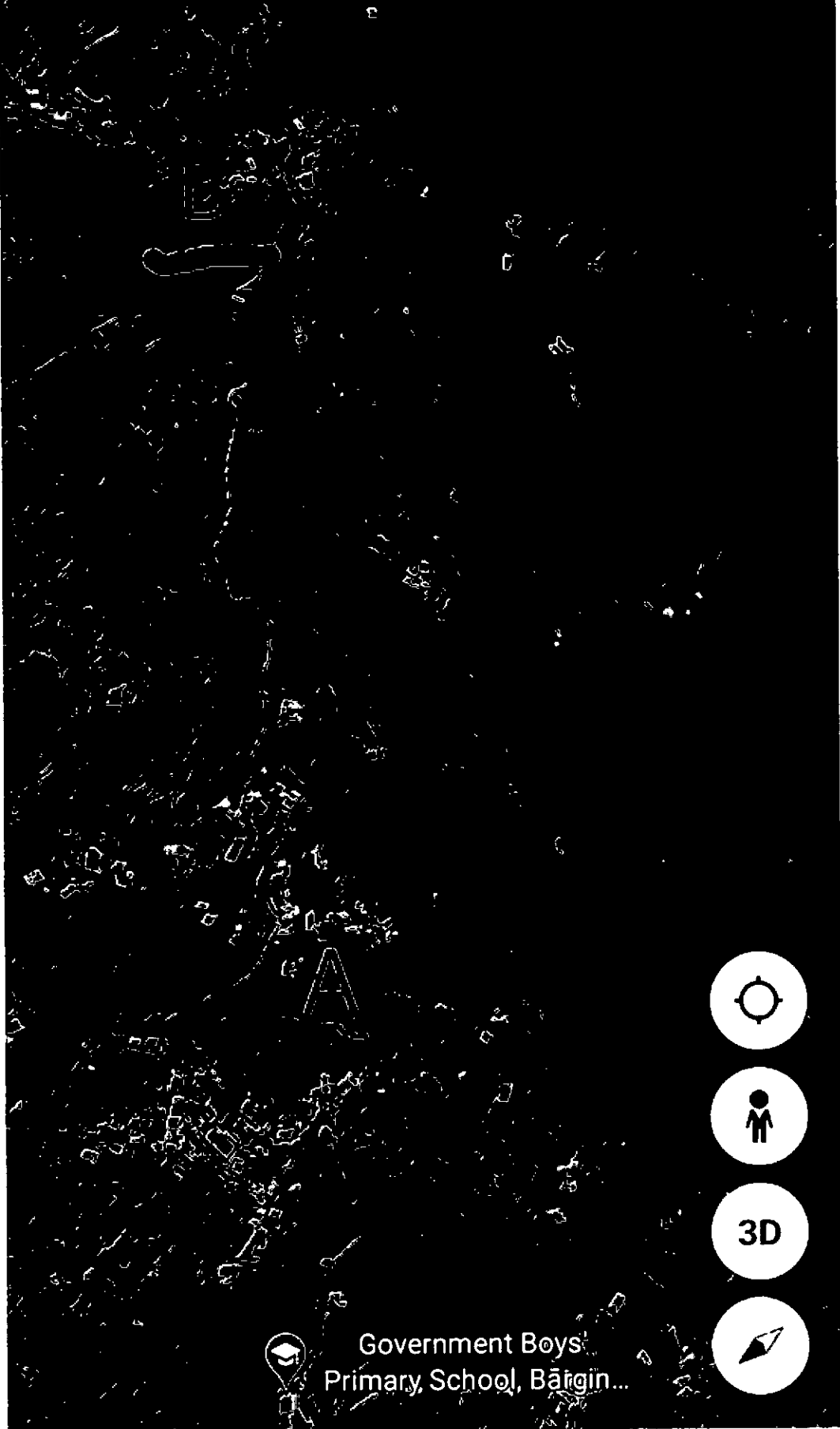
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بارگین
شہید
بارگین

52



Government Boys' Primary School, Bārgin...

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(34°59'54"N 72°31'43"E) 4.11 km





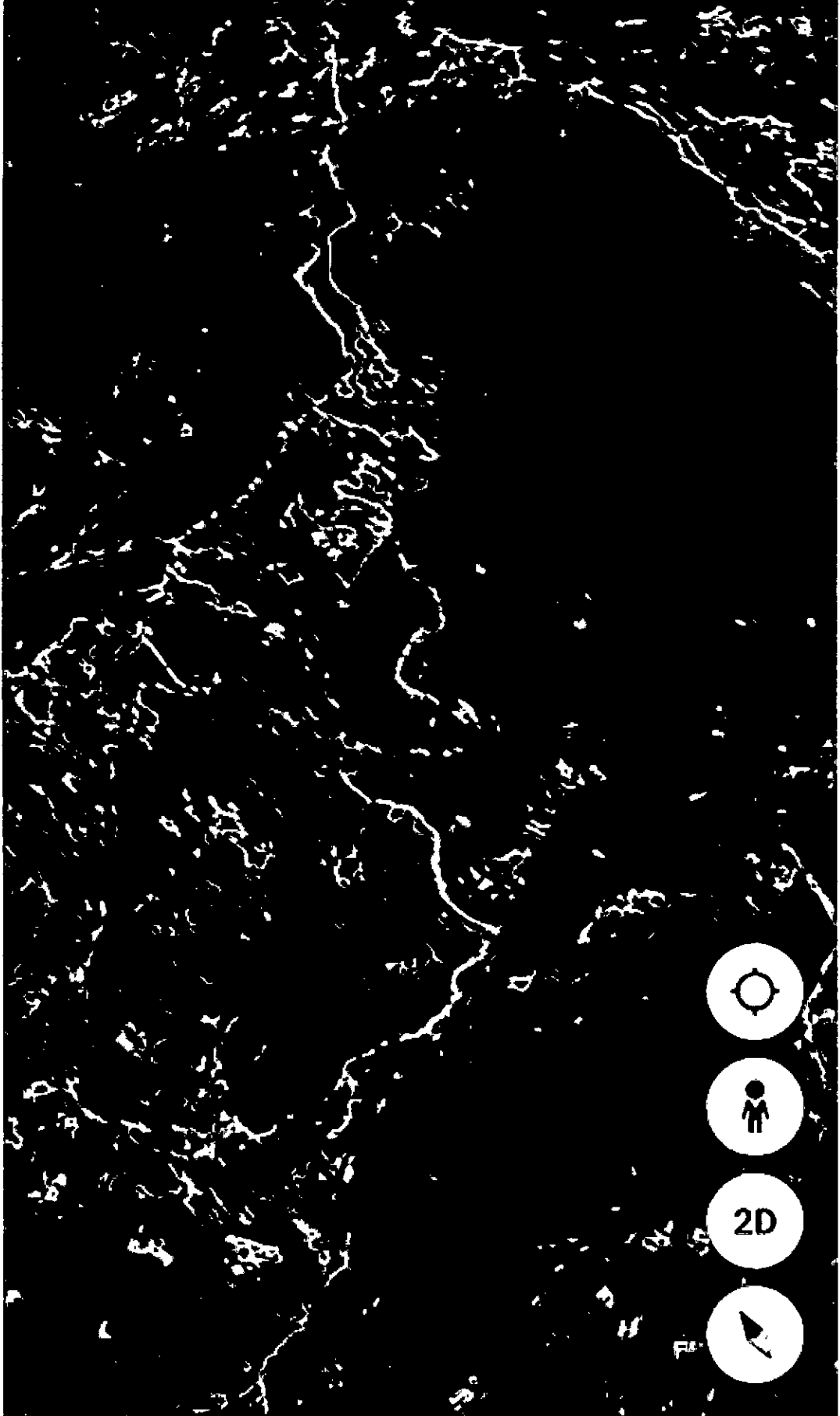
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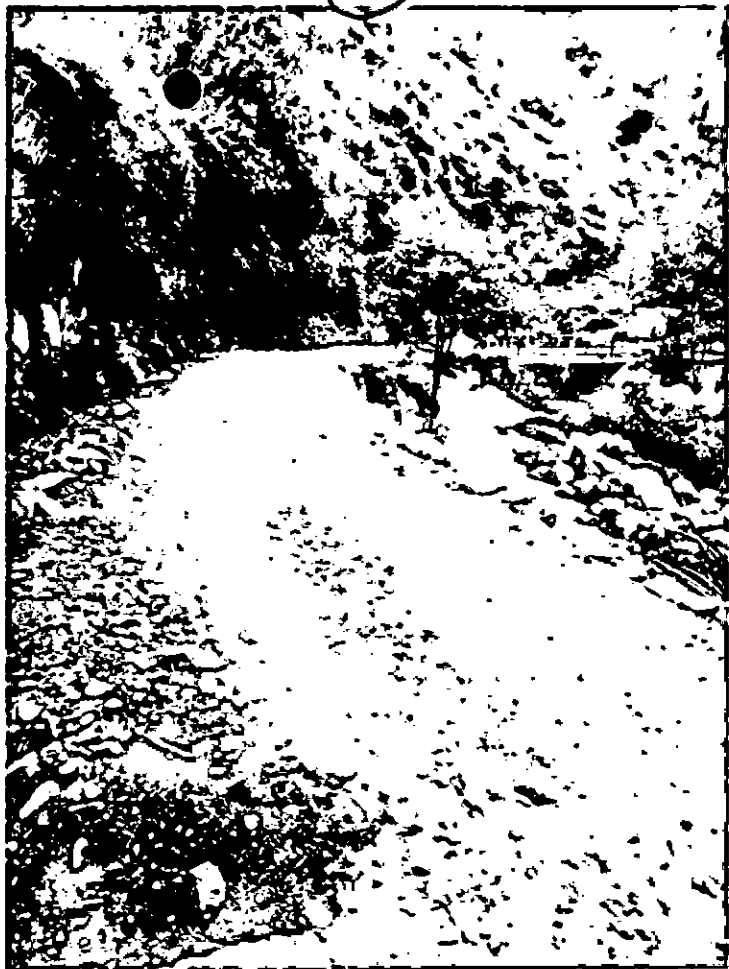


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(34°53'10"N 72°34'13"E) 4.20 km ▲



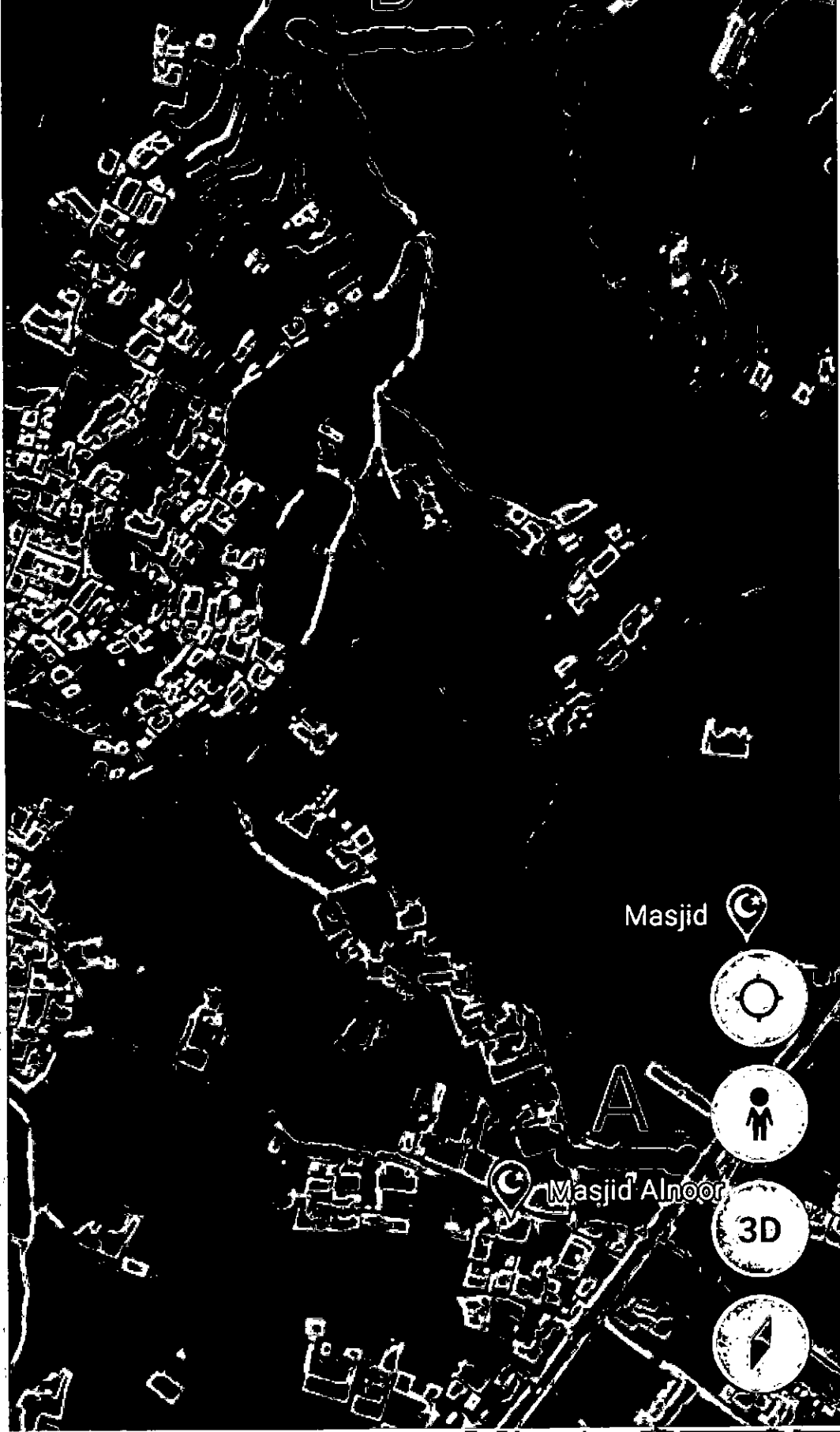
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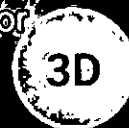
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56



Masjid



A

Masjid Alnoor

(34°55'20"N 72°27'34"E) 2.57 km

مسجد

مسجد



57





4:21

4G



58

15/11

Link Road.



2D



G

(35°02'56"N 72°33'47"E) 3.56 km ▲







60

علم جیب طراب
نہ علم جیب
علم جیب

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(34°49'50"N 72°32'56"E) 3.92 km ▲

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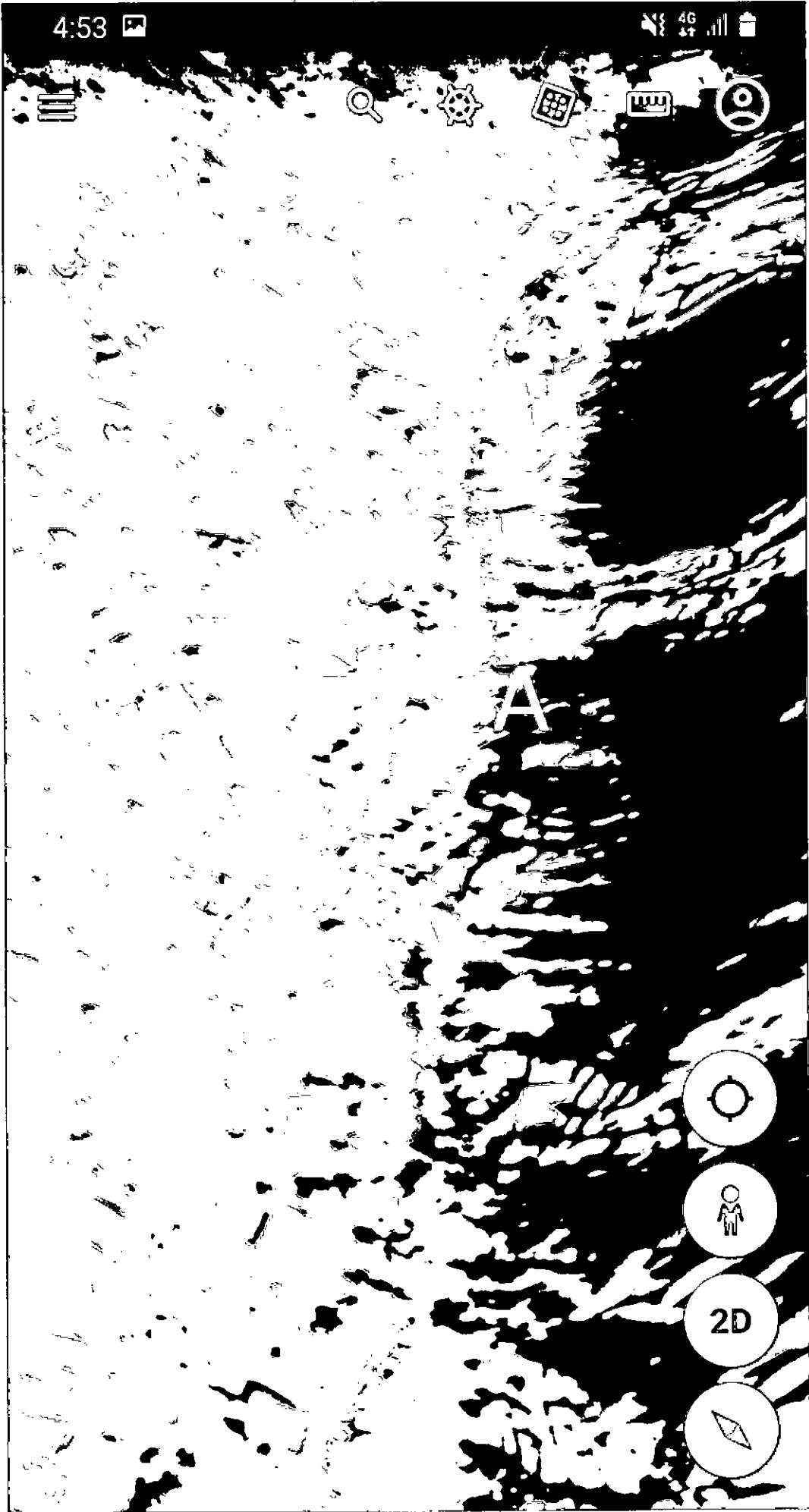
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63

جیل میانہ کس

میانہ کس



(35°03'19"N 72°34'04"E) 2.58 km ▲







65

خانہ
پل
خانہ پل



(34°56'07"N 72°29'20"E) 2.49 km ▲





66

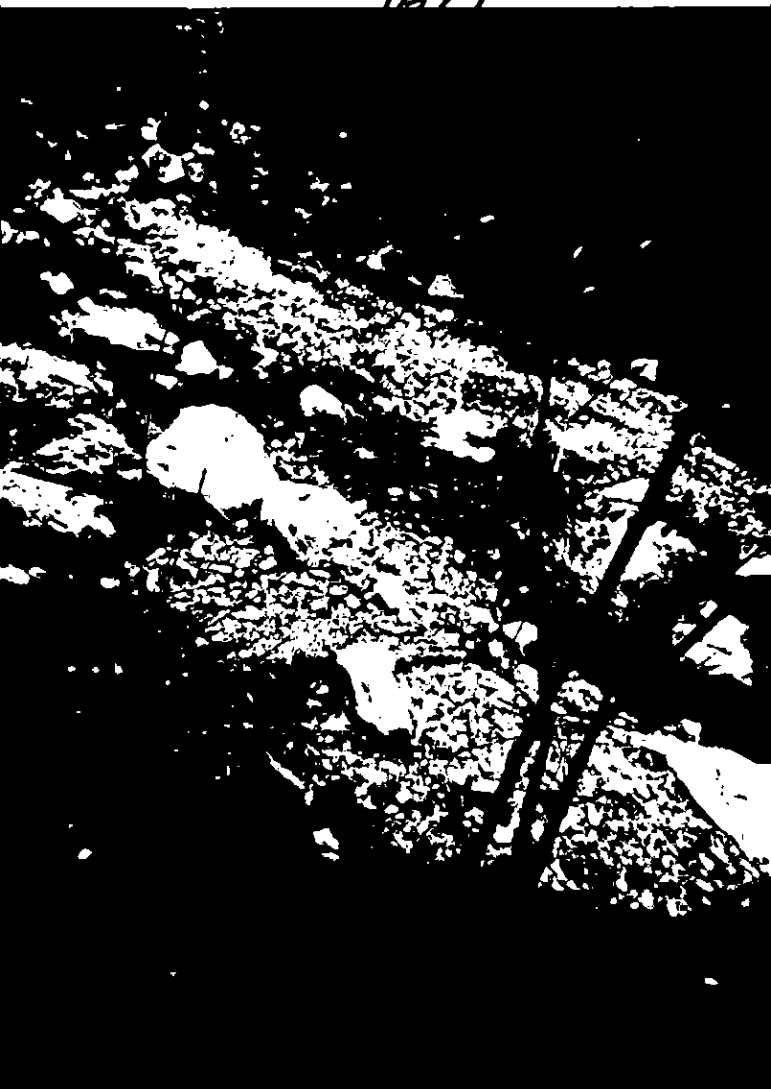
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شکر میاند
بردی سیمه

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میاند



(35°03'12"N 72°32'54"E) 3.22 km ▲



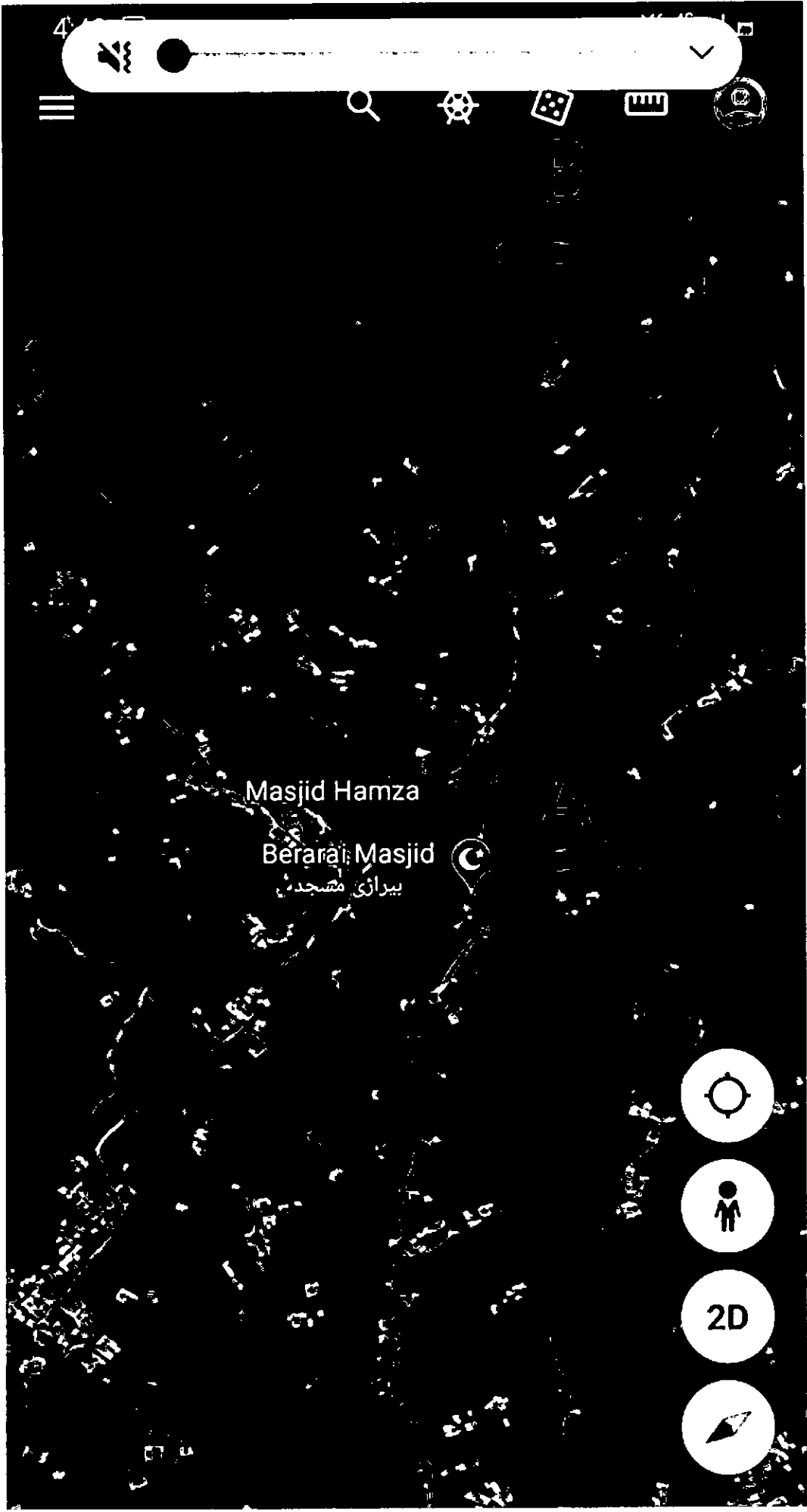


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69

عزیز خوارہ لیلہ
عزیزند
خوارہ ضدہ



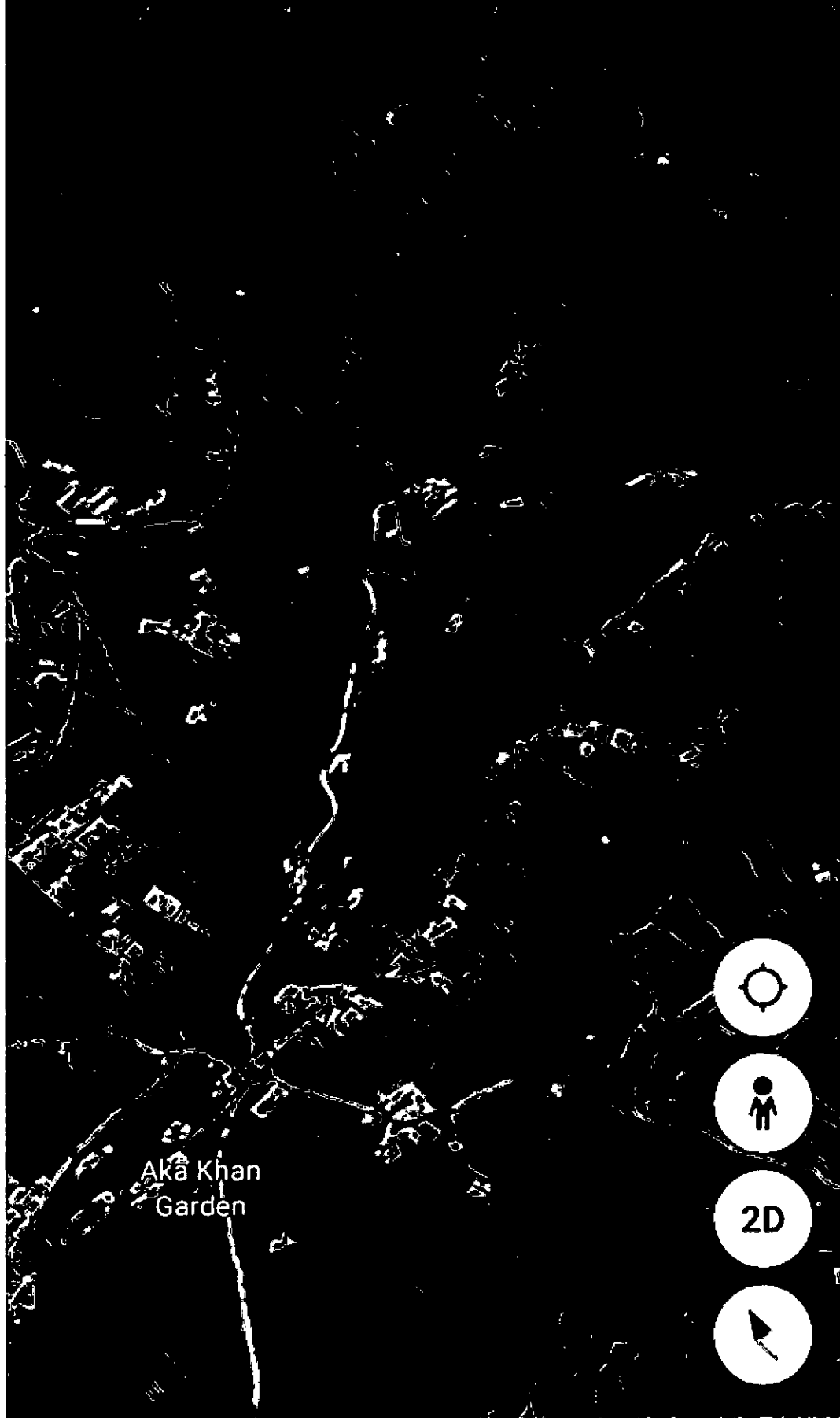
(34°55'24"N 72°28'22"E) 5.01 km ▲



6:51

4G

70



Aka Khan
Garden



G

(34°50'19"N 72°26'56"E) 2.99 km ▲





71



(34°51'59"N 72°26'59"E) 2.91 km ▲



7:54



72



G

(34°55'00"N 72°26'35"E) 3.03 km ▲





73

سڈیو رڈ
سڈیو رڈ
RDP-



(34°56'41"N 72°28'37"E) 2.95 km ▲



8:10

Signal strength, Wi-Fi, and battery icons

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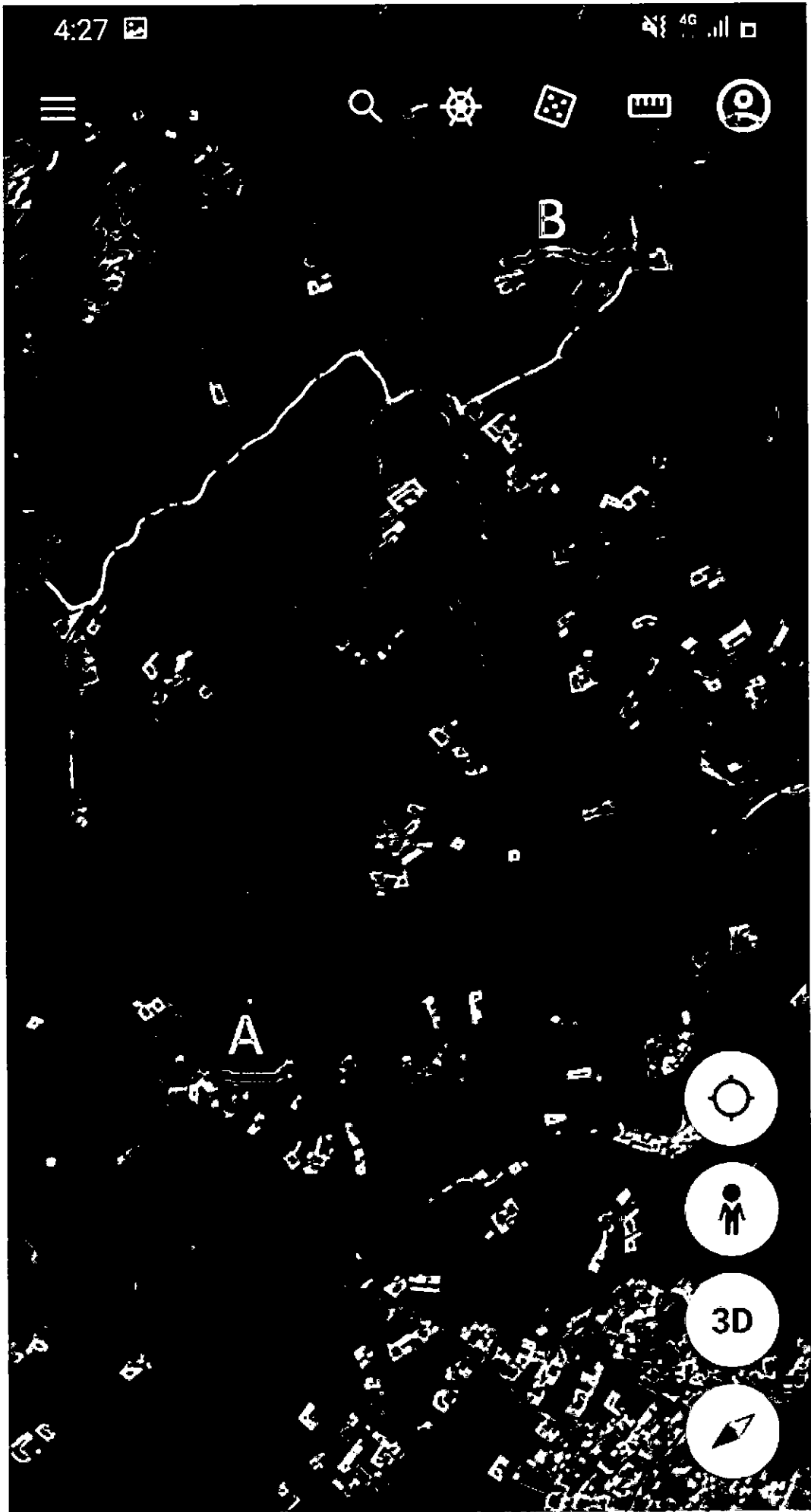
Janazgaah



100

(34°56'12"N 72°28'37"E) 1.96 km





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کوئٹہ
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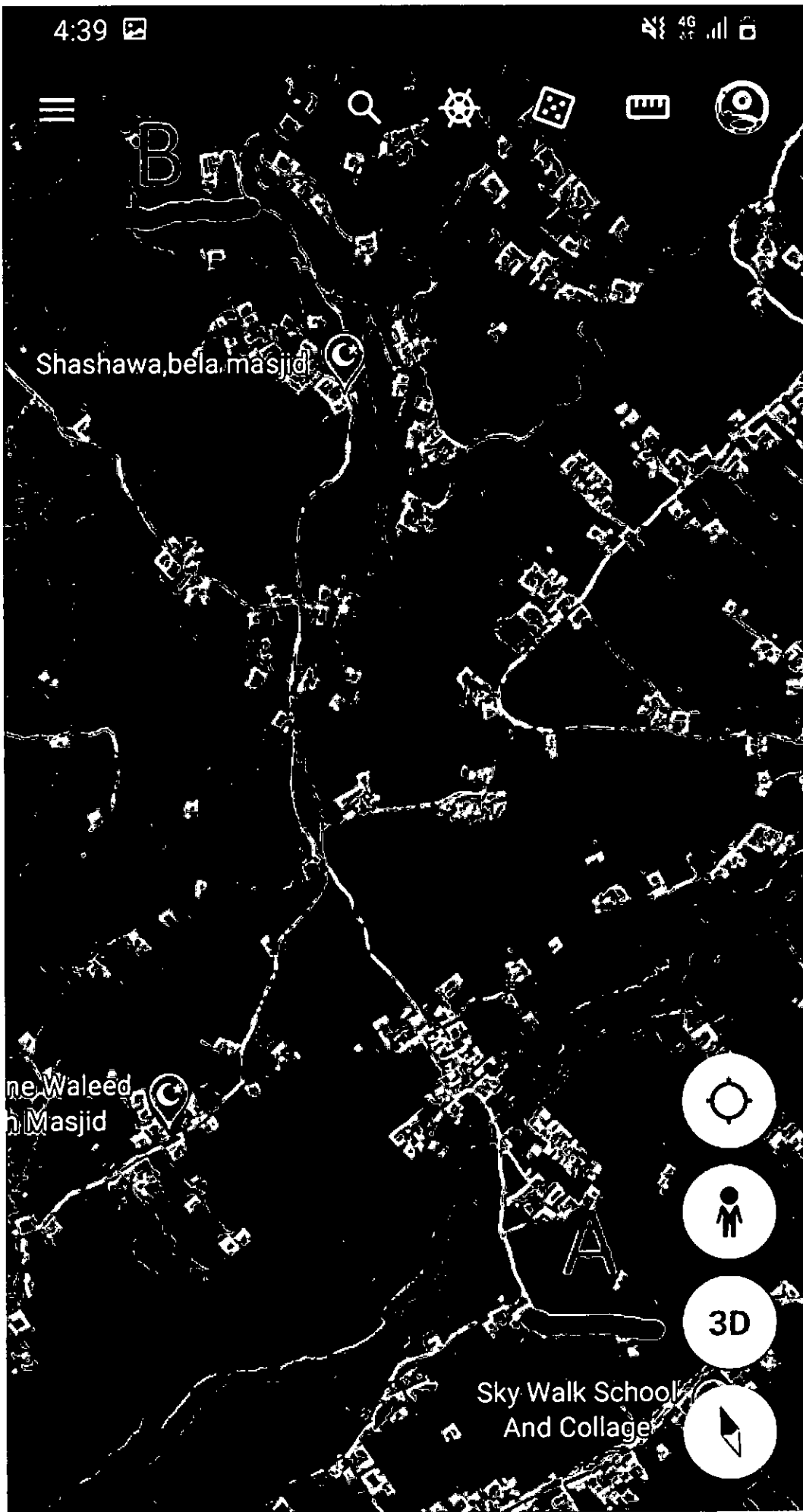
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(34°59'14"N 72°28'52"E) 3.73 km ▲

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جاؤ پہلے کٹر
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ٹو
لورٹی

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(34°56'59"N 72°30'05"E) 4.17 km ▲

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Dr. Haider Ali Khan
Member National Assembly,
(NA-2, Swat-1), Khyber Pakhtunkhwa
Pakistan Tehreek-e-Insaf



Dated: 02-07-2021

To

1926
Date 7/7/2021

S. Seel

Honorable Chief Minister
Khyber Pakhtunkhwa

**SUBJECT: CONSTRUCTION OF ROADS (BLACK TOPPING AND PCC) IN PK-3 / NA-2 RECOMMENDED BY
Dr. HAIDER ALI KHAN MNA**

AOA

I hope you will be in good health, kindly extend your co-operation to help approve the following roads in various Union Councils of PK-3 / NA-2 in best public interest.

1. Union Council Jano / Chamtalai (7 Km)
 - a. Babo Maira road PCC (1 Km)
 - b. Mashkamal Maira road PCC (1 Km)
 - c. Bha Aqila road PCC (1 Km)
 - d. Bela Langar road PCC (1 Km)
 - e. Urdam road Black Top (1 Km)
 - f. Langar road Black Top (2 Km)
2. Union Council Khwaze Khela (5 Km)
 - a. Bandai road PCC (1 Km)
 - b. Halogram road PCC (1 Km)
 - c. RDP road Asphalt (1 Km)
 - d. Tetabat/Tigaaral Asphalt (1 Km)
 - e. Kozkalay K. Khela Black Top (1 Km)
3. Union Council Kotanal (4 Km)
 - a. Mian Dehrai road PCC (1 Km)
 - b. Nakhtara road PCC (1 Km)
 - c. Mansar road PCC (1 Km)
 - d. Kotanal road Black Top (1 Km)
4. Union Council Shin (5 Km)
 - a. Lakhar road Black Top (2 Km)
 - b. Nawo Kalay road PCC (2 Km)
 - c. Sangrai road PCC (1 Km)
5. Union Council Miladam (7 Km)
 - a. Jukhtai road PCC (1 Km)
 - b. Miadam Jishar road PCC (1 Km)
 - c. Gujara Kalay PCC (1 Km)
 - d. Kasoano road PCC (1 Km)
 - e. Khalr Abud PCC (1 Km)
 - f. Senay road PCC (1 Km)
 - g. Jukhtai Dand road PCC (1 Km)

Handwritten notes and signatures:
PK-3/NA-2
S. Seel
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M. P. Seel

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Dr. Haider Ali Khan
Member National Assembly,
(NA-2, Swat-1), Khyber Pakhtunkhwa
Pakistan Tehreek-e-Insaf



- | | | |
|---|---------|--------|
| 6. Union Council Gullbagh (5 Km) | | |
| a. Dakarak road | PCC | (1 Km) |
| b. Alam Gunj road | PCC | (1 Km) |
| c. Gullbagh road | PCC | (2 Km) |
| d. Alabad road | PCC | (1 Km) |
| 7. Union Council Kishawra (7 Km) | | |
| a. Malam road | Asphalt | (3 Km) |
| b. Saar Deray road | PCC | (1 Km) |
| c. Koo road | PCC | (1 Km) |
| d. Seral Mangorpat | PCC | (1 Km) |
| e. Ganajeer Shinkat | PCC | (1 Km) |
| 8. Union Council Shalpin (7 Km) | | |
| a. Dud Tarogay road | PCC | (1 Km) |
| b. Bawral road | PCC | (1 Km) |
| c. Jishar Tanga road | PCC | (1 Km) |
| d. Gidar Sar road | PCC | (1 Km) |
| e. Rangyal road | PCC | (1 Km) |
| f. Seroo Sar Maran road | PCC | (1 Km) |
| g. Aqlo road | PCC | (1 Km) |

It is therefore requested to issue directives to the concern department/officials for preparation of PC 1 and further necessary action please.

Best regards

Dr. Haider Ali Khan
MNA NA-2

Best regards

Dr. Haider Ali Khan
MNA NA-2

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Dr. Haider Ali Khan
Member National Assembly,
(NA-2, Swat-1), Khyber Pakhtunkhwa
Pakistan Tehrik-e-Insaf



- | | | |
|----------------------------------|---------|--------|
| 6. Union Council Gullbagh (5 Km) | | |
| a. Dakorak road | PCC | (1 Km) |
| b. Alam Gunj road | PCC | (1 Km) |
| c. Gullbagh road | PCC | (2 Km) |
| d. Alabad road | PCC | (1 Km) |
| 7. Union Council Kishawra (7 Km) | | |
| a. Malam road | Asphalt | (9 Km) |
| b. Soor Deray road | PCC | (1 Km) |
| c. Kao road | PCC | (1 Km) |
| d. Serai Mangarpot | PCC | (1 Km) |
| e. Ganajeer Shinkat | PCC | (1 Km) |
| 8. Union Council Shalpin (7 Km) | | |
| p. Dud Taraogay road | PCC | (1 Km) |
| b. Bawral road | PCC | (1 Km) |
| c. Jishar Tongo road | PCC | (1 Km) |
| d. Gidar Sar road | PCC | (1 Km) |
| e. Rangyal road | PCC | (1 Km) |
| f. Scroo Sar Maran road | PCC | (1 Km) |
| g. Aqia road | PCC | (1 Km) |

It is therefore requested to issue directives to the concern department/officials for preparation of PC 1 and further necessary action please.

Best regards

Dr. Haider Ali Khan
MNA NA-2

Best regards

Dr. Haider Ali Khan
MNA NA-2

Page 2/2

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Government of Khyber Pakhtunkhwa
CHIEF MINISTER'S SECRETARIAT
☎ 0-91-9211809 | ✉ cmdukp@gmail.com | 📠 091-9210707

No: SO-III/CMS/ST-2G

Dated Peshawar 14th June, 2021

To

D/S-171

The Secretary to,
Govt. of Khyber Pakhtunkhwa,
Communication & Works Department.

Subject: CONSTRUCTION OF ROADS (BLACK TOPING AND PCC) IN PK-3/
NA-2 RECOMMENDED BY DR. HAIDER ALI KHAN, MNA

Dear Sir:

The undersigned is directed to refer to the subject cited above and to enclose herewith a copy of a letter dated 02.07.2021 received from Dr Haider Ali Khan, MNA, NA-2, Swat-I which is self-explanatory.

02. The above is forwarded with the request to submit your views/comments in the matter to this Secretariat within 01 week time positively for perusal of the Competent Authority, please.

Encl. As Above:

Yours faithfully.

MUSMAN JILANI
SECTION OFFICER (DEV)
14/07/21

Endst. Of Even No. & Date:

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
2. The Special Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Master File.

SECTION OFFICER (DEV)

81



**GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT**

NO. D (T)/1-1 CMD/C&WD/2020/DD-II
Dated Peshawar the July 27, 2021

To

The Executive Engineer
C&W Highway Division, Swat.

**SUBJECT: CONSTRUCTION OF ROADS (BLACK TOPING AND PCC) IN PK-3/ NA-2
RECOMMENDED BY DR. HAIDER ALI KHAN MNA.**

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. SO-III/CMS/ST-2G/5903 dated 14.06.2021, alongwith its enclosure, received from Section Officer (DEV), Chief Minister's Secretariat Khyber Pakhtunkhwa, which is self-explanatory, for information and further necessary act on.

It is, therefore, requested to submit views/ comments in the subject matter to this office within a week time positively for onward submission to the quarter concerned.

DEPUTY DIRECTOR TECHNICAL-II

Endst: No. & Date Even:

Copy forwarded for information to:-

- 1- The Section Officer (DEV), Chief Minister' Secretariat Khyber Pakhtunkhwa w/i to the letter quoted above.
- 2- The PS to Secretary C&W Department, Peshawar

No: 1772/13-W
Dated: 6.8.2021
SDO R/K

DEPUTY DIRECTOR TECHNICAL-II

For. n. & J
W
Xes
copy
preparation
PC 1

Mr: Jawad S/A
for n/a (preparation PC 1)
-E

524/13 W
9.2021

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Amendment "B"

THE ¹[KHYBER PAKHTUNKHWA]
ESTABLISHMENT OF DISTRICT DEVELOPMENT
ADVISORY COMMITTEES ACT, 1989.

(²[KHYBER PAKHTUNKHWA] ACT NO. IV OF 1989)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Establishment of District Development Advisory Committee.
4. Functions of the Committee.
5. Administrative approval and implementation of schemes.
6. Meetings of the Committee.
7. Quorum.
8. Returns and Statements.
9. Staff.
10. Overriding effect.
11. Repeal.

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¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

SECRET
KHYBER PAKHTUNKHWA
GOVERNMENT

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THE ¹[KHYBER PAKHTUNKHWA]
ESTABLISHMENT OF DISTRICT DEVELOPMENT
ADVISORY COMMITTEES ACT, 1989.

(²[KHYBER PAKHTUNKHWA] ACT NO. IV OF 1989)

[First published after having received the assent of the Governor of the ³[Khyber Pakhtunkhwa] in the Gazette of ⁴[Khyber Pakhtunkhwa] (Extraordinary), dated the 28th May, 1989].

AN
ACT

to provide for proper planning and supervision of local level development activities in the ⁵[Khyber Pakhtunkhwa].

Preamble.---WHEREAS it is expedient to provide for proper planning and supervision of local level development activities in the ⁶[Khyber Pakhtunkhwa];

It is hereby enacted as follows:

1. **Short title, extent and commencement.**---(1) This Act may be called the ⁷[Khyber Pakhtunkhwa] Establishment of District Development Advisory Committees Act, 1989.

(2) It shall extend to the whole of the Province of the ⁸[Khyber Pakhtunkhwa].

(3) It shall come into force at once.

2. **Definitions.**---In this Act, unless the context otherwise require,-

(a) "Chairman" means the Chairman of the Committee appointed under section ⁹[3(3)];

(b) "Chief Minister" means the Chief Minister of the ¹⁰[Khyber Pakhtunkhwa];

(c) "Committee" means the District Development Advisory Committee of the District concerned, established under section 3;

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁹Substituted vide Khyber Pakhtunkhwa Act No. V of 1991

¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011



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- (d) "Department and Attached Department" shall have the same meaning as respectively assigned to them in the ¹[Khyber Pakhtunkhwa] Rules of Business, 1985;
- (e) "Government" means the Government of the ²[Khyber Pakhtunkhwa];
- (f) "Member" means a member of the Committee;
- ³[(g) "Project Director" means any Officer to be appointed by the Government;]
- (h) "Secretary" means the Secretary of the Committee; and
- (i) "Section" means a section of this Act.

3. Establishment of District Development Advisory Committee.---(1) There shall be established, with immediate effect, a Committee to be known as the District Development Advisory Committee in each District, consisting of--

- (a) all the Members of the Provincial Assembly from the District concerned;
- (b) such other elected representative, as the Government may specify to be taken on the Committee as co-opted members; and
- (c) such Heads of Attached Departments at the District level as may be co-opted by the Committee for their expert opinion.
- ⁴[(d) The District Nazim, City District Nazim and Tehsil Nazim/Town Nazim, as the case may be, shall be co-opted members of the Committee.]

(2) A co-opted member shall have no right of vote to exercise in any deliberation of the Committee.

(3) The Chief Minister shall appoint one of the members to be the Chairman of the Committee who shall hold office during the pleasure of the Chief Minister.

(4) The Committee shall take all decisions by consensus of opinion, but where such consensus is not achieved, the matter shall subject to the provisions of sub-section (2), be decided by majority of votes:

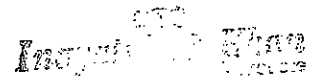
¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

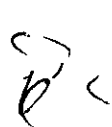
²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

³Substituted vide Khyber Pakhtunkhwa Act No. X of 2010.

⁴Added vide Khyber Pakhtunkhwa Act No. XXVIII of 2015.







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Provided that in case of equality of votes, the Chairman shall have a second or casting vote:

Provided further that where a quota has been allocated to a Member in the development schemes of the Province or the schemes approved are to be divided quota-wise, then there shall be no need for obtaining consensus of opinion regarding the allocation of projects or selection of sites, as the case may be, and it shall be the sole discretion of the member concerned to select sites or allocate projects, as the case may be, within his own quota.

(5) No act or proceeding of the Committee shall be invalid by reason only of the existence of a vacancy in, or defect in the establishment of the Committee.

4. Functions of the Committee.---(1) The Committee shall formulate and recommend-

- (i) proposals for Annual Development Programme (ADP) of the District and Communicate it to the Planning and Development Department;
- (ii) the list of schemes to be implemented under the Rural Development Programme, other than those of the Union Councils. This list may also include those schemes to be funded from such Federal Grants for the purpose as may be provided;
- (iii) location and selection of sites, subject to such planning criteria, as may be prescribed by Government for Development schemes in the following sectors/sub-sectors;
 - (a) Primary, Middle and High Schools;
 - (b) rural health (establishment of basic health unit and rural health centres);
 - (c) public health engineering (rural drinking water supply and sanitation schemes);
- (iv) locations or sites for such other development projects in other sectors as may be included in local programme of ADP including electrification of villages; and
- (v) the allotment of Ration Depots in the respective Districts.

(2) The Committee shall be responsible for conducting periodical reviews of the District Development Programmes approved by it in order to monitor its progress and ensure its timely implementation.

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(5) Administrative approval and implementation of schemes.---All other schemes included in the Annual Development Programme, which are subject to the advice of the Committee, shall be administratively approved and implemented by the Government Departments concerned in accordance with the prescribed procedure of the Department or as may be directed by Government:

Provided that the District Local Fund shall not be included in the purview of District Development Advisory Committee:]

²[Provided further that all developmental schemes executed through Non-Governmental Organizations (NGOs) shall be routed through the District Development Advisory Committees in order to avoid any duplication.]

6. Meetings of the Committee.---(1) The Chairman shall convene meetings of the Committee as and when he considers necessary for the performance of the functions assigned to it under this Act; provided that at least one meeting shall be held in every two months.

(2) The meeting shall be convened on such date and at such time, as the Chairman may appoint and unless otherwise directed all such meetings shall be held at the District Headquarter in the office of the Chairman of the Committee or the Secretary of the Committee, as the case may be.

(3) The Secretary shall, by notice, inform all the members about the date, time and venue of the meeting. The notice shall be accompanied by a duly attested list of business (hereinafter called the Agenda).

(4) The Agenda shall be forwarded to the Members at least three days before the day fixed for the meeting.

7. Quorum.---(1) It shall be obligatory for all members to attend the meeting of the Committee. Whenever the member, for reasonable cause, is unable to attend a meeting, he shall inform the Chairman of his inability to do so.

(2) No business shall be transacted in a meeting unless a quorum of one-third of total number of members of the Committee is present throughout the meeting; provided that where one-third of the total number of members in a Committee is less than two, then at least two members shall constitute the quorum.

(3) Notwithstanding the foregoing provisions, absence of a member from a meeting shall not invalidate the action taken or decision made by the Committee.

8. Returns and Statements.---The Committee or Government may require the implementing agency, through which a scheme or project is being implemented under

¹Substituted vide Khyber Pakhtunkhwa Act No. X of 2010.
²Added vide Khyber Pakhtunkhwa Act No. XXVIII of 2015.

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section 4, to furnish it with any return, statement, estimates, or other information or report regarding any matter pertaining to the scheme or the project.

9. **Staff.**—The Assistant Director, Local Government ¹[or any other Officer to be appointed by the Government] and Rural Development Department, of the district concerned, shall act as Secretary of the Committee and all other officers and officials borne on the office of the Assistant Director shall assist and obey the Committee in the performance of its functions within the purview of this Act.

10. **Over riding effect.**—(1) The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any law for the time being in force.

(2) **Power to make rules.**—Government may make rules for carrying out the purposes of this Act.

11. **Repeal.**—The following laws are hereby repealed:

- (i) The North-West Frontier Province (Establishment of District Planning and Development Advisory Committees) Act, 1987 (N.-W.F.P. Act No VII of 1987); and
- (ii) The North-West Frontier Province Establishment of District Development Advisory Committees Ordinance, 1989 (N.-W.F.P. Ordinance No III of 1989).

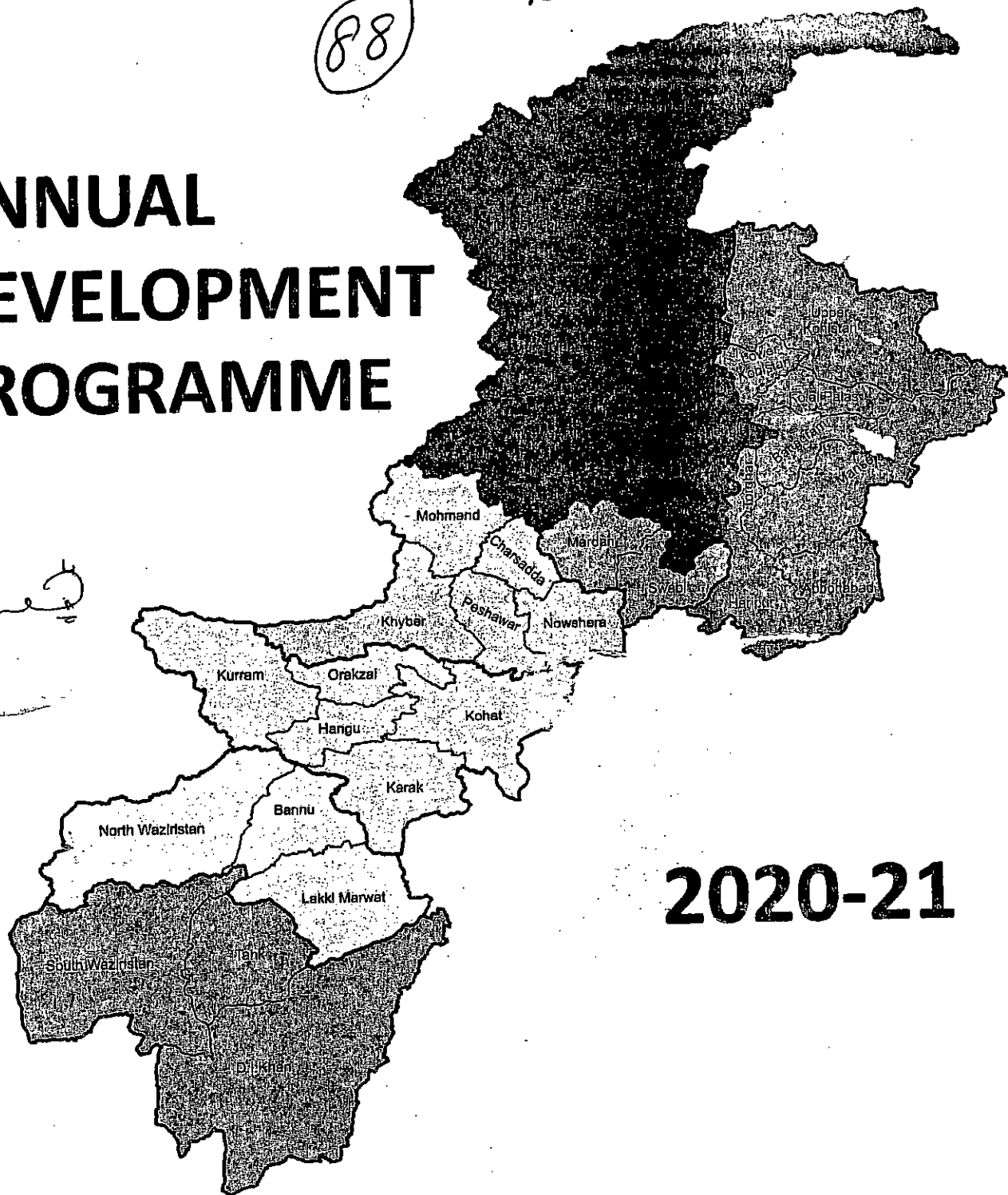
¹Added vide Khyber Pakhtunkhwa Act No. X of 2010.

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ANNUAL DEVELOPMENT PROGRAMME

14



2020-21



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT
JUNE, 2020

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12

NEW PROGRAMME

SECTOR : Multi Sectoral Development

SUB-SECTOR : MSD

(Rs. in Million)

1. KP

ADP S.#.	Code, Name of the Scheme, (Status) with forum and date of last approval	Cost		Exp. Upto June 20	Allocation for 2020-21			TF Beyond 2020-21	
		Local	Foreign		Local		Foreign		
					Cap	Rev			Total
1305	200188 - F/S and Establishment of Residences for P&D Staff at Hayatabad, Peshawar.	2.000	0.000	0.000	1.001	0.000	1.001	0.000	0.999
(B) DDWP //									
1306	190601 - Solarization of various masjid in District Swat.	600.000	0.000	0.000	30.000	160.000	190.000	0.000	410.000
(B) PDWP //									
1307	200261 - Beautification of Various Bazars.	1214.805	0.000	0.000	150.000	0.000	150.000	0.000	1,064.805
(B) PDWP //									
	200262 - Special Development Package for Backward Areas of Tehsil Khwazakhela and adjoining Areas of District Swat.	200.000	0.000	0.000	50.000	0.000	50.000	0.000	150.000
(B) PDWP //									
1309	190436 - Provision for Pending Liabilities of WATSAN Sector (ERRA Funded)	20.480	0.000	0.000	20.480	0.000	20.480	0.000	0.000
(B) DDWP //									
1310	200055 - Land and Water Development Project Implemented through Helvitas-EU Assisted	0.001	91.600	0.000	0.001	0.000	0.001	30.500	0.000
(B) PSC //									
1311	190333 - Torghar Integrated Area Development Project (INL Assisted).	0.001	200.000	0.000	0.001	0.000	0.001	0.010	0.000
(B) CDWP //									
Total	NEW PROGRAMME	2,037.29	291.600	0.000	251.483	160.000	411.483	30.510	1,625.804
Total	MSD	37,623.796	53,998.821	12,051.947	5,377.852	385.002	5,762.854	8,499.750	19,808.995

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W. F. Khan
W. F. Khan

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Better Copy of Page No. 19

OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DIVISION SWAT.
Tele/Fax # 0946-9240163

NOTICE INVITING E/TENDER/BIDDING.
(SINGLE STAGE SINGLE ENVELOP PROCEDURE
E/BIDDING SYSTEM).

PHE Division Swat Government of Khyber Pakhtunkhwa Invites Electronic Bids from Eligible Firms/Contractors having specialization code CE-09 in accordance with KPPRA procurement rules 2015 on single stage Single Envelop procedure for the following works.

S.No	Name of Work.	Estimated Cost (Rs. in Million)	Earnest money with Stamp duty (Rs.)
A	SPECIAL DEVELOPMENT PACKAGE FOR BACKWARD AREAS OF TEHSIL KHWAZAKHELA & ADJOINING AREA OF DISTRICT SWAT ADP NO. 1308/200262(2020-21).		
1	Construction of Water Supply Scheme Khwazakhela No. 05	8.131	181370/-
2	Rehabilitation of Water Supply Scheme Shamak Dambara	8.475	188250/-
3	Construction of Water Supply Scheme Kuza Bela.	9.616	211070/-
4	Construction of Water Supply Scheme Dakorak No. 03.	8.138	181510/-
5	Construction of Water Supply Scheme Fatehpur	14.628	311310/-
6	Rehabilitation / Improvement & Extension of Existing Water Supply Scheme in Tehsil Khwazakhela	19.940	417550/-
7	Installation of Head Pumps / Pressure Pumps in Tehsil Khwazakhela	9.974	218230/-
8	Construction of Street Pavement/Drain in Tehsil Khwazakhela	12.362	265990/-
B	"PROVINCIAL ADP SCHEME NO. 667/190447 MALAKAND AREA DEVELOPMENT PROGRAM" (RE-TENDER)		
1.	Drinking of Water Supply Scheme, Small Tanks & Installation of Pressure Pumps/Hand Pumps in Union Council Khwazakhela	10.00	218750/-

TERMS AND CONDITION:

- 1) Bidding documents including instructions to Bidder can be downloaded from Public Health Engineering Department wb site address www.pheadkp.gov.pk
- 2) According to KPPRA Rules the Contractors must be registered with K.P Revenue Authority with active status.
- 3) Last date & Time of submission of the bid is 23-04-2021 at 11:00 A.M, which will be opened on the same day at 12:00 P.M in the presence of Government Contractors or their authorized representative who opt to be present.
- 4) The bid security and additional security may be deposited as per KPPRA Notification No. KPPRA/M&E/Estt:/1-17/2019-20 dated 12-06-2020.
- 5) Other terms and condition are available on PHED website or same can be obtained from office of the undersigned during office hours.

EXECUTIVE
ENGINEER

[Handwritten Signature]
EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING DIVISION
SWAT

(52)

SOLARIZATION OF MASAJIDS IN DISTRICT SWAT

S#	Code	Masajid Name	District	Tehsil	UC/VC Name	Focal Person	Contact No
738	03:C/P	Jamia masjid Kozkalay	Swat	Khwarzakhela	Khwarzakhela	Shahab Ali Khan	0343-9317287
739	03:C/P	Loya jumat	Swat	Khwarzakhela	Khwarzakhela	Baidar Khan	0344-9298022
740	03:C/P	Iwaray jumat	Swat	Khwarzakhela	Khwarzakhela	Anwar Ali Khan	0300-5742733
741	03:C/P	Tehsil Muhallah Masjid	Swat	Khwarzakhela	Khwarzakhela	Hidayatullah	0349-3375000
742	03:C/P	Jamia masjid Gashkor	Swat	Khwarzakhela	Khwarzakhela	Ahmad	0201-2972345
743	03:C/P	Jamia masjid Bandai	Swat	Khwarzakhela	Khwarzakhela	Nawab Ali	0347-0440770
744	03:C/P	Jamia masjid Tigdarai	Swat	Khwarzakhela	Khwarzakhela	Ali Rahman	0313-9432497
745	03:C/P	Ground Muhallah Masjid	Swat	Khwarzakhela	Khwarzakhela	Shafiq	0341-9526378
746	03:C/P	Battai Jumat	Swat	Khwarzakhela	Khwarzakhela	Alam Zeb Khan	0345-4488655
747	03:C/P	Jamia masjid Babo	Swat	Khwarzakhela	Jano Chamtalai	Sher Bahadar Khan	0346-9401388
748	03:C/P	Jamia masjid Chamtalai	Swat	Khwarzakhela	Jano Chamtalai	Shaiful Haq	0345-9453143
749	03:C/P	Jamia masjid Mehmood Abad	Swat	Khwarzakhela	Jano Chamtalai	Anwarul Hassan	0345-9453143
750	03:C/P	Jamia masjid Behar	Swat	Khwarzakhela	Jano Chamtalai	Umar Hayat	0345-9232901
751	03:C/P	Jamia masjid Main road Topsis	Swat	Khwarzakhela	Jano Chamtalai	Fazal Khalid	0345-9452899
752	03:C/P	Jamia masjid faqira	Swat	Khwarzakhela	Shalpin	Raham Qadir	0345-9427663
753	03:C/P	Jamia masjid Mashkomai	Swat	Khwarzakhela	Jano Chamtalai	Zakira Bacha	0345-9414946
754	03:C/P	Jamia masjid Chinkolai	Swat	Khwarzakhela	Jano Chamtalai	Bahray Danosh	0343-9261893
755	03:C/P	Jamia masjid Tarogay	Swat	Khwarzakhela	Shalpin	Jawid	0343-9380820
756	03:C/P	Jamia masjid manpital	Swat	Khwarzakhela	Kotana	Rahmat Ali	0345-4644555
757	03:C/P	Jamia masjid Chalyar sarak sar	Swat	Khwarzakhela	Kotana	Imran Khan	0343-8988589
758	03:C/P	Jamia masjid Tetabut	Swat	Khwarzakhela	Khwarzakhela	Nadar Khan	0346-9460490
759	03:C/P	Jamia masjid Kotana Road	Swat	Khwarzakhela	Kotana	Naushad	0346-9401274
760	03:C/P	Jamia masjid kandaro	Swat	Khwarzakhela	Kotana	Sher	0345-9494918
761	03:C/P	Jamia masjid Ghar shin	Swat	Khwarzakhela	Shin	Pir Zada	0345-5295795
762	03:C/P	Bar Bargin Masjid	Swat	Khwarzakhela	Shin	Tahir	0347-9632384
763	03:C/P	Jamia masjid Lakhar	Swat	Khwarzakhela	Shin	Saifur Rahman	0345-3313591
764	03:C/P	Jamia masjid Naway kalay	Swat	Khwarzakhela	Shin	Anwar shah	0300-6524333
765	03:C/P	Jamia masjid Allah Baksh	Swat	Khwarzakhela	Maindam	Allah Bakhs	0341-4499333
766	03:C/P	Jamia Masjid Ada	Swat	Khwarzakhela	Maindam	Iqbal Hussain	0346-4081632
767	03:C/P	Jamia masjid Miandam	Swat	Khwarzakhela	Maindam	Zakir Khan	0344-4140329
768	03:C/P	Jamia masjid Senai	Swat	Khwarzakhela	Maindam	Umar Zada Khan	0345-9454146
769	03:C/P	Jamia masjid Khair abad	Swat	Khwarzakhela	Maindam	Hussain Shah	0344-8160514
770	03:C/P	Jamia masjid Dand	Swat	Khwarzakhela	Maindam	Akhtar Khan	0345-0171744

S#	Code	Masajid Name	District	Tehsil	UC/VC Name	Focal Person	Contact No
771	03:C/P	Jamia masjid Gujaro Kalay	Swat	Khwazakhela	Maudam	Bahramand	0345-9459809
772	03:C/P	Jamia masjid Allabad	Swat	Charbagh	GuliBagh	Amin Khan	0341-9403003
773	03:C/P	Jamia masjid Dakoral	Swat	charbagh	GuliBagh	Amir Jamal	0347-9817975
774	03:C/P	Jamia masjid Ganajeer	Swat	charbagh	Kishwara	Fazal Muhammad	0346-9409058
775	03:C/P	Jamia masjid Guli Bagh	Swat	charbagh	GuliBagh	Ajmal Khan	0349-9355517
776	03:C/P	Jamia masjid Kishaora	Swat	charbagh	Kishwara	Bacha	0343-9606080
777	03:C/P	Jamia masjid Shaltalo	Swat	charbagh	Kishwara	Wasiullah	0341-2702410
778	03:C/P	Jamia masjid Balakot	Swat	Charbagh	Kishwara	Rafiq	0347-8121603
779	03:C/P	Jamia masjid Serai	Swat	Charbagh	Kishwara	Khan Sadiq	0347-5400270
780	03:C/P	Landikas Masjid	Swat	Khwazakhela	Khwazakhela	Fazal Subhan	0344-9779938
781	03:C/P	Chinar Baba	Swat	Khwazakhela	Khwazakhela	Nazir Ahmad	0344-9646239
782	03:C/P	Jamia masjid Bara Arsala	Swat	Khwazakhela	Kotana	Jehan sher	0346-9860398
783	03:C/P	Kass Mohallah Masjid	Swat	Khwazakhela	Khwazakhela	Muhammad Salar Khan	0346-9480702
784	03:C/P	Korpala Jumat	Swat	Khwazakhela	Khwazakhela	Ajmal Khan	0346-9114861
785	03:C/P	Jamia masjid Batai	Swat	Khwazakhela	Khwazakhela	Ezat Sher Khan	0345-3902008
786	03:C/P	masjid Ayesha Langar	Swat	Khwazakhela	Khwazakhela	Tahir Mulk	0345-5033666
787	03:C/P	Masjid Deral Baba	Swat	Khwazakhela	Khwazakhela	Fazal Khaliq	0346-0505972
788	03:C/P	Khwar Mohallah Masjid	Swat	Khwazakhela	Khwazakhela	Kaka	0344-9880456
789	03:C/P	Chinargo Jumat	Swat	Khwazakhela	Khwazakhela	Mian sher Ali	0347-9101022
790	03:C/P	Molyano jumat	Swat	Khwazakhela	Khwazakhela	Jehan sher	0346-9400302
791	03:C/P	Babi khali Masjid	Swat	Khwazakhela	Khwazakhela	Liaqat Khan	0346-9544788
792	03:C/P	Jamia masjid Asala	Swat	Khwazakhela	Kotana	Bacha	0346-9405156
793	03:C/P	Jamia masjid Shin Korpala	Swat	Khwazakhela	Shin	Said Ali	0346-9449699
794	03:C/P	Jamia masjid Degan	Swat	Khwazakhela	Shin	Gran	0345-9457505
795	03:C/P	Jamia masjid Ziyarat	Swat	Khwazakhela	Shin	Anwar Shah	0300-6624333
796	03:C/P	Jamia masjid Farhat Abad	Swat	Khwazakhela	Kotana	Riaz	0344-4767676
797	03:C/P	Jamia masjid Langar	Swat	Khwazakhela	Jano Chamtalai	Alam Khan	0344-8129370
798	03:C/P	Jamia masjid Koz Cham	Swat	Khwazakhela	Jano Chamtalai	Saddar Ami	0343-9646239
799	03:C/P	Jamia masjid Allah o Akbar	Swat	Khwazakhela	Khwazakhela	Nazim Ahmad	0346-9646239
800	03:C/P	Jamia masjid Urdam	Swat	Khwazakhela	Jano Chamtalai	Umar Hayat	0336-6290879
801	03:C/P	Jamia masjid Aqla	Swat	Khwazakhela	Jano Chamtalai	Bakhtullah	0332-7212638
802	03:C/P	Jamia masjid Dad	Swat	Khwazakhela	Shalpin	Habibullah	0347-5170131
803	03:C/P	Jamia masjid Madrassa	Swat	charbagh	GuliBagh	Waliullah	0342-8458654
804	03:C/P	Jamia masjid Abu Bakar Sadeeq	Swat	charbagh	GuliBagh	Zia ur rehman Molvi sb	0342-2455040
805	03:C/P	Jamia masjid Norani	Swat	Charbagh	GuliBagh	Mohibullah Khan	0346-9091742

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S#	Code	Masajid Name	District	Tehsil	UC/Vc Name	Focal Person	Contact No
806	03:C/P	Jamia masjid Ouba	Swat	Chabragh	Gullbagh	Haris Ah	9913 332111
807	03:C/P	Jamia masjid Abu Bakar Sarfoen	Swat	Chabragh	Gullbagh	Sajjad Khan	9920 2017580
808	03:C/P	Jamia masjid Shin	Swat	Khwazakhela	Shin	Abdul Raheeb Khan	9922 202020
809	03:C/P	Shin Cham Masjid	Swat	Khwazakhela	Shin	Jehangir Rahimyar	9922 202020
810	03:C/P	Momin Abad Masjid	Swat	Khwazakhela	Shin	Rashid Gul	9913 306524
811	03:C/P	Al-Noor Masjid	Swat	Khwazakhela	Shin	qabir Khan	9922 202020
812	03:C/P	Mama Masjid	Swat	Khwazakhela	Shin	Haider Al Khan	9924 9724151
813	03:C/P	Police station Masjid	Swat	Khwazakhela	Khwazakhela	Lingal	9922 202020
814	03:C/P	Jamia masjid Jadhral	Swat	Khwazakhela	Malandam	Ashraf Khan	9922 202020

Handwritten signature/initials

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Annex: "F"

توجہ دلاؤ نوٹس:

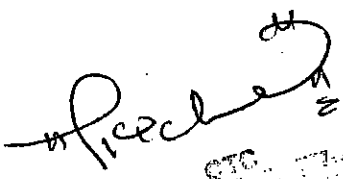
منجانب: سردار خان (MPA)
جناب سپیکر صاحب،

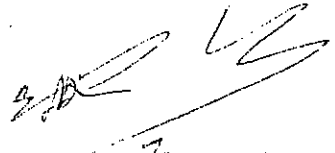
میں آپ کی توجہ ایک اہم مسئلے کی طرف مبذول کرانا چاہتا ہوں،

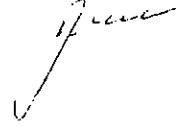
وہ یہ کہ گزشتہ مالی سال 2020-21 بجٹ بک میں ADP No.1307/200262 سپیشل ڈیولپمنٹ پیسج تحصیل
خوارہ خیلہ (Backward area) کے نام پر 20 کروڑ روپے مختص کئے گئے ہیں۔
آیا یہ درست ہے کہ صوبائی حکومت بجٹ میں حلقہ کے MPA عوامی نمائندگی اور عوامی ڈیمانڈ کو صوبائی محکموں تک رسائی کے
حق دار ہے۔

کیا اپوزیشن کو اسمبلی میں صرف حاضری اور تعداد پورا کرنے تک محدود کیا جا رہا ہے، الیکشن کمیشن نے حلقہ 3-PK پر میرا
نوٹیفکیشن کیا ہے لیکن موجودہ مدینہ کی ریاست میں MNA حلقہ 2-NA کے پاس ڈبل چارج ہے۔ اسلئے میرے بار بار محکموں سے
رابطے کے باوجود محکمہ C&W ہائی وے ڈویژن نے MNA کی نشاندہی پر مورخہ 19-04-2021 کو درجہ بالا ADP No میں
ٹینڈر شایا کئے۔

اپوزیشن ترقیاتی مدفنڈ لسٹ میں یہ رقم میرے نام پر درج ہے۔ (کاپی منسلک ہے)
لہذا اس پر فوری نوٹس لیا جائے اور اس میں انکوائری کی جائے کہ مجھے مختص کی ہوئی رقم میرے حلقہ 3-PK میں کیسے MNA
کی نشاندہی پر ٹینڈر رہو رہے ہیں۔


Sardar Khan
CIC
Incharge


PK 3

CHIEF MINISTER
17/11
1723
Date 20/4/2021
Time 2:45
سردار خان


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تحصیل دارو و خلیہ کیلئے وزیر اعلیٰ صاحب پختون

واٹر سپلائی سکیم آلہ آباد نمبر 2

جناب محمود خان صاحب

وزیر اعلیٰ خیبر پختون خواہ

جناب ڈاکٹر حیدر علی صاحب سپرنٹنڈنٹ

(NA-2)

تحصیل لاگت: 12,500 ملین

ذریعہ مالی بحکمہ پبلک ہیلتھ اینڈ نیچرل ڈویژن سوات



افتتاح خوازہ جیلہ کیلئے وزیر اعلیٰ صاحب کا تحفہ

منسوب پی کی آر ڈی کوئٹہ صاحبہ ایم 1-12-KM

جناب محمود خان صاحب

وزیر اعلیٰ خیر پختونخوا

دب ٹی بی و علی خان ڈاکٹر صاحب ایم ایم اے

تعمیر لاگت = 7.9 ملین

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زمین خریداریتے اور ان صاحب کے
وائٹ سیلابی اسکیم شین نمبر 2
جناب محمود خان صاحب
 وزیر اعلیٰ خیبر پختون خواہ
 جناب ڈاکٹر حیدر علی صاحب
 NA-21
 تحصیل تہ 6.289
 تحصیل تہ 6.289



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تحصیل خوارہ خلیفہ اعلیٰ وزیر اعلیٰ صاحب محترم

وائر سیٹل سکیمن گلی باغ 3

جناب محمود خان صاحب

وزیر اعلیٰ خیبر پختون خواہ

جناب ڈاکٹر حیدر علی صاحب کمروری آسٹریلیا
(NA-2)

تخمینہ لاگت: 16.80 ملین

وزیر اعلیٰ محکمہ پبلک ہیلتھ آکسپنڈنگ ڈویژن سوات



تحصیل ڈیرہ خیل کیلئے وزیر اعلیٰ صاحب کا تختہ

واٹر سپلائی سکیم کرم ڈھیری
جناب محمود خان صاحب
وزیر اعلیٰ خیبر پختون خواہ

جناب ڈاکٹر حیدر علی صاحب
مہر قوی اسپتالی
(NA-2)
تحصیل لاگت: 7 400 ملین
وزیرانہ ٹنگ پبلک ہیلتھ انجینئرنگ ڈویژن سوات

سرس



تعمیر اور نوادہ کیلئے زرہتی ماب تہ
 پختگی گلی کوچہ جات اہل شہن
جناب محمود خان ماب
 وزیر اعلیٰ فیبر پختون خواہ
 جناب ڈاکٹر حمید علی ماب (NA-2) پروان تہ
 قیمتہ گت 4.00 روپے
 پروان تہ پتک بیلتر اہل شہن اور بران ماب

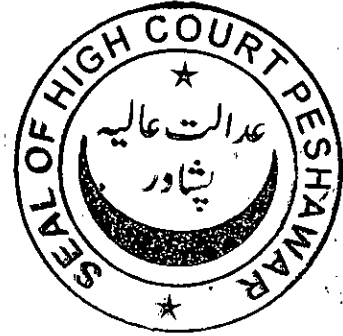
مستند
 کیم شہن لہر
 خان ماب
 مستند لہر

مستند لہر
 مستند لہر



BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWARIn Re: W.P. No. 3206 -P/2019

1. Mr. Akram Khan Durrani (MMA);
Opposition Leader,
PK-90 Bannu-IV,
Provincial Assembly, Khyber Pakhtunkhwa
2. Mr. Sardar Hussain Babak,
Parliamentary Leader ANP,
PK-22, Buner-III,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
3. Mr. Sardar Muhammad Yousaf Zaman,
Parliamentary Leader PML-N,
PK-34 Mansehra-V,
Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
4. Mr. Sher Azam Khan Wazir,
Parliamentary Leader PPP,
PK-87 Bannu-II,
Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
5. Mr. Lutf Ur Rehman,
Parliamentary Leader JUI-F,
PK-98 D.I.Khan-IV,
Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
6. Mr. Khushdil Khan Advocate (ANP),
PK-70 Peshawar-V,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
7. Mr. Inayatullah (JI),
PK-12 Lower Dir-III,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
8. Mr. Hidayat Ur Rehman (JUI-F),
PK-1 Chitral,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
9. Mr. Waqar Ahmad (ANP),
PK-7 Swat-VI,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
10. Mr. Malak Badshah Saich (PPP),
PK-10 Upper Dir-I,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar



ATTESTED


EXAMINER
 Peshawar High Court

11. Mr. Sahibzada Sana Ullah (PPP),
PK-11 Upper Dir-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
12. Mr. Bahadar Khan (ANP),
PK-16 Lower Dir-IV,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
13. Mr. Faisal Zaib (ANP),
PK-24 Shangla-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
14. Mr. Muhammad Naeem (PML-N),
PK-32 Mansehra-III,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
15. Mr. Laiq Muhammad Khan (ANP),
PK-34 Torghar,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
16. Mr. Sardar Aurangzeb (PML-N),
PK-37 Abbottabad-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
17. Mr. Shakeel Bashir Khan (ANP),
PK-57 Charsadda-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
18. Mr. Salahud Din Khan (ANP),
PK-71 Peshawar-VI,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
19. Mr. Shadad Khan (JUI-F),
PK-81 Kohat-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
20. Mr. Mian Nisar Gul (JUI-F),
PK-85 Karrak-I,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
21. Mr. Zafar Azam (JUI-F),
PK-86 Karrak-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar

ATTESTED
EXAMINER
Peshawar High Court

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22. Mr. Munawar Khan (JUI-F),
PK-91 Lakki-I,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
23. Mr. Mehmood Ahmad Khan (JUI-F),
PK-94 Tank,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
24. Mr. Ahmad Khan Kundi (PPP),
PK-96 D.I.Khan-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
25. Mr. Sardar Khan (PML-N),
PK-3 Swat-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
26. Mr. Anwar Hayat Khan (JUI-F),
PK-93 Lakki Marwat-III,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
27. Mr. Jamshaid Khan Momand (PML-N),
PK-55 Mardan-VIII,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
28. Mst. Samar Haroon Bilour (ANP),
PK-78 Peshawar-XIII,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
29. Mr. Ranjit Singh (JUI-F),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
30. Mst. Rehana Ismail (JUI-F),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
31. Mst. Humaira Khatoon (JI),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
32. Mst. Shagufta Malik (ANP),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
33. Mst. Shahida Waheed (ANP),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar

ATTESTED

EXAMINER
Peshawar High Court

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37. Mst. Sobia Shahid (PML-N),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar

38. Mst. Nighat Yasmeen Orakzai (PPP),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar

PETITIONERS

VERSUS

1. Chief Minister, Khyber Pakhtunkhwa,
Chief Minister Secretariat,
Khyber Pakhtunkhwa, Peshawar.
2. Chief Minister Secretariat, Khyber Pakhtunkhwa,
Through its Principal Secretary,
Khyber Pakhtunkhwa, Peshawar.
3. Provincial Cabinet, Khyber Pakhtunkhwa,
Through Chief Minister Khyber Pakhtunkhwa,
Chief Minister Secretariat,
Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa,
Through its Chief Secretary,
Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar.
5. Additional Chief Secretary,
Planning and Development Department,
Government of Khyber Pakhtunkhwa,
Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar.
6. Secretary,
Local Government and Rural Development Department,
Government of Khyber Pakhtunkhwa,
Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar.
7. Secretary,
Communication and Works (C & W) Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
8. Secretary,
Public Health Engineering Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
9. Secretary,
Irrigation Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

ATTESTED

EXAMINER
Peshawar High Court

- (107)
10. Secretary,
Sports, Culture and Tourism Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
 11. Secretary,
Health Department
Government of Khyber Pakhtunkhwa,
Peshawar.
 12. Secretary,
Elementary and Secondary Education Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
 13. Secretary,
Higher Education Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
 14. Secretary,
Industries Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
 15. Secretary,
Finance Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

RESPONDENTS

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweth:

The brief facts leading to the instant petition are as under:

1. That the petitioners, being law-abiding citizens of Pakistan, were elected as members of the Provincial Assembly, Khyber Pakhtunkhwa ("KP Provincial Assembly") in the General Elections of 2018 and as such, they are the duly elected public representatives of their respective constituencies in the province of Khyber Pakhtunkhwa. It must be noted that the petitioners belong to various political parties and all of them are presently chairing and sharing the opposition benches in the KP Provincial Assembly. Copy of the Gazette Notification of the petitioners as Returned Candidates issued by the ECP is attached herewith marked as annexure "A".
2. That as per the *Rules of Business* framed under Article 139 of the Constitution of the Islamic Republic of Pakistan 1973 (Constitution), it is one of the essential functions of the Planning and Development Department/Respondent No. 5 to formulate / prepare the Annual Development Programme / ADP. This ADP consists of all developmental projects/schemes / initiatives which are to be executed in the respective province in a particular financial year.

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Judgment Sheet

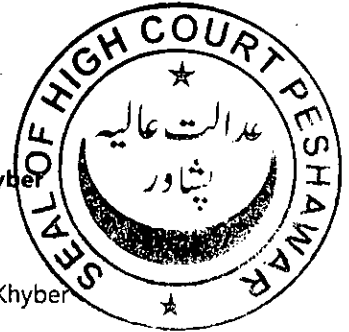
IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT.

JUDGMENT

W.P. No. 3206-P/2018

Date of hearing 11.09.2019.

**Akram Khan Durrani and others versus Chief Minister Khyber
Pakhtunkhwa and others.**



Petitioner by Mr. Aamir Javed, advocate.

Respondents by Mr. Shumail Ahmad Butt, Advocate General Khyber
Pakhtunkhwa.

WAQAR AHMAD SETH CJ:- Through the instant constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 petitioners prayed that;-

- i. **Declare the umbrella schemes, which are reflected in the 2018-2019 ADP as "Block Allocations" and which fail to mention specifications regarding site and location, as being unfair, biased and discriminatory and against the settled principle of Social Economic justice.**
- ii. **Strike Down "Block Allowances" that are reflected in the 201819 ADP under the garb of Umbrella Schemes on the basis of discrimination and direct that the funds allocated under umbrella schemes must be distributed in a fair, just and equal manner amongst all members of the KP Provincial Assembly, irrespective of party affiliation or political considerations;**
- iii. **Declare that C.M Directives/Directions allocating the funds of Umbrella Schemes are illegal, unjust and unfair;**
- iv. **Direct the respondents to allocate, distribute and release developmental funds and foreign funds/aid amongst all the members of the Provincial Assembly in a fair, just and equal manner, without any discrimination on the basis of political affiliation or consideration and without any cessation, re-appropriation, decrease or delay whatsoever;**

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- v. Direct that all the funds, including savings, that have been appropriated/re-appropriated and re-distributed by the respondents be returned to the schemes and the areas/constituencies/districts they were originally allocated to;
- vi. Direct that old existing/on-going schemes approved under previous ADP's be completed and the funds allocated to them should be released on time and without any cessation, delay, decrease or hurdle;
- vii. Restore all the schemes situated in the areas/constituencies of the petitioners which have been maliciously dropped by the respondents;
- viii. Shut Down and set aside the illegal application of JICA and direct that the said JICA should be uniformly applied and equally distributed;
- ix. Direct that the savings be sent back to their respective districts;
- x. Direct that Rules/guidelines for the formulation of ADP's may be laid down for the equitable allocation and distribution of development funds, taking into consideration vital factors such as poverty, backwardness of a particular area(s), population and the lag in infrastructure;
- xi. Direct the respondents to treat the petitioners and their constituents in accordance with Article 4, 9, 25 and 38 of the Constitution, the dicta of the superior Courts and the principles of social and economic justice as well as natural justice and restrain the respondents from treating the petitioners and their constituents in an illegal, biased, discriminatory and arbitrary fashion;
- xii. Grant any other relief which, although not specifically prayed for, is found to be just in the given facts and circumstances of the case.

2. In essences the grievances of the petitioners are that they belongs to different political parties and are also elected Members of Khyber Pakhtunkhwa Provincial Assembly, in the election dully held in the year 2018, from their respective

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constituencies. Their services are still intact as designated to them by the Election Commission of Pakistan.

3. That under Article 139 of the Constitution of Islamic Republic of Pakistan, 1973, Rules of Business have been framed. That respondent No. 5 was under the obligation to formulate/prepare the Annual Development Programme (hereinafter called as ADP), which consists of all development projects/schemes/initiatives which are to be executed in their respective constituencies, irrespective to the party affiliation. That current ADP's are prepared without taking into consideration vital factors such as poverty, backwardness of particular areas including the population and the lag in infrastructure of the other Districts. Resultantly this practice led to the inequitable allocation and distribution of developmental funds. It is pertinent to mention that alongwith the subject ADP scheme another 23 separate umbrella schemes were also approved, which are reflected in the aid ADP as "Block Allocations". The entire process was under the domain and control of Chief Minister of the Province. Therefore, respondent No. 1 launched several umbrella schemes just in favour of ruling party and their blue eyed by leaving aside the petitioners being the opposition members. It is worth mentioning that this very act of respondents against the last Rules and amounts to loot grab the public money and also without approval of the competent forum. The fund allocations details are well mentioned in the petition, hence, need not its reproduction. Likewise, respondents have also scrambled the foreign funds as well. The main example is that funds/loans received through

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the Japan International Cooperation Agency's (hereinafter called as JICA) has handed over foreign funds for construction/improvement/rehabilitation of 1000 km roads which includes 89 bridges in the entire Province. But this scheme and its budget allocation met with the same fate as the respondent No. 1 time to time issued directives for the allocation/distribution of funds. Due to unfair and unjust act of the respondent No. 1, petitioners have no other options except to file instant constitutional petition for the redressal of their grievances.

4. Respondents were put to notice and the contesting respondents Nos. 1, 2 and 5 have submitted written comments which followed by rejoinder.

5. On the other hand learned Advocate General, of the Province mainly stressed that this petition is not maintainable as under the purview of Article 148 of the Constitution of Islamic Republic of Pakistan, 1973 as no writ lies against respondents Nos. 1 to 3. That the very act of the petitioners is based on false statements & wrong, misleading facts and lack of knowledge. It would not be out of fit to say that petitioners are trying to hamper the developmental works of the Government dully carried out through separate projects/schemes. No doubt the ruling parties under these schemes and projects have created several opportunities in different sectors by creating jobs which ultimately give a big support to the financial economy etc as well as. Further more, all the planning and resources allocations are always done by the Administration Department and that too after due deliberations and on the

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basis of regional equalization, poverty, development lag, improvement in the service delivery, provision of missing services, economic growth, job create and inter regional connectivity.

6. Lengthy arguments of both the learned counsel were heard and bulky record perused with their able assistance.

7. Perusal of record divulges that petitioner's main stress is with regard to the allocation of developmental, constructions and distribution of funds in the different schemes and projects so carried out by the Provincial Government with the plea that opposition leaders have been deprived from the benefits so showered under these schemes. These are the executive orders of respondent No.1 whereby preference has been given to the ruling party and discrimination is done to other representatives / elected members by violating the fundamental rights given under the constitution of Islamic Republic of Pakistan, 1973

8. Indeed, equitable distribution is a desirable approach however, equitable distribution does not mean equal distribution of funds amongst all the constituencies of Khyber Pakhtunkhwa, rather it refers to the distribution of fund so that the goal and objectives set by the elected governments, but by keeping in mind the requirements and not the way it has been done under the malafide intention.

9. It is worth mentioning that Provincial ADP is always imitating the vision and priorities of the Government. But this aspect cannot be ruled out that after the abolition of one unit in the year 1970, ADP has never been prepared on the basis of equal distribution amongst the different constituencies; but the

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priority are to be seen on the touchstone poverty, backwardness etc etc.

10. With regard to the approval of scheme is concerned, and usually under the law, individual and umbrella schemes are approved by the Provincial Cabinet and Provincial Assembly; therefore, for re-appropriation or deviation, approval of cabinet etc is necessary. This aspect of the case is very clearly thrash out and decided by the apex Court in PLD 2014 Supreme Court 131 decided on 05.12.2013. Relevant abstract is reproduced below for ready reference;-

"As far as the question that since there is no specific problem in the Constitution quo allocation of funds to MNAs/MPAs/Notables etc., hence the same is permissible, is concerned, it is to be noted that the language employed in the above referred provisions of the Constitution i.e. Articles 80 to 84 ibid, implicitly excludes such person-specific allocations.

So far as the actual exercise of discretionary powers, if any, of the Prime Minister are concerned, even if they be presumed to exist, they cannot be exercise for personal or for parochial benefit, rather they are to be exercised in the light of his oath as incorporated in the Third schedule to the Constitution as well as Article 38, which mandates the State to promote social and economic well being of all the people/citizens of Pakistan and no just any segment or community thereof.

So far as the question if the amounts as approved in the budget passed by the National Assembly are utilized within the permissible limits of the budget, whether such expenditures are justified, it is to be noted that in the light of the

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declaration made hereinabove that funds cannot be placed at the sole discretion of Prime Minister/Chief Minister as the expenditure envisaged to be incurred under the Constitution is grant specific and not person specific, and not person specific, the allocation of funds for development schemes has to be made following the procedure provided in Article, 80 to 84 of the Constitution and the Rules/instructions noted herein above.

Conclusion.

1.
2. The Constitution does not permit the use/allocation of funds of MNAs/MPAs/Notables at the sole discretion of the Prime Minister or the Chief Minister. If there is any practice of allocation of funds to the MNAs/MPAs/Notables at the sole discretion of the Prime Minister/Chief Minister, the same is illegal and unconstitutional. The Government is bound to establish procedure/criteria for governing allocation of such funds for this purpose.

Another land mark judgment reported in PLD 2018 Peshawar 192 titled Qurban Ali Khan versus Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others, decided on 17.05.2018, it is held that:-

"The Constitution does not permit the allocation of developmental fund to the Chief Minister, Ministers and MPAs. They have responsibilities, besides legislation, to manage the financial matters of the Province through Provincial consolidated fund by identifying developmental scheme in their constituencies before preparation of Annual Budget. The executive authority is vested in Government, but it shall be exercise without any discrimination viz irrespective of the affiliation of

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member with any political party. When the scheme, identified by any member is approved by the Provincial Assembly in the budget session, then the Government is bound to execute it through concerned Government department in letter and spirit.

11. It's not a political question rather the fundamental right of person / citizens and elected representatives are involved, regarding the utility of developmental funds. In the case of Ziaullah Afridi versus Government Khyber Pakhtunkhwa, and four others, reported in PLD 2018, Peshawar-82 it has been held as under:-

S. 119—Constitution of Pakistan, Arts. 123, 129, 130 & 132—Development funds—Distribution—Chief Minister, powers of—Scope—Petitioner, Member of Provincial Assembly, was aggrieved of dropping of Annual Development Program Scheme as funds were not allocated for the projects—Validity—Chief Minister had no authority or discretion vested in him to individually disapprove, discontinue or drop a development scheme from Annual Development Plan once same was approved and assented to by Provincial Legislature—Decisions of Chief Minister were without lawful authority and of no legal effect whereby Annual Development Program Schemes in question were dropped—Discretion to drop or discontinue a development scheme after its approval by Provincial Assembly, vested in the Cabinet—Cabinet was not only bound to assign reasons but was to record plausible justifications in writing for dropping any such scheme—High Court directed to place a part of Annual Development Program Scheme in question before Cabinet for reconsideration and restored the remaining part—Constitutional petition was allowed accordingly.

12. It is an admitted fact that till date there are no specific rules / regulations for allocation of funds of annual development program and the same is the duty of Planning and Development Department / respondent No.5, in spite of judgments of this Court as well as apex Court for equal distribution of all the developmental funds amongst the elected representatives, irrespective their party affiliation. There is nothing on record to show that for the financial year 2018-

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2019 these funds were allocated without party affiliation, rather its on record that entire funds with the exception of only one scheme, have been allocated and utilized by Chief Minister and MPAs of the ruling party, to which no logical and reasonable material has been produced, which clearly reflects favoritism and nepotism, in addition to, not taking into consideration factors necessary for allocation of ADP schemes / projects, i.e. Poverty, Backwardness of a particular area / areas, population and the lag in infrastructure of the different districts. Probably this all has happened due to absence of guidelines / policy, rules / regulations on the point.

13. Petitioners have placed on record number of documents showing that the inequitable allocation and distribution of developmental funds leading to the gross disparity in the regional development. Two documents at page-73 & 74 of the writ petition shows that funds were stopped on the direction of the Chief Minister i.e. respondent No.1 and were subsequently diverted to Swat District, from where the said respondent belongs. Likewise at page 78 shows that it has been done with single signature of respondent No.1. Indeed, the act of the parliament or decision taken at the floor of house cannot be questioned in writ jurisdiction, as per mandate of the constitution, but it is on record that the mandate of the constitution has been violated by the Government itself by changing the allocation of funds and further rescheduling which as per different rulings of the apex Court and by now is a settled law that the further allocation and shifting of funds cannot be done without the decision and consent of the

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cabinet, as a whole. In this respect **Mustafa's impax case PLD-2016 SC 808** is referred. We have before us about 23 Umbrella schemes which reveal that respondent No.1 doll out public money in favour of the blue eyed members of the ruling party by way of unfair allocation of public funds and all these schemes / umbrellas are without the approval of provincial cabinet, which is contrary to the findings of above cited judgment. These documents on record further reveals that the umbrella schemes are without any detailed specifications regarding the site or location of the incentives there under, which given advantage to the worthy respondent No.1 to exercise his discretionary powers without any legal justification to this unfair located and distribution of said development funds in favour of his own party members. In the case of **Abdul Wahab and others versus Secretary Government of Baluchistan and others reported in 2009 SCMR-1354**, the apex Court of the country has defined discretion, which reads as under:-

Discretionary power conferred on government should be exercised reasonably and subject to existence of essential conditions, required for exercise of such powers within the scope of law. All judicial, quasi judicial and administrative authorities while exercising mandatory of discretionary jurisdiction must follow the role of fair exercise of power in a resatable manner and must ensure dispensation of justice in the spirit of law. Seven instruments that are the most useful in structuring of discretionary power are open plans, open policy, statement, open rules, open findings, open reason, open precedents and fair informal procedure. Power to exercise discretion would not authorize such authorities to act arbitrarily, discriminately and mala fide. They have to act without any ulterior motive.

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14. One such example is the scheme No. 294/180612 under the caption "Implementation of hundred days plan", funds worth rupees 1099 million have been allocated even though the said scheme is completely devoid of any essential and vital details. An another scheme with the caption "establishment of ten Government Colleges (Boys & Girls) in Khyber Pakhtunkhwa, phase-II", the respondent No.1 has directed that funds allocated for the same be distributed and spent on projects in his home district of Swat, as well as in the areas / constituencies of other ruling party members. In the case of **Qurban Ali Khan Vs Khyber Pakhtunkhwa and others reported in PLD 2018, Peshawar 192**, it has been held that Umbrella schemes reflected as "Block allocations" in an ADP can be challenged on the touchstone of discrimination etc. Petitioners being the members of the Provincial Assembly have filed the instant writ petition exactly on the same proposition that they are being discriminated in respect of allocation of funds, schemes and projects etc. entire record scanned not even a single member of the Assembly belonging to opposition benches have been allocated the said funds except petitioner No.1, who have been allocated 50 million, but he has refused the same on the touchstone of discrimination. The discretionary power, even otherwise, are to be exercised, which shall be structural, rational, logical and objective. Discretion without a uniform yardstick or a formula was a loose jumble of haphazard human subjectivity, which was inescapably, susceptible to error and indubitably, arbitrary, ex-facto, discriminatory, highly irrational and illogical. Administration compulsion and wisdom

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to structure discretion was to remove human subjectivity from exercise of discretion.

15. Record further reveals that even the foreign funds / loans have been inequitably allocated and spent only in those parts of the Province of Khyber Pakhtunkhwa, which are represented by the members of ruling party, which fact is also not denied by the respondents, but have justified the same by simply relying on the unfitted powers of the respondent No.1. The re-appropriation of developmental funds, air-mark to the scheme / initiated of the areas of the petitioners have been re-appropriated and diverted to be spent on the home district of respondent No.1 and others MPA, of ruling party, as indicated by the petitioners, have not been denied by the respondents nor any plausible reasons have been given. Petitioners have enclosed number of documents but few are referred as annexure-F, G and G-1, showing that the special development package of district Torghar, approved for ADP scheme has been illegally redistributed to other schemes, which confirms the contention of the petitioners. According to the verdict in the case of **Sahibzada Sanauallah Vs Govt. of Khyber Pakhtunkhwa others, reported in 2017 Peshawar 186**, the funds and particularly the developmental funds are to be allocated and distributed / released in a fair and equal manner in favour of all the elected representatives, without any discrimination and irrespective of the political affiliation. The said petition was contested by the government but even then they have not rectified in the ADP 2018-19.

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16. We have been informed at the bar by the learned Advocate General that the budget has been authenticated by now and as such further discussion on 2018-19 schemes would be a futile exercise. Since the budget has been authenticated, therefore, the matter is a close chapter by now however, it is hold that the allocation of funds of ADP, Umbrella schemes etc were made on the basis of discrimination; therefore, the Government is warned to be careful in future. In order to have a good working relationship between the MPAs of ruling party and that of opposition benches alongwith the Government and in view of the authentication of the budget of 2018-19, the matter is closed over here, but this Court of law under Article-199 of the Constitution of Islamic Republic of Pakistan, 1973, had to examine the discretionary powers of the respondent No.1, which on the face of it seems to have been exercised not in accordance with the mandate of the law on the subject. The apex Court of the country while deciding the case reported as 2010 SCMR-1301. (a) has held as under:-

—Fair and transparent discretion, exercise of—
Principles—Action must be based on fair, open and just consideration to decide matters more particularly when such powers are to be exercised on discretion—Arbitrariness in any manner is to be avoided to ensure that action based on discretion is fair and transparent—Discretion is to be exercised according to rational reasons which means that; there be finding of primary facts based on good evidence; and decisions about facts be made for reasons which serve the purpose of statute in an intelligible and reasonable manner—Actions which do not meet these threshold requirements are considered arbitrary and misuse of power—Discretionary power conferred on Government should be exercised reasonably subject to existence of essential conditions required for exercise of such power with the scope of law—All judicial, quasi judicial and administrative authorities must exercise power in reasonable manner and also must ensure justice as per spirit of law and instruments regarding exercise of discretion—Obligation to act fairly on the part of administrative authority has been evolved to ensure rule of law and to prevent failure of justice.

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17. Articles-4, 9 & 25 of the Constitution of Islamic Republic of Pakistan, 1973 guarantees equal protection of law, non discrimination amongst equally placed persons. If these funds are not allocated to a particular MPA, Minister or functionary of the ruling party, then there is no right of the opposition benches / elected representatives for the said claim but when the same are given to Chief Minister, Ministers and the members of the assembly of the ruling party then it is the right and prerogative of the opposition to claim the same and its distribution should be based on parity. Record is abundantly clear that while preparing the 2018-19 ADP the concerned quarter did not take into consideration vital factors, such as poverty, backwardness of a particular area, population and the lag in infrastructure of the different district and only 30% of the District ADP is prepared and the provincial share of a particular ADP which is 70% is distributed arbitrarily with the sole discretion of respondent No.1, which is not fettered by the rules, policy or guidelines.

18. Record reveals that due to non specification regarding site and location in the umbrella projects, respondent No.1 in about 23 separate umbrella schemes which are reflected in 2018-19 ADP as "Block Allocations", exercising his discretion arbitrarily, biased and in a discriminatory manner. All the elected members of the Provincial Assembly have equal rights to the allocation of funds, especially developmental funds and any deviation amounts to discrimination and is against the fundamental and legal rights of the elected representatives and their constituencies. Reference is made to Sahibzada

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Sananullah versus Govt. of Khyber Pakhtunkhwa & others.**reported in PLD-2017 Peshawar, 186.** Even otherwise, theunfair and unjust re-appropriation of developmental funds ofaccrued projects on the directives /directions of Chief Minister /respondent No.1 and there subsequent reallocation to theconstituencies / district by the respondent No.1 favorites areproved on record which are illegal and unlawful, without theapproval of the cabinet. The dropping of the previouslyapproved schemes, duly reflected in previous ADPs, on thedirection of respondent No.1 are unprecedented and unjustwith no reasonable, plausible or justified grounds.

19. Since the issue in hand is an old and consistent one,

therefore, the Government is advised, for future purposes, forspending developmental funds for the year 2019-20; and forthe same, first of all, rules / regulations etc, for allocation ofdevelopmental schemes / projects etc are to be formulated inorder to bring about the uniformity, minimizing discriminatorytreatments to the any other member of the assembly, what tosay of opposition benches, we give seven days time toformulate such policies, rules / regulations and then to allocatethe budget, by protecting the rights of all individuals and MPAs.20. Thus what has been discussed above, this Court is notinclined to grant the relief so sought by the petitioners, for theschemes for the session 2018-19, however, while disposing ofthe instant constitutional petition we observe that whateverwas done in 2018-19 is against the law, precedent and themandate, on the subject. However, in future, especially for thefinancial year 2019-20, quarter concerned shall formulate the

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Rule / Regulations within (07) seven days from the receipt of
this judgment, for allocation of schemes, Umbrella Schemes
etc, so that to protect the rights of all individuals and preferably
representatives; equally, meanwhile, all developmental funds
(including the foreign developmental funds) in this respect shall
not be distributed or released. Writ petition is disposed of in
 above terms, accordingly.

[Handwritten signature]

CHIEF JUSTICE

JUDGE

ANNOUNCED
11.09.2019

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 of
the Qanun-e-shahadat Order 1988

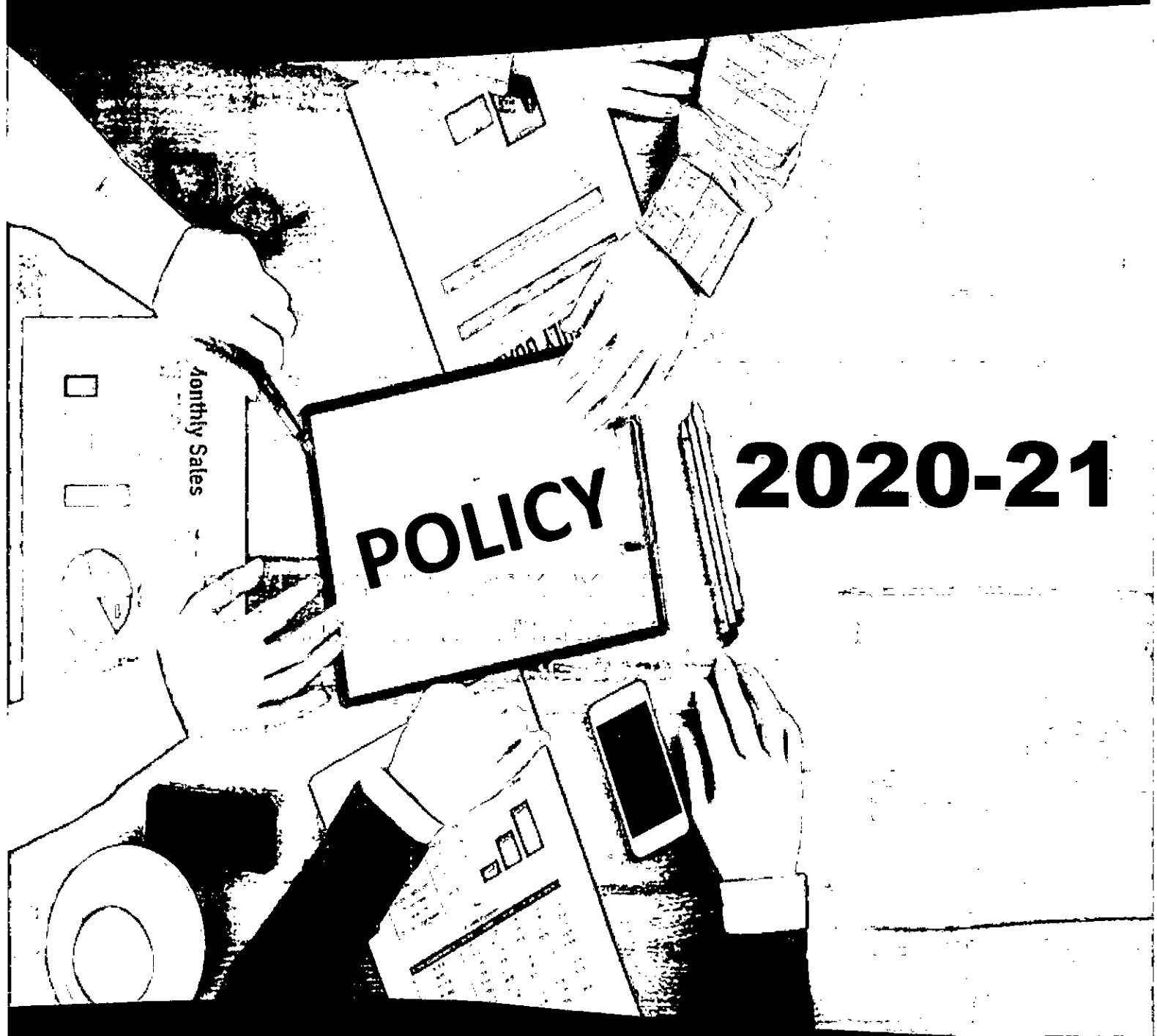
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ANNUAL DEVELOPMENT PROGRAMME



2020-21



**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT
JUNE. 2020**



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**ANNUAL DEVELOPMENT
PROGRAMME
POLICY
(2019-23)
1st AMENDMENT**

In pursuance of Entries 1 and 4 for Planning & Development Department in Schedule II of Khyber Pakhtunkhwa Rules of Business, 1985

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT**

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**THE KHYBER PAKHTUNKHWA ANNUAL DEVELOPMENT PROGRAMME (ADP)
2020-21 POLICY**

Section 1. Introduction.

1.1 The Annual Development Programme (ADP) is the instrument through which the Government of Khyber Pakhtunkhwa plans, executes and monitors a significant proportion of development spending in the province. It is placed for approval in the provincial assembly as part of the annual provincial budget, and has the legal backing and approval of the provincial assembly as per Constitution of Islamic Republic of Pakistan, 1973, once the budget is passed. The document in hand i.e. the Khyber Pakhtunkhwa Annual Development Plan (ADP) Policy 2020-21 describes the rules and regulations which will guide how the ADP is planned, executed and monitored.

1.2 The ADP has to be a reflection of the vision and priorities of the Government of Khyber Pakhtunkhwa. Therefore, in its formulation, it should help achieve the goals and objectives of the provincial government.

1.3 The ADP must be made considering a number of factors, including but not limited to: overall and sectoral policy choices; the overall financial outlay available; the need to maximize economic growth and development for the province; the need to maximize public impact; the goal of improving service delivery and infrastructure; the goal of eradicating poverty, the need to address the development lag of specific areas; the population and resource contribution of specific areas; a consideration of past investments made and future investments planned; investments made through other budgetary instruments, such as the current budget or the PSDP; measures to address duplications; and the need to invest in each part of the province, while ensuring value for money (VFM). Naturally, in considering such a large number of factors, a key element of making the ADP is the need to make policy and investment choices and trade-offs.

1.4 Equitable, rather than equal distribution, is an important criterion in ADP design. However, this is a principle that is often misunderstood, without any rational impact *per capita*, and therefore it needs to be defined and explained well.

1.5 While the Provincial ADP assists in the development of the province, it cannot be seen as an investment instrument in isolation, in particular, to gauge whether spending has been made in an equitable manner across the province. This is because, as a planning instrument for the entire province, the ADP needs to look at investments differently: intra-district projects such as highways; and provincial projects such as specialized service delivery centers, (e.g. the Institute

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of Kidney Diseases) may be located in one district, but serve the entire province; other projects, such as building up tourism infrastructure, are likely to be region specific; yet other projects, such as the demand for schools, are likely to be based not just on population, but also on policy, as well as on economic affluence of the region (e.g. in more developed areas a greater proportion of parents will choose to send their children to private schools); similarly, over multiple years, investments may be sequenced across the different parts of the province, such as the district beautification schemes in which the first investments were made in the divisional headquarters, followed by the districts.

1.6 These examples clearly demonstrate that a simple distribution of funds across districts and constituencies would actually result in a sub-optimal planning instrument that may actually be construed as a suboptimal use of public money. The intent of the Provincial ADP ought to be, to decide investments across the province, in an integrated and holistic manner, attempting to maximize economic impact. It should attempt to incorporate equitability wherever appropriate; and more importantly, it should attempt to be a fair instrument overall. An ADP should be judged as fair if it can show *that as part of the provincial budget*, it helps advance the development of each part of the province. In doing so, it should consider the specific economic characteristics and development needs of different areas; as well as other investments in those areas; through the PSDP; the current budget; the district ADP; Foreign Development Assistance; private sector funding; and any other sources, while also remaining cognizant of size of the development kitty qua competing demands and their respective VFM. The District ADP, an important as well integral part of the overall ADP, is the component that is ring-fenced for each district, through the Provincial Finance Commission (PFC) award. It is an important instrument of fairness, since it is the portion of the ADP that is actually dedicated to each district.

1.7 The Planning & Development (P&D) Department, Khyber Pakhtunkhwa intends to ensure that the process of formulation of the ADP results in the best possible outcome, to help achieve the vision, priorities, policies, goals and objectives of the Government. This policy, approved by the provincial cabinet, will help to attain that through the tenure of this government, through to 2023.

Section 2. Key Policy Principles:

The ADP is to be developed and administered according to the set of policy principles below to which the Government, i.e. the Chief Minister and his cabinet, are fully committed. These are:

2.1 The investments made in the ADP need to help develop the provincial economy, and improve the lives of people. This principle needs to be at the

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heart of designing, allocating and executing development investments in the province.

2.2 The ADP, so formulated, has to aim to maximize the scale and speed of impact, and get as much development done as possible, as quickly as possible; while reflecting the policies and goals of the government. This means that money should be spent where it has the most direct impact on people or the economy. *It also means that any administrative spend that has no public impact should be reviewed and minimized.* Other traditional planning principles should also be challenged. For example, due for completion schemes should be prioritized, however *only to the extent* that they actually result in public or economic impact.

2.3 The ADP is funded by tax payers' money. It is therefore a public fund to be spent on the people of Pakhtunkhwa and on developing the provincial economy. The Government of the day has the responsibility to develop and administer the ADP in the best interests of the people of the province.

2.4 No public representative or public servant, including the Chief Minister, government ministers, MPAs of government or the opposition, or other public servants, may claim any individual right or discretion over the ADP. In line with multiple decisions of the superior judiciary, the practice of issuing CM Directives, at his sole discretion, for allocation and distribution of funds for umbrella / block development schemes shall be immediately discontinued. As the development plan for the province, funded by tax-payers' money, the ADP project selection processes will be merit and criteria based, and in line with sectoral policies and need. The project selection processes will however be open to input from all public representatives and private citizens; with their proposals treated on merit in line with government policy and strategy and the principles stated in this document. Nothing in this section or policy shall prohibit CM, any Minister or MPAs (both Treasury and Opposition) from making a proposal, to be evaluated, as per policy.

2.5 In line with the preceding principle, the concept of "Development Funds for MPAs" has already been discontinued. Other than any existing schemes already in the ADP where public fund has already been spent and scrapping the project would mean loss to such outlay, no new schemes will be introduced from now on that are constituency specific. This is because these may be interpreted as effectively being an alternate form of development funds for MPAs. However, all MPAs (both from treasury as well as opposition benches), as well as other private citizens, will continue to have a right to propose viable development schemes for the ADP. These shall be scrutinized according to need and criteria, and in line with government policy and strategy,

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through well-defined apolitical departmental and government approval processes.

2.6 The ADP will be designed on a sectoral basis. Each sector should develop a sectoral plan that guides ADP project selection. Projects should contribute to achieving the outcomes the sector intends to achieve, and these outcomes should in turn be driven by a clear definition of sectoral needs, and solutions, policies and strategies to fulfil them. The financial constraints at hand must also be considered in developing these plans. P&D shall help the departments to define sectoral goals with the consultation of all stakeholders and make a comprehensive framework to achieve those goals.

2.7 The ADP must also ensure Regional Development across the province. This will be done through a regional planning exercise, to identify the key development needs in each region, and to make a phased plan for those investments, in the context of sectoral policy, and to fit them in the ADP framework.

2.8 Investments in the ADP must also be seen in conjunction with other investments in the sector. These include the current budget, Foreign Project Assistance, the Federal Public Sector Development Programme (PSDP), other private sector investments, district budgets, and funding through any other programme. Investments made in previous years must also be considered. This will ensure that an integrated view of all investments made is taken into consideration when deciding the ADP, and will help to avoid overlapping investments, and encourage synergies.

2.9 The Provincial ADP must be designed in a fair and transparent manner that maximizes economic value for the province, and ensures development, economic growth, improvement in service delivery and the eradication of poverty, amongst other goals. The equitable distribution of resources, wherever appropriate, should be one of the criterion taken into consideration in designing the ADP.

2.10 However, this should not imply that the ADP should be equally, proportionately or formulaically distributed across sectors, regions, districts, tehsils or constituencies. Instead, a fair and transparent ADP should be able to demonstrate *that, seen in conjunction with other parts of the provincial budget*, the ADP helps advance the development across Khyber Pakhtunkhwa. The fair geographic spread of ADP funds across the province will be addressed through two ways; first, through the District ADP; and second, through the regional planning exercise. Regional investments should be need based, and consider the specific economic characteristics and development needs of different areas; including factors such as the Human Development Index (HDI), fiscal

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performance and revenue potential; as well as other investments made in each area.

2.11 In designing the Provincial ADP, provincial government must also consider a multi- year view. The need to make policy choices means that the ADP in a single year cannot be completely reflective of the Government's intent to invest equitably across the province. In- line with the Government's policies and plans, a medium-term ADP over the 2019-2023 cycle must be used to ensure that fair investments are made in each part of the province.

2.12 Investments in the ADP must reduce unnecessary cost but not compromise on impact. Hence investments must be judged not just on cost but the impact and the value-for- money they bring, in particular in the context of scarce financial resources available. Every sector must restrict itself to its legal mandate e.g. Irrigation department must concentrate on building small dams, canals and lining of canal rather than proposing roads and protection walls.

2.13 To maximize impact, the ADP formulation must move towards and mid-term development framework. For example, sectoral investments must be considered across multiple years, and across the current and development budgets available to the sectors; sectoral allocations will not be preset, and sectors will be able to compete for marginal allocations; and budget processes across finance and the development budgets will be better integrated and coordinated. Each sector must prepare its own priority lists and share it with P&D.

2.14 In ADP-2020-21 management will be based on giving greater responsibility and flexibility to sectors in terms of making spending decisions, with accountability and oversight processes being strengthened. In addition, approval and release processes will be continuously streamlined and simplified to support faster delivery.

2.15 The ADP throw forward is one of the most important metrics to track. Departments need to preferably keep their throw-forwards within reasonable limits. Departments with a throw forward of greater than five years shall need to justify why they should be allowed to maintain a large portfolio they cannot fund or prioritize. In the 2020-21 budget, the P&D department has conducted an extensive exercise to prioritize and rationalize investments, and maintaining this discipline will be a continuous process.

Section 3. Guiding Documents and Goals:

3.1 The ADP formulation needs to take guidance from a number of documents; including the sectoral policies framed and published in the policy booklet titled "Delivering on the 100 Days Agenda"; the Sustainable

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Development Strategy; the Tribal Decade Strategy; COVID 19 economic recovery plan 2020 and any other sectoral policies or plans.

3.2 The ADP should also be aligned with the Sustainable Development Goals (SDGs) that the Government of Pakhtunkhwa and the Government of Pakistan have subscribed to, and help ensure that the targets underneath them can be attained.

3.3 The ADP formulation process by individual departments should also be cognizant of the Output Based Budget (OBB) stipulations prepared by the provincial government; and the Integrated Sectoral Reviews that will compliment them.

3.4 Considering the points above, it is expected that departments will make every effort to ensure that ADP is not a compendium of PC-Is only but is actually reflective of the priorities and goals set out in these guiding documents, while prioritizing investments that are strategic, sustainable, and have the greatest impact; within a reasonable financial envelope.

3.5 Sectoral interventions in the ADP should contribute to the Government's mission of achieving accelerated GDP growth, and help ensure the goal of private sector-led economic development, boosting Khyber Pakhtunkhwa's economic competitiveness.

Section 4. Improving the integration of different components of the budget:

4.1 The development budget, or the ADP, is not a standalone document and thus cannot fully describe all the development and service delivery related work going on the province. To maximize the service delivery potential of the available funds in the budget, the budgeting process will ensure greater linkages between the current and development budget finalization processes.

4.2 In addition, the budgeting process must ensure that the current and development budgets for individual sectors are not viewed separately, but are viewed as a whole, to be aligned with a sectoral plan for the sector. In addition, in terms of considering the investments made in the sector, the Federal PSDP, Foreign Project Assistance, and other private sector investments shall also be considered while deciding the constitution of a sectoral ADP.

4.3 The calendars for the current and development budget shall be aligned with each other. Therefore, the Budget Call Circular and the ADP calendar should run in parallel, with touch points through the budget cycle at which the overall budget is actually reviewed together. The calendar should begin with a policy / strategy setting phase for each sector; an exercise that reviews and refines sectoral policy, and proposed projects and programs supporting this

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policy. This policy level input should have the approval of the respective ministers and secretaries.

4.4 The Budget Call Circular can be used to help support this goal; it contains sufficient provisions to complement the goals of the "Output Based Budgeting/Budgeting for Service Delivery" exercise; by clearly spelling the vision, goal, outcomes and outputs of each department, with SMART output level indicators. All developmental schemes identified for inclusion in the ADP as per the prescribed format circulated should be mapped / incorporated in the forms and formats circulated by Finance Department via Budget Call Circular.

Section 5. The size of the ADP, and sectoral allocations:

5.1 Every effort shall be made during the budget process to maximize the proportion of the development budget; i.e. the ADP; by cutting unnecessary costs on the current side of the budget.

5.2 The ADP and the budget shall be designed on the basis of sectoral allocations. This shall be done by first identifying an overall sectoral share for each sector or department; and then by allowing the concerned department to have a significant say in how it would like to distribute its sectoral share across the current and development budget. In terms of defining sectoral shares, both at the overall level, as well as at the development budget level, a number of factors will be considered; overall fiscal constraints and overall government policy; the sector's previous years' budget, actual expenditure and performance; the quality of plans; and the strategic importance of the sector in the government's overall plans.

5.3 While these factors are to be considered, sectors or departments should not expect that their budgets are fully protected. Government policy will allow for allocating greater resources to strategic sectors, or sectoral plans and projects with the highest demonstrable impact.

5.4 While keeping this in mind, spend in areas that actually improve the service delivery of existing investments shall be prioritized. Spend on productive service delivery staff (e.g. teachers, doctors, and rescue staff) is critical and will be prioritized, in comparison to expenditure on support and administrative staff, and administrative expenses. Similarly, specific non-salary expenses such as the spend on the operations and maintenance of roads, schools, hospitals on the current side of the budget should also be recognized as productive spend that actually impacts the performance and service delivery of government, and also be prioritized.

5.5 In particular, spend in the social sector; and sectors that focus on service delivery will be prioritized. In such sectors, such as education and health, every

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effort shall be made to break the cycle of investing in unnecessary additional brick and mortar expansion. Sectoral budgets in these sectors shall ensure that the consolidation and service delivery from existing investments is prioritized while setting the budget.

5.6 Sectoral allocations (and project allocations within such sectors) will also be driven by departmental throw forwards. In the 2019-20 budget, the P&D department has conducted an extensive exercise to prioritize and rationalize investments, and maintaining this discipline will be a continuous process.

Section 6. Development Spending in the Newly Merged Tribal Districts:

6.1 Development spending in the Newly Merged Tribal Districts will be given special priority, given the need to accelerate development spending within these areas.

6.2 Development spending will occur through the Merged Areas ADP and the Accelerated Implementation Programme (AIP)

6.3 The Merged Areas ADP/AIP shall also be administered in line with the principles for the ADP for the rest of the province.

6.4 The Accelerated Implementation Programme (AIP) will be funded out of the 10-year commitment of the federal government to make at least Rs. 1,000 billion of additional funding available to the merged areas. This funding is to be distributed between additional requirements in the current budget, and projects in the AIP. The AIP shall be used to fund any investments deemed a priority for the development of the merged areas, including investments in areas typically funded by the federal government such as power infrastructure, dams etc.

6.5 All funding earmarked for the merged areas will be ring-fenced, and will not be spent anywhere else in the province including any bridge financing arrangements.

6.6 Merged Areas ADP and AIP shall be integrated into provincial ADP during the FY 2020-21.

Section 7. The District ADP:

7.1 The District ADP (or any other appropriate tiers as defined under the Local Government Laws, so amended from time to time), to be regulated by the local governments, will complement the Provincial ADP.

7.2 The shares of individual districts and tehsils will be decided by the Provincial Finance Commission (PFC), and the development of the district /

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tehsil budgets will endeavor to complement provincial investments, in line with relevant laws, rules and regulations.

7.3 The District ADP, however, remain an integral part of the Provincial ADP and will *inter- alia* be used as one of the tools for territorial fiscal equalization, based on the factors enumerated in the Local Government Laws.

7.4 Planning & Development Department will facilitate the District government ,tehsils councils, village councils/neighborhood councils etc. in the automation (PCFMS,DPMS,GIS etc) of development budget and monitoring of the development schemes.

Section 8. The Federal PSDP, and Foreign Development Assistance:

8.1 Two key components that drive development in the province include projects funded by Foreign Development Assistance, and through the Federal Public-Sector Development Programme (PSDP). The investments made through both will be considered while making the overall development plan for the province.

8.2 Both the PSDP, and the Foreign Development Assistance portfolio will be continuously tracked and managed through the year, to maximize spend versus budget, and the impact attained.

8.3 In both the PSDP and the Foreign Development Assistance portfolios, the discretion regarding choice and location of development schemes and programs, however, largely rest with the investing agency. Provincial government may, however, strive to align the priorities of the investors to the principles enumerated herein.

8.4 For monitoring purpose the PSDP portfolio must be reflected in the DPMS.

Section 9. Public Private Partnerships:

9.1 The provincial government will encourage and facilitate viable projects that can be executed through the Public Private Partnership mode, to maximize the amount of development expenditure happening in the province.

Section 10. Project Identification & Approval:

10.1 No development funds shall be issued in the names of the Chief Minister, Ministers or any MPAs of the Government or the opposition. The ADP is funded through tax-payers' money, and therefore the benefit attained through the spending of the ADP is the right of the public of Khyber Pakhtunkhwa, and not a privilege for which public representatives should be thanked or given credits.

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10.2 Going forward, no new projects shall be approved that are constituency specific, because this indirectly implies that the funds are the domain of the constituency of an MPA. Instead, the use of public funds needs to be governed based on government policy including this ADP policy and any sectoral policies, need, VFM, and a transparent approval process. This however doesn't bar Planning and Development Department to plan technically feasible and economically viable projects that might fall within one or more than one constituency.

10.3 Elected representatives, as well as the general public, will be able to initiate proposals that are in line with government policy and the development needs of specific areas. All of these requests, as well as any projects proposals initiated by the government or by individual departments will be duly examined through a fair approval process, by the administrative department concerned. Those qualifying to be in line with sectoral policy and needs may be considered for inclusion into ADP, subject to resource envelope constraints of the Provincial Government. Appropriate scrutiny committees may be constituted at department level for initial scrutiny of proposals. The scrutinized requests, in line with sectoral plans, shall be forwarded to P&D along with specific recommendations. P&D Department, being custodian of the Development Plans as per KP Rules of Business, will have the responsibility to scrutinize the recommendations of departments and finalize identification of the projects. Moreover, public representatives can also use the DDAC Act 1989, to send their recommendations to the Planning and Development Department.

10.4 The practice of identification of schemes through Chief Ministers' Directives shall be immediately discontinued. This shall not preclude CM, any Minister or MPAs (both Treasury and Opposition) from making a proposal, to be evaluated by the administrative departments as per policy. Every effort shall be made to ensure that projects in the ADP are approved prior to inclusion by the relevant forum (DDWP / PDWP). However, where this is not done, all unapproved PC-1s should preferably be prepared within three months of commencement of financial year.

Section 11. In year 2020-21 management and monitoring of the ADP Programme:

11.1 The intent of the government is to maximize ADP spend through the year, in line with what is budgeted. A separate set of guidelines has been prepared and approved by cabinet to optimize the management of the ADP through the year.

11.2 In particular, policies and processes should be reviewed and continuously improved, at the level of administrative departments, Finance, and the P&D

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departments, to minimize unnecessary red tape, accelerate approvals and disbursements, while not compromising on the quality and integrity of spend.

11.3 The philosophy of the overall release policy should be to ensure that administrative departments have both the relevant powers and responsibility to take decisions, and that controls are in place to ensure that they can also be held accountable for those decisions. For example, departments should easily have the right to be able to re-appropriate funds for valid reasons, with relevant checks and balances at the Finance/P&D departments and in the Chief Minister's office. Current processes should be reviewed to align with this philosophy.

11.4 P&D Department shall devise a robust monitoring and evaluation mechanism and software for informed decision making.

11.5 P&D Department shall extend the planning and monitoring set up to all district of Khyber Pakhtunkhwa as soon as possible.

11.6 The departments who ignored the monitoring reports must be given warnings.

Section 12. Special Development Programmes and Contingencies:

12.1 There shall be no block provisions in the ADP, with block provisions being defined as the traditional non-specific allocation of funds that used to be kept in the ADP with the names/ designations/ offices of individuals.

12.2 Going forward, there shall be no traditional umbrella schemes in the ADP either, where an umbrella scheme is defined as a programme that is meant for distribution at the constituency level of MPAs. Any existing schemes with throw forward in the 2020-21 ADP, since they have been approved by the cabinet as well as the Provincial Assembly and public money has already been spent thereupon previously, shall be continued and brought to completion, in the interest of public impact.

12.3 Schemes of a general nature, multi-sectoral implications or crosscutting impacts that can be defined as Special Development Programmes, and will continue to be a part of the ADP. These programmes may also be for investment in specific sectors, or geographies, or both. They will however not be subject to specific distribution between MPAs or between constituencies. Instead, they will be driven by programme specific approval guidelines and principles.

12.4 Such schemes will be open to any proposals that are made within the scope of the scheme; these proposals will be evaluated against the specific criteria development for the Special Development Programme. Committees at the department, P&D or government level may be constituted if required to

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screen these proposals in line with developed criteria for the Special Development Programme; with technical approval at relevant forums such as the DDC or DDWP or PDWP. No projects will be approved in any Special Development Programme without the relevant guidelines being in place and approved by the competent forum.

12.5 The ADP may also contain one or more blocks strictly for emergency or contingencies strictly in line with sectoral plans and government needs.

12.6 The special forum for permanent reconstruction/construction approved by the provincial Cabinet shall also ensure the regional equalization in the merged areas.

Section 13. Procedures:

13.1 Concept paper must be submitted by the departments from the start of a financial year for the new projects according to the SDGs and sectoral goals and mapping through DPMS. Only the approved concept papers from Concept Clearance Committee (CCC) shall be included in the ADP/AIP and preferably with approved PC1s.

13.2 The development release shall be done with the approval of the Additional Chief Secretary (ACS) planning and development. DFC must be given full release in the first release as much as possible.

13.3 All releases shall be in accordance with the release policy proposed by Finance Department and approved by the Cabinet.

13.4 Release instructions will only be issued by P&D, and Finance Department will ensure the entry of all releases within three days after the receipt of advice from P&D.

13.5 Re-appropriation from "Due for Completion (DFC)" schemes will not be allowed. In case of such eventuality, prior approval of P&D shall be mandatory.

13.6 All inter-sectoral re-appropriations shall be decided and authorized by the P&D Department in SAP system. In case of financial crunch Finance Department shall advise P&D Department to withhold such re-appropriations.

13.7 Departmental Development Performance must be monitored through the criteria of approvals, Administrative approvals (AAs), Revenue clearance (RCs), technical sanctions (TSs), releases, physical and financial progress, completing the Due for Completions within the year and using the planning and development Software's for submitting the Concept papers, approval of PC1s/PCII from DDWPs, PDWPs, and monitoring of the projects and submitting PCIV and PC V.

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Section 14. Policy Revisions and Guidelines:

14.1 This policy has been approved by the Cabinet, and enjoy the full commitment of the Government of Khyber Pakhtunkhwa. The Government may however choose, through a cabinet decision, to update from time to time, these guidelines as required.

14.2 The Planning & Development Department in pursuance of this ADP Policy may issue, after approval of Minister P&D, one or more set of appropriate guidelines for implementation of this policy. Any subsequent amendments to these guidelines, within overall framework of this ADP Policy may be issued by P&D department in line with relevant procedures.

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ANNUAL DEVELOPMENT PROGRAMME 2021-22

RESURGENT

KHYBER PAKHTUNKHWA



PLANNING AND DEVELOPMENT DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA
JUNE, 2021



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Annex-II

List of Proposed New Initiatives District Development Plans

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ADP 2021-22

210549 - District Development Plan for Peshawar District (Proposed)

				(Rs. In Millions)
S.NO	District	Sector	Nomenclature of Scheme	Amount
1	Peshawar	Roads	Construction of Roads at Ucs Kafoor Dheri, Shahi Bala, Mathra, Panam Dheri, Garhi Sherdad, VCs Shaghali Bala, Shaghali Payan, Bela Momandan, Qila Shah Baig and Village Zoormandi UC Juggani, VC Haji Kiramatullah, VC Ali Muhammad Garhi and VC Chargharmati of UC Chagharmati, VC Council Aftezai, village Badezai of UC Badezai Regi District Peshawar	200.000
2	Peshawar	Roads	Construction / Rehabilitation/ Blacktopping of roads and Bridges at UC's Mamo-Khatki, Jogani, Takhtabad, Chagharmati, Kaniza, Haryana, Pajagi, Larama and Daag District Peshawar.	200.000
3	Peshawar	DWSS	Construction / Rehabilitation of streets, Drains and Water supply schemes including filtration plants at UC Wadpaga, Kankola, Haryana, Pakha Ghulam, Khazana, Nahaqi, Takht Abad and Gulbela District Peshawar.	200.000
4	Peshawar	Water	Construction of Irrigation Channel alongside the kabal Neher towards urmar Payan and extension of warsak Canal water from Hazar Khwani Shakh upto Urmar Bala District Peshawar.	200.000
5	Peshawar	Roads	Construction / Improvement, Black Topping, Rehabilitation of Roads and Bridges at UC Pishtakhara Payan, Sufaid Dheri, Sarband, Achini Bala, sheikhan, District Peshawar.	200.000
6	Peshawar	Water	Improvement of Sanitation system on Nasirbagh UC 36 and 42 District Peshawar	200.000
7	Peshawar	Roads	Construction / Reconstruction / Rehabilitation / PCC alongwith drains, streets, culverts, side walls, shoulders and bridges at Ucs 35 Pawaka, UC-36 University road, UC-37 Shaheen Town, UC-38 Tahkal Payan1, UC-39 Tahkal Payan2, UC-40 Tahkal Bala, UC-41 Palosi and UC Babu Garhi Warsak road peshawar.	200.000
8	Peshawar	DWSS	Water Supply and Sanitation Schemes at Ucs 30, 31, 32, 33, 34, 35 and Cantt area ward 1, 2, 3, 4, 5 District Peshawar.	200.000
9	Peshawar	DWSS	Sanitation Schemes / Works at Ucs, UC-2 Khalisa-II, UC-3 Mehal Terai-1, UC-4 Mahal Terai-II, UC-5 Hassan Garhi-1, UC-6 Hassan Garhi-2, UC-7 Shahi Bagh District Peshawar.	200.000
10	Peshawar	Roads	Construction of Roads, Streets and Main Drains at Ucs 1, 3, 4, 7, 8, 9, 10, 11, 12 and 13 District Peshawar.	200.000
11	Peshawar	Roads	Construction / Improvement / Blacktopping / Rehabilitation of Roads and Bridges at Ucs Hazarkhwani 1 and 2, Musazai, Kagawala, Deh Bahadar, Bazidkhel, and Akhonabad including surrounding areas streets District Peshawar.	200.000
12	Peshawar	DWSS	Pressure Pumps, Hand pumps, Distribution system (GI and HDPE) and Sanitation (street pavement, drain, culvert, side walls etc) at Ucs Hazarkhwani 1 and 2, Musazai, Kagawala, Deh Bahadar, Bazidkhel, and Akhonabad including surrounding areas streets District Peshawar.	100.000
13	Peshawar	Roads	Construction of Roads and Brigdes at Ucs Surizai Bala, Maryamzai, Sherikira, Mattani, Adezi, Aza Khel, Bazid Khel, Shiekh Muhammadi, Sheikhan, Suleman Khel, Sarband, Sufaid Dheri, Achini Bala, Badaber, Mashogagar and Urmar Bala District Peshawar.	200.000
14	Peshawar	DWSS	Drainage for Khalisa-1, Faqir Abad, Sikandar Town, Ashraf Colony, Ghreeb Abad, Gulbahar, Shaheen Muslim Town 1 & 2 and Sheikh Abad, District Peshawar.	200.000
15	Peshawar	Roads	Roads for Khalisa-1, Faqir Abad, Sikandar Town, Ashraf Colony, Ghreeb Abad, Gulbahar, Shaheen Muslim Town 1 & 2 and Sheikh Abad, District Peshawar.	200.000

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ADP 2021-22

210551 - District Development Plan for Mardan Division (Proposed)

S.NO	District	Sector	Nomenclature of Scheme	Rs. In Millions	
					Amount
1	Mardan	Roads	Construction / Rehabilitation / Improvement of Roads at Ucs Alo, Babozai, Kohi Barmol, Shamoza, Derai, Katigarhi, Kharki, Qasamy, Mia Essa at District Mardan		200.000
2	Mardan	Roads	Construction / Reh./BT of roads i.e Rustam Sherin Chowk ot Baringan Kali road, Pishkando Pul to Zorabad to jail road, Rustam Bypass from smart school to Chena main road, Sori Ghar to Katlang road, Naqi Dhara to Nang Abad, Rustam to Pirsay Road District Mardan.		200.000
3	Mardan	DWSS	Construction / Rehabilitation of water supply and sanitation schemes, streets, culverts, Bridges at Ucs Gujrat, Bakhshali, Ghari Daulatzai, Garyala, Rural Mardan, Fatma, Babini, Shahbaz Garhi, Baghicha Dheri, Chak Hoti, Sikandari and Par Hoti District Mardan		200.000
4	Mardan	Roads	Construction of roads at U/C Toru, Chak hoti, Kandar, Gambat & Shamat Pur District Mardan.		200.000
5	Mardan	Water	Flood protection works and Irrigation channesi and other allied works at U/C Toru, Chak hoti, Kandar, Gambat & Shamat Pur District Mardan.		200.000
6	Mardan	Roads	Construction/Rehab of rural roads / Culverts/streets/drainage system / clearance of drainage system at Uc/s Ghalader , Muhatabad,Rorya,Muslimabad,Guli Bagh,Bari Cham,Hoti , Sikandari, Toru , Bickat Gunj & Parhoti District Mardan		200.000
7	Mardan	DWSS	Construction / Rehabilitation of Water Supply and Sanitation schemes at U/Cs Manga , Khazana Dheri , Chamtr , Bejli Ghar , Bagh Irum, Baghdada, Dagai , Kas Koroona, Mardan Khaas, Mardan cantt, Bicket Gunj, maho Dheri & Muhabat Abad district Mardan.		200.000
8	Mardan	Roads	Construction of Roads at UC Gujjar Gari, Jehangir Abad, Saribalol, Damin-e-koh, Pat Baba, Kot Jungoro Saro Shah, Nari District Mardan		200.000
9	Swabi	Roads	Construction/Reh./ BT /PCC / Shingle of roads at Ucs Topi Sharqi, Topi Gharbi, Batakara, Zarobi, Kalabat, Kotha, Maini, Gahbasni, Gandaf, Gani Chatra and Kabgani & Village Council Malki Abad District Swabi.		200.000
10	Swabi	Water	Construction of FPW, Causways,CPR, Bridges and Water Pumps Topi Sharqi, Topi Gharbi, Batakara, Zarobi, Kalabat, Kotha, Maini, Gahbasni, Saleem Khan, Gandaf, Gani Chatra and Kabgani & Village Council Malki Abad District Swabi.		220.000
11	Swabi	DWSS	Construction / Rehabilitation of Water supply and Sanitation schemes in U/C's Marghuz, Tandkoi, Bamkhail, Jhanda, Pabini, Swabi Khass, Maneri Bala, Maneri Payan, Swabi Maneri, Saleem Khan and Panjpir in District Swabi.		200.000
12	Swabi	Roads	Construction of roads at UC's Jehangira, Tordher-I & II, Zaida, Gar Munara, Lahor Gharbi, Lahor Sharqi, Shahmansoor, Ambar, Beka, Manki and Kunda Swabi.		200.000
13	Swabi	DWSS	Sanitation and Allied Works at Ucs Bachai Sikandari, Dagi, Yar hussain East, Yar hussain west, Sudher, yaqoobi, Sar cheena, Dobian, Ismaila, jalsai and Jalbai District Swabi		200.000
14	Swabi	DWSS	Sanitation and Allied Works at UCsTarakai, Turlandi, Ksk, Sheikh jana, Chaknoda, Asota, Kalu khan, Adina, Shewa, Parmoli and Naranji District Swabi		200.000
15	Swabi	Roads	Construction/ Rehabilitation/ Black topping of roads/ Bridges/ causeways in Tehsil Swabi, Topi and Lahore of District Swabi.		200.000
16	Swabi	Roads	Construction & Improvement Of BT Roads & PCC Road a) Nazary (1 km), b) Seen Khel (3 km), c) Luqman Dheri (1.5 Km), d) Nawish Banda (0.5Km), e) Bypass to Shumlo Camp (4 Km), f) Sher Shah Sori (1 km), g) Swai Mall Lar to Bypass (1 km), h) Loya Lar road Pirtab Banda (3.5 km), at U/C Swabi Maneri, District Swabi		310.000

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ADP 2021-22
**210553 - District Development Plan for Buner, Upper Dir, Lower Dir,
 Malakand, Upper Chitral, Lower Chitral in Malakand Division (Proposed)**

S.NO	District	Sector	Nomenclature of Scheme	(Rs. In Millions)	
				Amount	
1	Buner	Roads	Construction / BT / Reh. of roads and Bridges at UCs Rega, Krapa, Shalbandi, Dewana Baba, Norizi, Batara, Pandher, Gul Bandi, Gagra and Sori District Buner	200.000	
2	Buner	Roads	Construction of road from Ambala Bazar to Nagrai District Buner	200.000	
3	Chitral	Roads	Construction of roads i.e Oweer road, kosht road, Morr kahu road, Rej road, khot road, Damil road, janjarit road, beori road, Daneen road and Singore road District Chitral.	200.000	
4	Chitral Lower	DWSS	Construction of Water Supply scheme at Kessu Drosh Chitral Lower	124.000	
5	Chitral Upper	Road	construction of Booni Bazar road, Terich Valley and Owir valley Road District Upper Chitral.	100.000	
6	Dir Lower	Roads	Construction / Black Topping of roads i.e Seer to Munjai Kanda road UC Toormang, UC Sultan Khel Payan Roads District Dir Lower	200.000	
7	Dir Lower	Roads	Construction / Rehabilitation / Black Topping of roads at Tehsil Chakdara Adenzai District Dir Lower.	200.000	
8	Dir Lower	Water	Construction of flood protection works and irrigation channels at River Panjkora at Timergra and Adjoining areas Dir Lower.	200.000	
9	Dir Lower	Roads	Construction of Roads, Culverts, PCC, etc and Bridges at Ucs Gal, Zimdara, Lal Oilaa, Bishgram, Kotkay, Darangal and Kambat District Dir Lower.	200.000	
10	Dir Lower	Roads	Construction of Roads and Bridges at Tehsil Timergra, tehsil adenzai, tehsil khall and Two Ucs of Tehsil Balambat Dir Lower.	200.000	
11	Dir Lower	Roads	Construction of Bin Shahi road in district Dir Lower	200.000	
12	Dir Lower	Water	Flood protection works and Irrigation channels etc. at Tehsil Chakdara Adenzai Dir Lower.	200.000	
13	Dir Upper	Roads	Construction / Rehabilitation / Black Topping of Roads and Bridges at Tehsil Wari Dir Upper.	200.000	
14	Dir Upper	DWSS	Drinking Water Supply & Sanitation Schemes in UC/s Darora , Chukiatan, Bibyawer, Hattan Dara Dir Upper.	100.000	
15	Dir Upper	Roads	Construction of RCC Bridge at UC/s Ker Dara Tehsil Larjam District Dir Upper	150.000	
16	Dir Upper	Roads	Construction / BT / Reh./PCC / Roads Cutting / Widening of roads and Bridges at District Dir Upper.	200.000	
17	Dir Upper	DWSS	Construction / Rehabilitation / Solarization of Water Supply and Sanitation Scheme at District Dir Upper.	200.000	
18	Malakand	Roads	Construction / Rehabilitation / BT/ Improvement / widening / Brigdes etc in Ucs Thana Khas, Thana Bandajat, Thana Jadeed, Malakand khas, Alladand, Dheri, Palai, Dheri Julagram, Khar, Totakan, Pirkhel, Agra, Upper Batkhela, Middle Batkhel and Lower Batkhela District Malakand.	200.000	
19	Malakand	Roads	Construction / Rehabilitation/ BT/ Shengal Road and Bridges at Tehsil Dargai and Ucs Kot and Selay Patay District Malakand	300.000	
20	Malakand	DWSS	F/S and Construction of Mega Gravity Drinking water Supply scheme at Tehsil Dargai District malakand	200.000	

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ADP 2021-22

210555 - District Development Plan for Bannu Division (Proposed)

S.NO	District	Sector	Nomenclature of Scheme	(Rs. In Millions)
				Amount
1	Bannu	DWSS	Construction of Solar Water Supply schemes in tehsil Domail and Tehsil Bannu District Bannu	100.000
2	Bannu	Energy & Power	Provision of Solar System for houses in Ucs Khujari, Nar Jaffar, Shamshi Khel, Kot Qalandar, Ismail Khel, Kala Khel, Kakki-1, Kakki-2, Mandan, Khujamad Mandan Kauser Fath Khel, Bharat and Mira khel District Bannu.	200.000
3	Bannu	DWSS	Water Supply & Sanitation schemes at Tehsil Baka Khel and adjoining areas of Tehsil Baka khel District Bannu	200.000
4	Lakki Marwat	DWSS	Installation of Solar Tube Wells on need basis at New Abadi Moh. Khoidad Khel, Moh Machan khel, new Abadi Saeed khel etc Ucs Lakki City-2, and at UCs Lakki City-1, Mela Shahab Khel, Begu Khel, Dara Tung, Esak Khel, Ahmad khel, Samandi, Landiwah, Paharr khel thal, Aba khel, Mash Mashti Khani and Kaka Khel District Lakki Marwat.	200.000
5	Lakki Marwat	DWSS	Installation of Solar Drinking Water Tube Wells in UC's i.e Abdul Khel, Bakhmal Ahmadzai, Behram Khel, Dharraka Suleman Khel, Ghazni Khel, Isak Khel, Kaka Khel, Kheru Khel Pacca, Kot Kashmir, Masha Mansoor, Pezu, Tajazai, Titter Khel & Tajori District Lakki Marwat.	200.000
6	Lakki Marwat	DWSS	Installation of Solar Tube Wells on need basis at Sher Shah Mama khel, Haji Nawab khan Nali Chak Sarai Naurang, Haji Ghafoor chairman takhti khel and at Ucs mama Khel, Serai Naurang, Takhti KHEL, Marmandi azam, Mama khel, Mohammad Ghazni Khel, Bakhmal Ahmadzai, Kote Kashmir, Shakh Quli Khan, Masha Masthi Khani, Baist Khel, Nar Abusamand Begu, Gandhi Khan Khel, District Lakki Marwat.	200.000

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ADP 2021-22

210557- District Development Plan for Hazara Division (Proposed)

				(Rs. In Millions)
S.NO	District	Sector	Nomenclature of Scheme	Amount
1	Abbottabad	DWSS	Water Supply & Sanitation scheme at UCs Bakot, Boi, Dalola, Pattan, Kokmang, Namal, Berote, Pluck, Seer Gharbi, Seer Sharqi, Lora, Gorini, Phalla, Nagri Totyal, VC Tarnavi1 & 2 and VC Banda Pir Khan District Abbottabad.	200.000
2	Abbottabad	DWSS	Water Supply Scheme in Union Councils at Sherwan, Jarral, Pind Kargoo Khan, Pawa, Khutiala, Chamhad, Jhangra, Havelian Urban, Salhad, Jahangi & Baldheri District Abbottabad.	200.000
3	Abbottabad	DWSS	Construction/Rehabilitation /Up-gradation of WSS, Pressure Pumps and Sanitation system in Ucs Kehal, Central Urban, Malikpura, Nawashehr, Banda Pir Khan, Kakul, Mirpur, Sheikhul Bandi and Cantt area District Abbottabad.	200.000
4	Abbottabad	Roads	Construction of Roads in Ucs Kehal, Central Urban, Malikpura, Nawashehr, Banda Pir Khan, Kakul, Mirpur, Sheikhul Bandi and Cantt area District Abbottabad.	200.000
5	Battagram	Roads	Construction / Rehabilitation Blacktopping of Roads, Bridges in UC's Biari, Banna Bateela, Rashang Pashto, Jumbeia Suckegha & Batkool Thakat District Battagram.	200.000
6	Battagram	Roads	Construction / Black Topping / Rehabilitation / PCC of Roads & Streets /Paths in Ucs Banian, Koza Banda, Trand, Gijbori, Peshora, Thakot, Paimal Sharif, Battagram, Ajmera, Rajdhari, Batamori and Shamlai District Battagram	200.000
7	Haripur	Roads	Construction of Internal roads / PCC works in Ucs Shah Maqsood, Sarai Saleh, Ali Khan, Rehana, Pandak, Darvesh, Sikandarpur, Mankarai, Pindhhashim Khan, Sarai Naimat Khan, Jattipind, Beer, Kalinger & Ladarmong District Haripur.	200.000
8	Haripur	Roads	Construction of Internal Roads and PCC Works at U/C Bagra, Bandi Sher Khan, Bareela, Burkote, Dingi, Hattar, Jabri, Khanprur, Kholian Bala, Kotnajibullah, Muslim Abad, Najafpur, Pind Kamal Khan, Sirya, Tofkian & Upper Rehaha District Haripur	200.000
9	Haripur	Roads	Construction / Rehabilitation / PCC of roads at Tehsil Ghazi and surrounding areas District Haripur	200.000
10	Kohistan Lower	Roads	Construction of Roads and Bridges at District Kohistan Lower	200.000
11	Kohistan Upper	Roads	Construction of Roads, Bridges and PCC works at District Kohistan Upper.	200.000
12	Kolai Palas	Roads	Construction/Rehabilitation/Black topping of Roads and Bridges at District Koli Palis Kohistan.	200.000
13	Mansehra	Roads	Construction/Rehabilitation of different roads at Ucs Kaghan, Mohandri, Kawai, Karnol, Ghari Habibullah, Garlat, Talhata, Shohal Mahzullah, Balakot, Hangrai and Satbani District Mansehra	200.000
14	Mansehra	Roads	Construction/ Rehabilitation of roads i.e. Lamba Nakka Road, Labarkot Road, Shahkhail Ghari Road, Kalgan Road upto Basit, Jabba Road, Maria Amjad Ali to Saamain, Haryala, Altarshisha Road, Batdrian Road District Mansehra.	200.000

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NAME OF WORK

DISTRICT DEVELOPMENT PLAN FOR BUNER, UPPER DIR, LOWER DIR, MALAKAND, UPPER CHITRAL, LOWER CHITRAL AND MALAKAND DIVISION - ADP NO. 1169/210553 (2021-22)

SUB HEAD

CONSTRUCTION OF ROAD FROM AMBALA BAZAR TO NAGRAI, DISTRICT BUNER (00 KM)

Cost Estimate (KM-01)

Road Work

S. No.	Schedule Item No.	Description of Item	Unit	Schedule Rate	Quantity	Amount (Rs.)
1	16-71	Grooving in existing BT road stre 4 X 4 CM @ 2 meter	M2	50.75	4263.00	216,347.25
2	16-04-a	Granular Sub Base Course using Pit Run Gravel	M2	1431.00	274.05	392,436.68
3	16-05-b	Water Bound Macadam Base Course	M ³	2505.20	1216.00	3,051,333.60
4	16-09-a	Bituminous Prime Coat	M ²	189.12	6090.00	1,151,740.80
5	16-14-b	Asphaltic Wearing Course (Asphalt Batch Plant Hot Mixed) Vc Transportation and Finishing	M ²	18,691.450	304.60	6,691,548.53
TOTAL RS						10,503,405.03

Structure Work

S. No.	Schedule Item No.	Description of Item	Unit	Schedule Rate	Quantity	Amount (Rs.)
1	03-87-a-1	Structural Excavation in Common Material	M ³	259.410	939.14	243623.54
2	6-05-1	Plain Cement Concrete including placing, compacting, finishing & curing (Ratio 1:4:5)	M ³	6,004.180	97.95	666104.93
3	6-05-2	Plain Cement Concrete including placing, compacting, finishing & curing (Ratio 1:3:5)	M ³	6,828.800	630.56	4176507.42
4	6-05-1	Plain Cement Concrete including placing, compacting, finishing & curing (Ratio 1:2:4)	M ³	7,783.07	320.00	2490582.40
5	06-44-a	PCC 1:3:6 in mass concrete less formwork using 50% boulders	M ³	4,528.74	425.00	1924714.50
6	03-45-b	Erecting & removing formwork to concrete in any shape / position (Vertical)	M ²	600.180	312.50	187569.38
7	16-10-b-1	Reinforced Concrete Pipe Culvert (AASHTO 15-170) Dia 610mm	m	3,694.120	21.90	85281.23
8	05-07-a-03	RCC in roof slab, beam, column & other structural members, cast in place. Type C (1:2:4)	M ³	9,203.680	107.39	988373.99
9	09-03-c	Supply & install M.S. reinforcement for cement concrete (Hot rolled deformed bars Grade 60)	ton	141,789.600	10.47	1464609.82
10	19-20	Supplying stone and stone filling in GI wire crate and its sewing, excluding cost of crates	M ³	1,270.800	271.26	344717.21
11	19-13-a-02	Provide & weave GI wire netting for wire crates 8"x9" mesh: 10 SWG wire	m ²	431.620	603.26	219808.53

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DISTRICT DEVELOPMENT PLAN FOR BUNER, UPPER DTR, LOWER DTR,
MALAKAND, UPPER CHITRAL, LOWER CHITRAL AND MALAKAND DIVISION
ADP NO. 1169/210553 (2021-22)

NAME OF
WORK

SUB HEAD

CONSTRUCTION OF ROAD FROM AMBALA BAZAR TO NAGRAI, DISTRICT
BUNER (09 KM)

SUMMARY OF COST (KM-DI)

S.No.	Description	Amount
1	ROADWORK	10,503,405
2	STRUCTURE WORK	13,354,940
3	Ancillary Work	514,700
	Total Rs.	24,373,045
	Say in Million	24.37


SUPERVISORIAL OFFICER
HIGHWAY SUB DIVISION
BUNER

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22 Dec. 2010 3:01AM P1

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FRAX NO. 11



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES
& LIBRARIES DEPARTMENT
NO. CPO (HE)/DCPO/SSR/GCMS Dir Upper/ 572
DATED PESHAWAR THE 11th April, 2016

To,

1. Director General,
Commerce Education and Management Sciences
Khyber Pakhtunkhwa, Chamkani Mor Rano Garhi, Near
Govt. Poly Technique Institute, Peshawar.
2. Deputy Commissioner Dir Upper.
3. Principal Govt. College of Commerce and Management Sciences,
Wari District Dir Upper.
4. Executive Engineer C&W,
District Dir Upper.

Subject:

SITE SELECTION REPORT OF GOVT. COLLEGE OF COMMERCE AND
MANAGEMENT SCIENCES DISTRICT DIR UPPER.

Dear Sir,

I am directed to refer to the subject captioned above and to enclose herewith a copy of the site selection report duly approved by the Competent Authority in Higher Education Department Khyber Pakhtunkhwa, for information and further necessary action at your end please. The Deputy Commissioner Dir Upper is further requested to provide revenue document of the feasible site mentioned in the Site Selection Report within a week time positively.

(Iftikhar Hussain)
Sr. Planning Officer (HE)

Copy to the:

1. PS to Senior Minister Local Government, Elections & Rural Development. Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Higher Education Department.
3. PA to CPO Higher Education Department.

Sr. Planning Officer (HE)

59/570/5
27/5/10

Rev: A 2/11/10

D-27
D-27/11
26/11/10

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ATTESTED

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SITE SELECTION FOR ESTABLISHMENT OF GOVT. COLLEGE OF COMMERCE AND
MANAGEMENT SCIENCES, DIR UPPER.

In pursuance to the orders of the Chief Planning Officer Higher Education Department, the undersigned visited Dir Upper on 16-03-2016 in order to select a feasible site for Establishment/Construction of Govt. College of Commerce and Management Sciences District Dir Upper. Principal GCMS Warl Dir Upper, being representative of the Director (P&D) Commerce and Management sciences, Representative of C&W Division Dir Upper and Chairman of local Union Council, being representative of the local MPA also joined the undersigned during the course of inspection.

During the course of Inspection, following sites were visited:

Site # 1:

It is private property owned by Nasir-ul-Mulk situated in Moaza Bibyur Shuntuch on the right side of main Darora-Dir Upper road at a distance of about 12 kilometer from main Dir Upper market. Approximate measurement of the site is 30 kanal. As it situated far away from the focused population, hence, the committee rejected the site for construction of the College building.

Site # 2:

It is also a private property, owned by Amir Bacha Khan and Taj etc., measuring 20 kanals. The owners were not willing to provide their land for construction of the College due to which the committee discarded the site for establishment of the College.

Site # 3:

It is also a private property, owned by Tehseenullah and his other family members situated in mouza Kotkay, on right side of Timergara-Dir Upper road at a distance of about 1-2 kilometer from Dir Upper main market. The approximate measurement of the land is 20 kanals. The site is centrally located for all the feeding schools. The owner of the land, who was present on the occasion, was willing to sale out his land.

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Recommendations:

- i. All the Committee members unanimously recommended Site # 3 as most feasible for construction of college building
- ii. The land will be purchased on the prevailing average yaksala rate/ compulsory basis.
- iii. Deputy Commissioner Dir Upper is requested to urgently provide revenue documents of the site No. 3. i.e. fard, sketch, tatima, exact ownership, prevailing average yaksala rate and Khasras Nos.
- iv. The Director General Commerce and Management Sciences is requested to issue Section-IV on the site once its Revenue documents received.
- v. The Executive Engineer C&W Division, Dir Upper shall provide DCEs of the scheme at the earliest.

Submitted By:

Fakhar Hussain

Sr. Planning Officer Higher Education Department

Recommended By:

Muhammad Zaman

Chief Planning Officer Higher Education Department

Approved By:

Farah Hamid Khan

Secretary Higher Education Department

Khyber Pakhtunkhwa

ATTESTED

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

In Re: W.P. No. _____ -P/2019

1. Mr. Akram Khan Durrani (MMA),
Opposition Leader,
PK-90 Bannu-IV,
Provincial Assembly, Khyber Pakhtunkhwa
2. Mr. Sardar Hussain Babak,
Parliamentary Leader ANP,
PK-22, Buner-III,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
3. Mr. Sardar Muhammad Yousaf Zaman,
Parliamentary Leader PML-N,
PK-34 Mansehra-V,
Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
4. Mr. Sher Azam Khan Wazir,
Parliamentary Leader PPP,
PK-87 Bannu-II,
Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
5. Mr. Lutf Ur Rehman,
Parliamentary Leader JUI-F,
PK-98 D.I.Khan-IV,
Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
6. Mr. Khushdil Khan Advocate (ANP),
PK-70 Peshawar-V,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
7. Mr. Inayatullah (JI),
PK-12 Lower Dir-III,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
8. Mr. Hidayat Ur Rehman (JUI-F),
PK-1 Chitral,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
9. Mr. Waqar Ahmad (ANP),
PK-7 Swat-VI,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
10. Mr. Malak Badshah Saleh (PPP),
PK-10 Upper Dir-I,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar

11. Mr. Sahibzada Sana Ullah (PPP),
PK-11 Upper Dir-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
12. Mr. Bahadar Khan (ANP),
PK-16 Lower Dir-IV,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
13. Mr. Faisal Zaib (ANP),
PK-24 Shangla-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
14. Mr. Muhammad Naeem (PML-N),
PK-32 Mansehra-III,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
15. Mr. Laiq Muhammad Khan (ANP),
PK-34 Torghar,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
16. Mr. Sardar Aurangzeb (PML-N),
PK-37 Abbottabad-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
17. Mr. Shakeel Bashir Khan (ANP),
PK-57 Charsadda-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
18. Mr. Salahud Din Khan (ANP),
PK-71 Peshawar-VI,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
19. Mr. Shadad Khan (JUI-F),
PK-81 Kohat-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
20. Mr. Mian Nisar Gul (JUI-F),
PK-85 Karrak-I,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
21. Mr. Zafar Azam (JUI-F),
PK-86 Karrak-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar

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22. Mr. Munawar Khan (JUI-F),
PK-91 Lakki-I,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
23. Mr. Mehmood Ahmad Khan (JUI-F),
PK-94 Tank,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
24. Mr. Ahmad Khan Kundi (PPP),
PK-96 D.I.Khan-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
25. Mr. Sardar Khan (PML-N),
PK-3 Swat-II,
Member of Provincial Assembly,
Khyber Pakhtunkhwa; Peshawar
26. Mr. Anwar Hayat Khan (JUI-F),
PK-93 Lakki Marwat-III,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
27. Mr. Jamshaid Khan Momand (PML-N),
PK-55 Mardan-VIII,
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
28. Mst. Samar Haroon Bilour (ANP),
PK-78 Peshawar-XIII,
Member of Provincial Assembly,
Khyber Pakhtunkhwa; Peshawar
29. Mr. Ranjit Singh (JUI-F),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
30. Mst. Rehana Ismail (JUI-F),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
31. Mst. Humaira Khatoon (JI),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
32. Mst. Shagufta Malik (ANP),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar
33. Mst. Shahida Waheed (ANP),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar

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37. Mst. Sobia Shahid (PML-N),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar

38. Mst. Nighat Yasmeen Orakzai (PPP),
Member of Provincial Assembly,
Khyber Pakhtunkhwa, Peshawar

PETITIONERS

VERSUS

1. Chief Minister, Khyber Pakhtunkhwa,
Chief Minister Secretariat,
Khyber Pakhtunkhwa, Peshawar.
2. Chief Minister Secretariat, Khyber Pakhtunkhwa,
Through its Principal Secretary,
Khyber Pakhtunkhwa, Peshawar.
3. Provincial Cabinet, Khyber Pakhtunkhwa,
Through Chief Minister Khyber Pakhtunkhwa,
Chief Minister Secretariat,
Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa,
Through its Chief Secretary,
Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar.
5. Additional Chief Secretary,
Planning and Development Department,
Government of Khyber Pakhtunkhwa,
Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar.
6. Secretary,
Local Government and Rural Development Department,
Government of Khyber Pakhtunkhwa,
Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar.
7. Secretary,
Communication and Works (C & W) Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
8. Secretary,
Public Health Engineering Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
9. Secretary,
Irrigation Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

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10. Secretary,
Sports, Culture and Tourism Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
11. Secretary,
Health Department
Government of Khyber Pakhtunkhwa,
Peshawar.
12. Secretary,
Elementary and Secondary Education Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
13. Secretary,
Higher Education Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
14. Secretary,
Industries Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
15. Secretary,
Finance Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

RESPONDENTS

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweth:

The brief facts leading to the instant petition are as under:

1. That the petitioners, being law-abiding citizens of Pakistan, were elected as members of the Provincial Assembly, Khyber Pakhtunkhwa ("KP Provincial Assembly") in the General Elections of 2018 and as such, they are the duly elected public representatives of their respective constituencies in the province of Khyber Pakhtunkhwa. It must be noted that the petitioners belong to various political parties and all of them are presently chairing and sharing the opposition benches in the KP Provincial Assembly. Copy of the Gazette Notification of the petitioners as Returned Candidates issued by the ECP is attached herewith marked as annexure "A".
2. That as per the *Rules of Business* framed under Article 139 of the Constitution of the Islamic Republic of Pakistan 1973 (Constitution), it is one of the essential functions of the Planning and Development Department/Respondent No. 5 to formulate / prepare the Annual Development Programme / ADP. This ADP consists of all developmental projects/schemes / initiatives which are to be executed in the respective province in a particular financial year.

3. That at this juncture it must be noted that, as per the decisions of the superior Courts, the developmental funds in an ADP for any given financial year must be equitably allocated and distributed amongst all the elected representatives, irrespective of party affiliation. In fact, it has remained a trite law that an unfair distribution of the developmental funds will undoubtedly violate the fundamental and legal rights of not only the elected representatives who are being discriminated against but also of the inhabitants of their respective constituencies.
4. That, however, it transpires that while formulating the ADP, there exist no guidelines, policy, rules or any governing law whereby an annual ADP is prepared. Consequently, the Respondent No. 5 seemingly carries an unfettered discretion while preparing the ADP. Resultantly, it is quite unfortunate that the current ADP's are prepared without taking into consideration vital factors such as poverty, backwardness of a particular area(s), population and the lag in infrastructure of the different districts. Therefore, despite the above stark position of the superior Courts, the absence of guidelines / policy results in the formulation of unfettered ADP's which lead to the inequitable allocation and distribution of developmental funds thereby leading to a gross disparity in regional development.
5. That the provincial government of a province lays the Annual Budget Statement before its respective provincial assembly for each financial year under Article 120(1) of the Constitution: The ADP is reflected in the Annual Budget Statement of a provincial government in the shape of the sum required to meet '*other expenditures*' proposed to be made. Under Article 122(2) of the Constitution, this sum that is required to meet the '*other expenditures*' is placed before the provincial assembly in the shape of demands for grants seeking a vote of approval and the members of the provincial assembly are to pass the same by a simple majority.
6. That the Government of Khyber Pakhtunkhwa (KP Provincial Government) managed to get the ADP containing all the developmental projects / schemes for the financial year 2018-2019 duly approved by the KP Provincial Assembly, despite objections / protests by the petitioners / opposition benches. Moreover, along-with the subject ADP, 23 separate Umbrella Schemes were also approved, which are reflected in the said ADP as "Block Allocations" sans specifications regarding site and location. It must be noted that the distribution of the developmental funds falling under the said Umbrella Schemes remains at the sole discretion of the worthy Chief Minister / Respondent No. 1.
7. That a bare perusal of the 2018-2019 ADP will instantly reveal how it favours the members of the ruling party i.e. Pakistan Tehreek-e-Insaf ("PTI") and how it openly discriminates against the petitioners, all of whom are members of opposing political parties. For instance, the Umbrella Schemes (mentioned below in detail), which fail to give detailed specifications regarding the site or locations of the various initiatives / schemes there-under, are being exploited by the worthy Respondent No. 1 through C.M. directives. Through these C.M. directives, the Respondent No. 1 is exercising his discretionary power without any legal justification to unfairly allocate, distribute and doll out the said developmental funds under the Umbrella Schemes in favour of the members of the ruling party / PTI only, leaving the petitioners and their respective constituencies in the lurch. Below are the details of the 23 illegal Umbrella Schemes which reveal the Respondent No. 1's malicious attempts to doll out public money in favour of the blue-eyed members of the ruling party / PTI only by way of unfair allocation of public funds through illegal C.M. directives and without the approval of the Provincial Cabinet, which is contrary to the findings of the august apex Court in the case titled Mustafa Impex etc. vs. The Government of Pakistan etc. [PLD 2016 SC 808]:

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**THE 23 ILLEGAL UMBRELLA SCHEMES REFLECTED IN THE 2018-2019
ADP AS "BLOCK ALLOCATIONS"**

Sr. No.	Sector	ADP S.No.	Code No.	PDWP /DDW P	Nomenclature of the Scheme	Cost in Millions
1.	Agriculture	8	180409		Solarization of Agriculture Tube Wells in Khyber Pakhtunkhwa	150.000
2.	Fisheries	24	180435		Establishment of Trout Villages in Malakand and Hazarra Division	400.000
3.	Religious Affairs	59	180496		Improvement and Rehabilitation of Masjids & Darul Uloom / Decni Madaris in KP (Phase-III) including Hafiz Jee Masjid Bannu City	200.000
4.	Buildings (Provincial Programme)	111	170643		Construction of Tehsil Complexes in Khyber Pakhtunkhwa	300.000
5.	Drinking Water & Sanitation (DWSS Provincial)	162	180442		Rehabilitation / Augmentation of PHE Existing Water Supply Schemes in Khyber Pakhtunkhwa	1200.000
6.	-do-	165	180616		Construction of Drinking Water Supply & Sanitation Schemes ON NEED Basis	1000.000
7.	Elementary & Secondary Education (Primary Education)	182	180501		Development of Play Areas in Primary Schools of Khyber Pakhtunkhwa	500.000
8.	Elementary & Secondary Education (Secondary Education)	235	180581		Establishment of 200 Primary / Secondary Schools in Private Rented buildings to be executed through	1000.000

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9.	Finance	294	180612		Implementation of 100 Days Plan	1099.000
10.	-do-	295	180614		District ADP share at the Disposal of Finance Department for Implementation of 100 Days Plan	900.000
11.	Health (Basic Health)	374	180598		Construction / Rehabilitation of 200 BIUs on need basis in Khyber Pakhtunkhwa	200.000
12.	Higher Education (College Education)	475	180621		Establishment of 10 Government Colleges (Boys & Girls) in Khyber Pakhtunkhwa - (Phase II)	3000.000
13.	Local Government (Local Development)	671	180509		Rehabilitation / Improvement of Under Developed Areas of Swabi	1000.000
14.	Multi-Sectoral Development (MSD)	698	180620		Special Development Package for Militancy Hit /Backward Areas of Swat	1000.000
15.	Roads (PKHA Roads & Bridges)	1040	170629		Widening & Improvement of Tarnawa Kohala Bala Road, District Haripur (35 km)	2300.000
16.	-do-	1062	180615		Construction of Roads & Bridges in Khyber Pakhtunkhwa	1000.000
17.	Sports, Tourism, Archeology, Culture & Youth Affairs (Sports)	1129	180553		Establishment of Squash Courts, Badminton Halls, Basket Ball Courts, Volley Ball Courts and Tennis Courts in Khyber Pakhtunkhwa	500.000
18.	Sports, Tourism, Archeology, Culture & Youth Affairs (Tourism)	1146	180477		F/S, Improvement and Broadening of Existing Jeepable / Walking Track	500.000
19.	-do-	1147	180479		Provision of Basic Amenities for PPP Projects	500.000

20.	-do-	1152	180567		Impact Studies and Development of 04 New Tourist Destinations	400.000
21	Urban Development	1208	180579		District Uplift & Beautification Schemes	5000.000
22.	Water	1383	180605		National Flood Protection Plan (NFPP-IV) Phase -I (Total Cost = 24949.00 MILLION), Provincial Share = 12474.5 Million	12474.5
23.	-do-	1384	180617		Construction of Flood Protection Works and Irrigation Channels in Khyber Pakhtunkhwa on need basis	1000.000

It is pertinent to note that in respect of Scheme No. 294/180612 "Implementation of 100 Days Plan" mentioned above at Serial No. 9 of the table, funds worth Rs. 1099 million have been allocated even though the said Scheme is completely devoid of any of the essential / vital details pertaining to, among others, site and location.

Secondly, in respect of Scheme No. 475/180621 "Establishment of 10 Government Colleges (Boys & Girls) in Khyber Pakhtunkhwa (Phase II)" mentioned above at Serial No. 12 of the table, the Respondent No. 1 has directed that funds allocated there-under be distributed and spent on projects situated in his home district of Swat as well as in the areas / constituencies of the members of the ruling party / PTI i.e. Gul Bandai District Buner, District Swat, District Haripur, District Bannu, Shahpur Kana District Shangla, Rustam District Mardan, Mira Khel area District Bannu, Kolai Palas District Kohistan, Garam Chashma District Chitral, UC Haved Landidak Tehsil Meryan District Bannu.

Thirdly, in respect of Scheme No. 671/180509 "Rehabilitation / Improvement of Under Developed Areas of Swabi" mentioned above at Serial No. 13 of the table, funds worth Rs. 1000.000 million have been allocated and distributed there-under solely to benefit the incumbent PTI Provincial Minister for Local Government i.e. Mr. Shah Ram Khan.

Fourthly, in respect of Scheme No. 698/180620 "Special Development Package for Militancy Hit /Backward Areas of Swat" mentioned above at Serial No. 14 of the table, funds worth Rs. 1000.000 million have been allocated and distributed there-under using the garb of "militancy hit" areas. However, it is common knowledge that Swat was not the only area in Khyber Pakhtunkhwa that was affected by the militant insurgency but rather it was only one of many other parts of the province that suffered as a result of the war on terror.

At this juncture, it must be noted that this Hon'ble Court has held in Quarban Ali Khan vs. Government of Khyber Pakhtunkhwa and Others [PLD 2018 Peshawar 192] and Wali Muhammad vs. Government of Khyber Pakhtunkhwa and Others (Judgment announced on 17/05/2017) that Umbrella Schemes reflected as "Block Allocations" in an ADP can be challenged on the touch-stone of discrimination and that consequently petitions filed in this respect are maintainable.

Finally, through Umbrella Scheme No. 1382/160550 "Construction and Improvement of Flood Protection Works, Improvement of Channels and Rehabilitation of Canal Roads Southern Districts" (not reflected in the table above), funds amounting to Rs. 650 million have been distributed to members of the ruling party / PTI. At this juncture, it must be noted that under the garb of the aforementioned Umbrella Scheme, the Respondents have attempted to appease the petitioner No. 1 by allocating and distributing Rs. 50 million to his constituency.

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However, the petitioner no. 1, being an upright member of society and man of principles, has categorically refused to accept the Rs. 50 million for the reason that other members belonging to the opposition parties are still being discriminated against by the Respondent No. 1. Copies of the Annual Development Programme for the year 2018-2019 including 23 Umbrella Schemes, the Chief Minister's Directives dated 15/01/2019 in respect of the Scheme No. 475/180621 "Establishment of 10 Government Colleges (Boys & Girls) in Khyber Pakhtunkhwa (Phase II)" and Letter dated 17/04/2019 in respect of the Distribution of Funds under Umbrella Scheme No. 1382/160550 "Construction and Improvement of Flood Protection Works, Improvement of Channels and Rehabilitation of Canal Roads Southern Districts" are attached herewith marked respectively as annexures "B", "B1", "C" & "D"

8. That on the other hand, the subject ADP has deprived the constituencies of the petitioners of their due share in the developmental funds through means of inequitable and arbitrary allocation / distribution, appropriation, re-allocation / re-distribution as well as through the complete cessation, non-release of or partial, decreased, delayed release of developmental funds in respect of new and on-going schemes, some of which have been approved in 2015 and 2016. As a result, the petitioners' constituencies have effectively been deprived of new developmental projects / initiatives while existing / on-going developmental projects that have already been approved are being severely hampered / halted and some have even been maliciously 'dropped'.

THE ILLEGAL DISTRIBUTION OF FOREIGN FUNDS / LOANS

9. That for instance, foreign funds / loans meant for developmental projects are also being inequitably allocated and spent only in those parts of the province of Khyber Pakhtunkhwa which are represented by the members of the ruling party / PTI in order to favour them, thereby forsaking the petitioners and their constituents and leaving them in a lurch. A prime example of this is the inequitable distribution of foreign funds / loans received through the Japan International Cooperation Agency's Assisted Project (Phase-II) ("JICA"). JICA has handed over foreign funds amounting to Rs. 14694 intended for the construction / improvement / rehabilitation of 1000 KM roads and 89 bridges in the province of Khyber Pakhtunkhwa. However, all of the aforementioned funds have solely been allocated and distributed amongst the members of the PTI only whereas the petitioners and their respective constituencies have been completely and maliciously side-lined. This confirms the sheer discrimination at the hands of those who sit at the helm of affairs. In fact, it is disheartening to note that of all the candidate roads / bridges listed in JICA, none are situated in the constituencies of the petitioners. For example, it is to be noted that PK-85, which belongs to Mr. Mian Nisar Gul (JUI-F) ("petitioner no. 20"), and PK-12, which belongs to petitioner no. 7, have been deprived of the subject foreign funds whereas their neighbouring / adjacent constituencies, which belong to members of the PTI, have been granted foreign funds to build roads. This inequitable allocation and distribution of foreign funds based on political affiliation is nothing short of blatant discrimination and it serves to deprive the constituencies of the petitioners from reaping the benefits of the said foreign funds. Copy of the Candidate Roads List for JICA Assisted Project (Phase-II) prepared by the petitioners reflecting the unfair and unjust allocation of funds received under JICA is attached herewith marked as annexure E.

THE ILLEGAL RE-APPROPRIATION OF DEVELOPMENTAL FUNDS

10. That, moreover, in the current 2018-2019 ADP, developmental funds earmarked to be spent on schemes / initiatives in the areas / constituencies of the petitioners' have been re-appropriated and diverted to be spent on the home district of the Respondent No. 1 as well as on the areas / constituencies of his favourites. Below are a couple of instances of this unjust and unfair conduct of the Respondent No. 1:

(a) The Respondent No. 1 has, vide Letter dated 07/03/2019, illegally re-appropriated developmental funds amounting to an astonishing Rs. 1.415 million - which were already allocated for approved projects in other districts - and has re-directed the same to 38 other Schemes. It is pertinent to note that of these 38 Schemes, 29 are meant for Swat i.e. the home district of the Respondent No. 1 whereas the remaining are meant for other districts / constituencies belonging to the members of the PTI only and none of the petitioners / opposition members of the KP Provincial Assembly are benefited.

(b) Secondly, the Respondent No. 1 has directed, vide Letter dated 14/12/2018, that work on a particular ADP Scheme No. 696/170340 (2018-19) "Special Development Package District Torghar" may be halted and that the funds allocated for it amounting to Rs. 260.00 million be re-appropriated and re-directed towards other Schemes.

Copies of C.M. Directive dated 14/12/2018 in respect of the illegal re-appropriation of funds approved for ADP Scheme No.696/170340 (2018-19) "Special Development Package District Torghar" and their illegal re-distribution to other Schemes, Letter dated 07/03/2019 showing the illegal re-appropriation of funds along-with the News Article published in Dawn Newspaper in respect of the said illegal re-appropriation of funds are attached herewith marked respectively as annexures "F", "G" & "G1"

THE ILLEGAL NON-RELEASE, DELAYED RELEASE OR PARTIAL RELEASE OF DEVELOPMENTAL FUNDS

11. That, furthermore, through the 2018-2019 ADP, the Respondents have maliciously ensured that development funds already allocated for on-going schemes situated in the areas / constituencies of the petitioners are released in a delayed manner or in a decreased amount and in some cases, the release of funds has been completely halted. For instance, a bare perusal of the 2018-2019 ADP On-going Programmes pertaining to the sectors of Roads as well as Water and the 2018-2019 ADP New Programmes, pertaining to the sector of Higher Education will reveal that Schemes located in the constituencies of the petitioners' have either had their funds withheld or they are being released in a decreased or delayed manner. It is needless to mention that this in turn has resulted in an increase in the accrued liabilities of the Contractors engaged in the construction of on-going Schemes: a notable example of this injustice is that of the constituency of PK-12 belonging to Mr. Inayatullah (JI) / petitioner no. 7 where accrued liabilities of the contractors are increasing. On the other hand, the schemes located in the areas / constituencies of the members of the PTI are receiving full funds in a generous and timely fashion.

- It is reiterated here that according to this Hon'ble Court's decision in petition titled Sahibzada Sanaullah v. Government of Khyber Pakhtunkhwa and others [PLD 2017 Peshawar 186], funds, particularly developmental funds, are to be allocated and distributed / released in a fair and equal manner in favour of all the elected representatives, without any discrimination and irrespective of political affiliation.

Copies of the 2018-2019 ADP On-going and New Programmes pertaining to Roads, Water and Higher Education confirming the non-release and less release etc. of developmental funds and Details of Accrued Liabilities of Contractors out of Provincial ADP in PK-12, District Dir Upper are attached herewith marked as annexures "H", "H1", "H2" & "I", respectively.

THE ILLEGAL 'DROPPING' OF EXISTING / ON-GOING SCHEMES

12. That in addition to the above, a comparison of the previous ADP's and the current 2018-2019 ADP will reveal that the Respondent No. 1, through C.M. directives, has altogether maliciously and abruptly 'dropped' already approved on-going Schemes located in the areas / constituencies of the petitioners. Below are just a couple of examples of this unlawful, unjust and unreasonable conduct of Respondent No. 1:

(a) The 2015-2016 ADP New Programmes would reveal that at Serial No. 564 a Scheme No. 150597 for Dir Upper (PK-12) titled "Establishment of GCMS (Boys) at Dir Upper" had been approved by the PDWP whereby a Government College of Management Sciences (Boys) was to be established. This Scheme, for which site location had already been selected, is reflected in the 2016-2017 ADP Ongoing Programmes at Serial No. 549 and then again as a part of the ADP 2017-2018 Ongoing Programmes at Serial No. 654. However, in the current 2018-2019 ADP, the said Scheme has not been carried forward rather the same has abruptly and maliciously been dropped due to the re-appropriation of developmental funds and re-allocation of the same in order to unfairly favour the members of the PTI.

(b) Another Scheme No. 150755 titled 'Upgradation of BHU Janbhatti to RHC, District Dir Upper', which had been approved and is reflected in the 2015-2016 ADP at Serial No. 440, has also maliciously been dropped in the 2018-2019 ADP in order to illegally re-direct its developmental funds to areas / constituencies belonging to the members of the ruling party.

Copies of the relevant excerpts from the ADP 2015-2016, ADP 2016-2017, ADP 2017-2018 confirming the previous approval and subsequent illegal dropping of the Scheme No. 150597 titled 'Establishment of GCMS (Boys) at Upper Dir' along-with relevant documents pertaining to the selection of the site and location in respect of the aforementioned Scheme and an excerpt from the ADP 2015-2016 confirming the previous approval of and subsequent illegal dropping of Scheme No. 150755 titled 'Upgradation of BHU Janbhatti to RHC, District Dir Upper' are attached herewith marked as annexures "J" & "K", respectively

13. That it is also rather strange that certain items including Wheel Chairs, Water Coolers and Sewing Machines etc. which had been procured earlier from the development fund earmarked for PK-78, which belongs to Mst. Samar Haroon Bilour (ANP) / petitioner no. 28, were directed to be re-distributed through the elected Member National Assembly of the area rather than the concerned MPA i.e. petitioner no. 28. Copy of the Letter dated 14/11/2018 reflecting the distribution of items through the MNA rather than the concerned MPA i.e. petitioner no. 28 is attached herewith marked as annexure "L".

14. That needless to mention the petitioners objected to the 2018-2019 ADP on the floor of the KP Provincial Assembly and they also protested against the inequitable and arbitrary allocation and distribution of public developmental funds on the basis of political affiliation and malicious political considerations. However, it is highly regrettable to note that the cries and legitimate protestations of the petitioners fell on deaf ears.

15. That this unlawful and highly discriminatory conduct of the Respondents has infringed upon the fundamental rights of the petitioners and their constituents. As such, the petitioners are all collectively aggrieved of the impugned actions / inactions of the Respondents and they seek to invoke the Constitutional Jurisdiction of this Hon'ble Court through the instant petition on the following, amongst other:

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P No.3206-P/2019

Akram Khan Durrani & others----- (Petitioners)

Versus

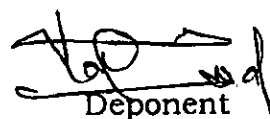
Government of Khyber Pakhtunkhwa & others----- (Respondents)

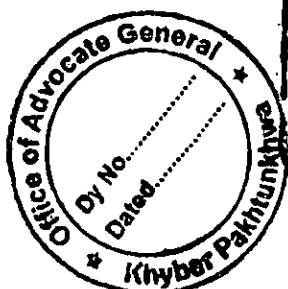
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04	Copy of ADP 2003 to 2007 (MMA Government Umbrella Projects	"B"	51-59
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06	Copy of ADP 2013 to 2017 (PTI-1 Government Umbrella Projects	"D"	73-84
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Deponent



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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

WRIT PETITION NO. 3206-P/2019

Akram Khan Durrani & Others ... **Petitioners**

VERSUS

Government of Khyber Pakhtunkhwa ... **Respondents.**

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS
NO.1, 2 & 5.**

1. That in view of Article 248 of the Constitution of Islamic Republic of Pakistan, 1973, no writ lies against respondents No. 1, 2 and 3.
2. That disputed question of facts have been raised which requires enquiry, thus writ petition is not maintainable.
3. That the petitioners have no cause of action and or locus standi to file the instant petition.
4. That the petitioners are estopped by their conduct to file the present petition.
5. That the business and function of Provincial Assembly petition is not maintainable.
6. That the petition has been filed with ulterior motive and is based on malafide.
7. That the petitioners have not come to the Honorable court with clean hands.
8. That the petitioners concealed the material facts from the Honorable court.
9. That the writ petition is not maintainable due to mis-joinder and non-joinder of necessary parties.

FACTS

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1. No comments.
2. No comments.
3. **Incorrect.** The very premise of the petition is wrong, misleading, based on lack of knowledge and based on the intent to stop the development process in the province.

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2

The petitioners are against the very spirit of the long term development planning as the ADP is part of a long term development vision/ strategy of the Government. If the stance of the petitioners for constituency-wise equal distribution of ADP is accepted, then the very principle of integrated and holistic planning is defeated. Planning and resource allocations are always done on the basis of regional equalization, poverty, development lag, improvement in the service delivery, provision of missing services, economic growth; job creation and last but not the least intra and inter regional connectivity:

The petitioners are also damaging the well-being of the people of this province, since investment from the annual development program (ADP) results either sustaining the already created jobs in the economy, both national and provincial but also creates new jobs. The current ADP with a size of 319 Billion will sustain or create approximately 700,000 jobs in the economy. In the times of sluggish economy and rising inflation, denying these opportunities to the people of this province is sheer injustice.

Annual Development Plan is a long and robust process. It includes: -

- i. **Issuance of budget call circular in October- November.**
- ii. **Indication of Development Budget for the upcoming year by Finance Department.**
- iii. **Issuance of guidelines for predation of ADP in December every year.**
- iv. **Review of the progress of ongoing development schemes with a view to assess the possibility of completion of such schemes or to be carried forward to the next year.**

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- v. Identification of schemes by the administrative departments in line with their sectoral policies/Plan based on the provincial Government long-term/ medium term development vision and strategies. Such vision/ strategies are documented in the shape of Integrated Development Strategy (IDS), Economic Growth Strategy (EGS), Post-Crisis Need Assessment (PCNA), Strategic Development Partnership framework (SDPF), Provincial framework on Sustainable Development Goals (SDGs) and the recent one Sustainable Development Strategy (SDS).
- vi. Keeping in view the available resources, the Annual Development Program (ADP) is prepared by the concerned Administrative Departments as per their sectoral policy/priorities enshrined in the IDS, EGS, PCNA, SDPF and SDGs targets.
- vii. Once the draft proposal is received, P&D Department holds consultative meetings with the concerned line departments for finalization of ADP at various levels with the aim to ensure adherence to principles of fair and equitable distribution of resources and alignment with the above mention strategies.
- viii. Once the Draft ADP is finalized after extensive consultations spread over a period of almost 3 months, it is recommended by the Provincial Cabinet to the Provincial Assembly for approval after due discussion process in the August house.

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The logic behind the above process lies in following: -

- a. The concerned administrative departments intimate drafting ADP as they are required to proposed projects and allocations in accordance above mentioned strategies with regard to their respective sectors, and they are responsible for meeting the sectoral targets.
 - b. The department are in a better position to assess the need of different districts/regions for a particular intervention. For example gravity biased water supply schemes are not feasible in district southern districts but are most suitable in hilly districts of Northern Region where sources of water are available.
 - c. A number of provincial initiatives are included which benefits the entire province. For example, 'Sehat Insaf card', Consolidation process in Elementary & Secondary Education across the province and provision of missing facilities in government schools.
 - d. The Provincial Assembly is a constitutional body empowered to consider, discuss and approve ADP. Any dissenting reservation is supposed to be expressed in the Assembly for its consideration in accordance with the provision of constitution.
4. Incorrect. As far as the allegation of the absence of ADP preparation guidelines is concerned, it is stated that formal 'Guidelines for Preparation of ADP' are issued every year well before the commencement of a particular financial year. As per Rules of Business, P&D Department's role is to formulate overall policy of ADP preparation and Coordination relating to the preparation of ADP. Therefore, Respondent No.5 has no unfettered discretion while preparing the ADP. The P&D Department :-

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- a. Sectoral allocation of Development funds in light of the sitting Government sectorial policy, priorities/goals.
- b. To examines the Department proposals (new schemes) in light of the concerned Department sectoral policy.
- c. Assess the Department proposals (new schemes) contribution to achievements of the sectoral policy, priorities/goals.
- d. Ensure counterpart local fund provision/allocation to Foreign Aided Projects.
- e. Ensure funding in ADP to PSDP projects as per approved share in the PC-I.
- f. Maximum allocation to ongoing schemes to ensure its early completion to avoid revisions / escalation in costs.
- g. Ensure funding to schemes which contributes to attaining targets sets under SDGs.
- h. Prioritization of Departments proposals in light of the Sector's throws forward liability.

A more equitable distribution is a desirable approach however 'equitable distribution' doesn't mean equal distribution of fund amongst all constituencies of Khyber Pakhtunkhwa, rather it refers to the distribution of fund so that the goal and objectives set by the elected government are achieved.

As far as equitable distribution of funds is concerned, the provincial government has devolved 30% of the total development budget to the districts on the basis of Provincial Finance Commission (PFC) award. The PFC award takes into consideration the factors of Poverty, Backwardness,

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population and lag in infrastructure while determining the share of particular districts. Regarding provincial ADP, it always reflects the vision and sectoral priorities of the government. It is important to bring into the notice of the honorable court that since abolition of One Unit in 1970, ADP has never been prepared on the basis of equal distribution among the districts/Constituencies. Therefore, the question of inequitable district-wise distribution of ADP funds does not arise.

In view of the above it is very clear that the stance of the petitioners is wrong, misleading, based on lack of knowledge and their intent to stop the development process in the province. There is no such evidence in the past which proves equal distribution of development funds amongst elected representatives. The petitioners are against the very spirit of the long term development planning as the ADP is part of a long term development vision/ strategy of the government.

5. The provincial Assembly is the constitutionally mandated and empowered body to approve the budget and the Annual Development Program. The petitioners are attempting to challenge this mandate of the provincial assembly with an unfair and unjustifiable manner with the aim to sabotage the development endeavors of the political government which is likely to deprive general public from the benefits of the development program.
6. Umbrella Schemes refer to specific sector where a number of schemes can be initiated on need basis under a single nomenclature for example 'construction of 100 Nos. of primary schools in Khyber Pakhtunkhwa'. The approval of the Annual Budget statement and the Annual Development Program is the Business/mandate of Provincial Assembly.

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The record of objections and protests may be obtained from the Provincial Assembly. The list of Umbrella schemes mentioned by the petitioners are proposed by the concerned Administrative Departments and the criteria of selection of sites and sub-schemes under such umbrella schemes are reflected in the Umbrella PC-Is of such umbrella schemes at the time of approval of PC-Is. These umbrella schemes were included in the ADP due to the reason that demands for such facilities are always higher than the available resources. Therefore, departments accommodate those feasible sites, which are likely to serve the most deserving and needy communities with maximum number of beneficiaries. Whenever, the Honorable Chief Minister issue directive, the department scrutinize it in light of feasibility criteria. If the proposed site is not feasible, the concerned department regrets the directive and inform the honorable Chief Minister accordingly. It is further to bring into the kind notice of honorable court that such type of schemes were reflected in the provincial ADP. Details of such schemes of the previous governments (2003-2008, 2008-2013, and 2013-2018) are enclosed.

7. It is submitted that the inclusion of umbrella schemes is an un-avoidable phenomenon. These are included in the ADP due to the reason that demands for such facilities are always higher than the available resources. Therefore, departments always accommodate the most feasible sites amongst a number of demands. Inclusion of umbrella schemes in the Annual Development Program is not a new phenomenon. It had been included in the ADPs since long. List of the umbrella schemes with their cost in the three previous elected regimes (MMA, ANP/PPP and PTI) is as under:

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Period	Number of Umbrella Schemes
MMA (2003-08)	188
ANP / PPP (2008-13)	285
PTI (2013-18)	209

Regarding the issuance of CM Directives, it is submitted that CM directives are issued for implementation in accordance with the prevailing rules/policy. The department scrutinizes such CM Directives in the light of feasibility criteria, and if the directive is not found feasible, the concerned department regrets it and informs the honorable Chief Minister accordingly.

The Provincial ADP, containing individual & umbrella schemes, are approved by the Provincial Cabinet and Provincial Assembly, therefore sub schemes' approval from the Cabinet is not required. As far as approval of umbrella schemes from PDWP is concerned, it is a prerequisite that all the sites along with the cost are mention in the PC-1. Furthermore, sub schemes are approved by the competent forum (DDWP or PDWP). In addition, the CM directives does not mean 'approval of the schemes' rather it is the identification of a sub scheme/site which can be considered for inclusion subject to feasibility.

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Scheme-wise Latest Position/ Reply
<p>Under the project, 106 pumping sets (80% Govt-20% Farmer cost sharing) will be installed on open wells. As per criteria in approved PC-I, the scheme was advertised in newspapers and applications were invited from interested land owners in the entire province who fulfilled the requisite criteria given in the PC-I. Out of 106 sites, 52 solar pumps have been installed after scrutiny by the committee. The remaining installation of the pumps are under process.</p>
<p>The scheme cannot be equally distributed amongst all the elected representatives as establishment of trout villages requires a peculiar climate, environment and cold water.</p> <p>Under the scheme, one hatchery at Swat and 93 private fish farms (50% Govt-50% Farmer cost sharing) will be established in feasible sites in Malakand and Hazara division. Detail criteria for "Establishment of Trout Villages" is given in the PC-I. Fish farmers, who fulfill the eligibility criteria can apply for it. After scrutiny by the committee, agreement will be signed with farmers. Hence, advance identification of sites is not possible. Work on project is not yet started.</p>
<p>The scheme was approved by the PDWP on 10-01-2019 with cost of Rs. 200 million. The districts included in the scope of project are Karak, Peshawar, Bannu, Malakand, Mardan, D.I. Khan, Swabi, Abbottabad, Lakki Marwat, Dir Lower, Charsadda and Tank. The sites of the schemes have been approved by the PDWD in the PC-1 and no site has been changed or altered under any CM directive. The petitioner's allegation of favoritism or discretion is base-less and an attempt to waste precious time of the honorable court.</p>

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The scheme was reflected in ADP 2017-18 and the department could not approve till June, 2019. The scheme was dropped from ADP 2019-20 as a result of rationalization exercise.

Scheme was not Approved in 2018-19. Reflected in ADP 2019-20 with estimated cost of Rs. 800 Million and Allocation of Rs.592.500 Million. Sub- schemes are yet to be identified under this project.

Scheme was not Approved in 2018-19. Reflected in ADP 2019-20 with a cost of Rs. 1500 Million and Allocation of Rs. 772 Millions. Sub-schemes are yet to be identified.

Out of 20834 primary schools, 10000 schools havening open space for development play area were accommodated. In the 2nd phase 2651 schools having such space have been targeted all 25 districts have been covered and no school having open space have been left out. This proves that the petitioners have no basis of their allegation of favoritism and discretion on part of respondent No. 1 & 5.

Scheme was not Approved in 2018-19. Reflected in ADP 2019-20 with estimated cost of Rs. 1000 Million and Allocation of Rs.99.997 Million. Sub- schemes are yet to be identified under this project. This proves that the petition is based only on false apprehensions of the petitioners without having any basis and credible information with the only aim to stop the development process in the province.

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ADP scheme No. 294 /180612 'Implementation of 100 days Plan' was reflected in ADP in view of the importance of 100 days agenda of the present government. However, fulfillment of some of the requirements from other sources allowed the government to re-appropriate remaining amount to the needy and projects in the best public interest. **The 100 days plan is a well-considered vision of the government from where other important initiatives are emanating. The government is very sensitive and committed to implement the agenda in its true spirit to comply with its manifesto.**

The scheme has not been approved. No sub-scheme been approved.

The scheme 180598 titled "Construction/Rehabilitation of 200 BHUs on need basis in Khyber Pakhtunkhwa" was reflected in ADP 2018-19 at a cost of Rs. 200.00 million, which was un-approved till 30th June 2019. The same is reflected in ADP 2019-20 with change in nomenclature i-e "Conversion of 162 existing BHUs into Comprehensive Health Units (CHUs) in Khyber Pakhtunkhwa on need basis (Phase-I, 28 Nos) **One in each district on Pilot basis**" with an increase cost of Rs. 1700.00 million with an allocation of Rs. 180.00 million for Current financial Year.

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Regarding the Scheme No.475/180621 "Establishment of 10 Government Colleges (Boys& Girls) in Khyber Pakhtunkhwa (Phase-II)" mentioned at Serial No.12 in the table, is still un-approved. The department has moved a summary of proposed 27 sites with the request to select 10 most feasible sites. P&D department in their comments directed the higher education department to:

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That since the provincial government will spend an amount of Rs. 250-300 million on the establishment of a single college, therefore, careful selection of most feasible clear sites is essential. Also the HED should attempt even distribution of resources. It is also clarify that the college serves the entire district instead of any specific constituency.

Since the project remained un-approved during the financial year 2018-19, therefore, the allocation of the scheme was re appropriated after its surrender by the concerned department. These funds were re-appropriated to the fast moving site to avoid the blockage of funds and lap of funds at the end of financial year. Different districts accommodated on-need basis and fund has been distributed among all sub-schemes as evident from the contents of the petition. The funds have not only been given to District Swat but all geographic regions have been benefited.

As far scheme No. 671/180509 "Rehabilitation/ Improvement of Under Developed Areas of Swabi" mentioned in Serial No.13 of the table is concerned, it is submitted for the kind notice of the Honorable court that Swabi District is contributing each year billions of Rupees to the Government Exchequer in the form of Excise, GST from tobacco growers. Therefore, on the demand of the Local Areas cultivating Tobacco growers, one time provision is made to improve local irrigation channels, farms to market roads and other infrastructure projects for the purpose to get maximum benefit by these poor farmers on the analogy of other district which are producing oil and gas, electricity and getting their due share under royalty and Cess for development of the respective localities.

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Regarding scheme No. 698/180620 "Special Development Package for Militancy Hit/ Backward Areas of Swat" mentioned in Serial No.14 of the table, as far as Swat is concerned, District Swat was the center of Militancy. The militants not only hit the public institutions but also private properties were brought to shambles. According to the "Post Crisis Need Assessment" (PCNA) conducted by World Bank where in it was recommended that billions of Rupees would be required for rehabilitation of infrastructure. Although under the PCNA certain amount was provided by the Donors. However, the Donors suggested the Provincial Government should also reduce the miseries of the locals. For that purpose the previous Provincial Government initiated such like projects and the mentioned project now is the continuation of the previous schemes. As far as other Militancy Hit Areas are concerned, the Provincial Government has recently completed the scheme No.682/140815 "Development activities in militancy hit areas of Koh-e-Daman, District Peshawar" under which Mattani, Badber, and adjacent areas of the Kohat Road were covered. Regarding other areas like D.I.Khan, Tank and Lakki Marwat, the Provincial Government with the support of donor has already been initiated project titled, "Southern Area Development Project", costing Rs. 2304 million.

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Haripur Specific Scheme (not Umbrella Scheme). It is further to add that this is an existing road already linked Haripur with Islamabad (Pir Sohawa) and Abbottabad district. This road also required improvement

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as in that area the Mines & Minerals department has already explore precious mines i.e. Laterite mineral near Najaf pur area. Further to add that this road will be used by the tourist from Islamabad and Punjab which will create job opportunities for the locals.

Scheme was not Approved in 2018-19. Reflected in ADP 2019-20 with a cost of Rs. 2000 Million and Allocation of Rs. 50 Millions. Sites are yet to be identified under this scheme.

The project remain un-approved during financial year 2018-19. Subsequently, the sports department after making assessment of actual needs changed the nomenclature of the project and now the provincial government will implement the project under title "Development of 1000 Playing facilities. The sites are yet to be identified.

Due to financial constraints the project was dropped during rationalization process as the actual cost of the proposed project was much higher than the estimated cost of Rs. 500.00 million.

The activities proposed under this instance scheme have since been covered through a foreign assisted project costing Rs. 17000.00 million, therefore, this project was dropped.

The activities proposed under this instance scheme have since been covered through a foreign assisted project costing Rs. 17000.00 million, therefore, this project was dropped.

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Scheme was approved by PDWP on 08/05/2019 at a cost of Rs. 7000 million catering for 10 districts (Charsadda, Battagram, Tank, Buner, Lakki Marwat, Malakand, Hangu, Haripur, Swabi, and Mansehra) of Khyber Pakhtunkhwa other than Divisional HQs.

The National Flood Protection Plan (NFPP-IV) is an umbrella programme, initiated by the Federal Government through Federal Flood Commission. The programme has duly been approved by the CCI on 2nd May 2017. Federal Flood Commission prepared an umbrella PC-I at a cost of Rs.332.246 billion. The cost of the project will be borne by the province and federal Government on 50:50 cost sharing basis. The project will be executed in two phases. The time period of the project is 10 years. The cost of share in PC-I for Khyber Pakhtunkhwa is Rs.96765 million including Rs.24949 million for Phase-1 and Rs.70916 million for Phase-2.

PDWP cleared 10-08-2018 for onward submission to the Federal Government. The scheme is yet to be approved by CDWP and ECNEC.

Scheme was not Approved in 2018-19. Reflected in ADP 2019-20 with a cost of Rs. 2000 Million and Allocation of Rs. 100 Millions. Sites are yet to be identified under this scheme.

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Furthermore, the funds from ADP scheme No. 294 /180612 'Implementation of 100 days Plan' were reflected in ADP in view of the importance of 100 days agenda of the present government. However,

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fulfillment of some of the requirements from other sources allowed the government to re-appropriate remaining amount to the needy and projects in the best public interest. Similarly, re-appropriations were made from slow moving projects to the fast moving projects to ensure full utilization of funds and to avoid lapse of funds.

Regarding the Scheme No.475/180621. "Establishment of 10 Government Colleges (Boys & Girls) in Khyber Pakhtunkhwa (Phase-II) mentioned at Serial No.12 in the table; is still un-approved. The allocation of the scheme was re appropriated after its surrender by the concerned department. These funds were re-appropriated to the fast moving site to avoid the blockage of funds and lap of funds at the end of financial year. Different districts accommodated on need basis and fund has been distributed among all sub-schemes as evident from the contents of the petition. The funds have not only been given to District Swat but all geographic regions have been benefited.

As far scheme No. 671/180509 "Rehabilitation/ Improvement of Under Developed Areas of Swabi" mentioned in Serial No.13 of the table is concerned, it is submitted for the kind notice of the Honorable court that Swabi District is contributing considerable resources to the Government Exchequer in the form of Excise, GST from tobacco growers as well as Net Hydal Profits. Therefore, on the demand of the Local Areas cultivating Tobacco, one time provision is made to improve local irrigation channels, farms to market roads for the purpose to get maximum benefit by these poor farmers. The Provincial Government is also providing substantial resources to Gas Producing and Hydel Power Generating Districts to improve the standard of living of people of these areas.

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Regarding scheme No. 698/180 "Special Development Package for Militancy Hit/ Backward Areas of Swat" mentioned in Serial No.14 of the table; as far as Swat is concerned, District Swat was the center of Militancy. The militants not only hit the public institutions but also private properties were brought to shambles. According to the "Post Crisis Need Assessment" (PCNA) conducted by World Bank. Although under the PCNA certain amount was provided by the Donors. However, the Donors suggested the Provincial Government should also reduce the miseries of the locals. For that purpose the previous Provincial Government initiated such like projects and the mentioned project now is the continuation of the previous schemes. As for other Militancy Hit Areas are concerned, the Provincial Government has recently completed the scheme No.682/140815 "Development activities in militancy hit areas of Koh-e-Daman, District Peshawar" under which Mattani, Badber, and adjacent areas of the Kohat Road were covered. Regarding other areas like D.I Khan the Federal Government has already initiated projects of Rupees multi Billions in the name of Southern Area Development Project.

As the nomenclature shows that the allocated amount be used for Flood Protection, Improvement of Irrigation Channels, and Rehabilitation of Local Roads in the Southern Districts. According to Irrigation Deptt the main distribution system of KurramTangi Dam lies in D.I Khan Bannu and Lakki Marwat.

Incorrect. The umbrella schemes mentioned in the petitions do not have any Provincial Assembly Constituency-wise break up. Therefore, the question of deprivation of constituencies does not arise. Funds for the approved projects/ schemes are released as per allocation provided in the

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approved ADP and the approved 'Release Policy' of the Finance Department. Furthermore, the allocation of funds are proposed by the Departments concerned at the time of formulation of ADP and accordingly released by the Finance Department as per approved Release Policy (Annex- F).

9. **Incorrect:** This is again a malifide attempt of the petitioner by leveling maligning allegation against the government for halting the process of needed development in the province. This is evident from the fact that, JICA Phase-II is in the initial stage of negotiation which is yet to be cleared by the cabinet for its further processing /implementation and is placed on the agenda of ensuing cabinet meeting proposed to be held on 16/07/2019. C&W department handed over a list of 2200-km roads and 40 No bridges in the province on needs basis to JICA authorities'. JICA authorities hired a consultant and prepared a selection criteria on the basis of which the roads will be pre-qualified and its feasibility study will be carried out. The consultant pre-qualified a total length of 600-kms road and 09 bridges in 18 districts of Khyber Pakhtunkhwa based on the criteria developed by JICA (excluding Southern districts except Kohat). Reasons for exclusion of Southern Districts was based on the understanding between JICA and ADB in which it was agreed that ADB funds will be utilized for rehabilitation of Southern Districts.

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10. The inter-sectoral re-appropriation is the mandate of the P&D Department whereas the intra-sectoral re-appropriation is the competency of the respective administrative secretary under the Delegation of Powers and Powers of Re-appropriation Rules, 2018 and as per Rules of Business

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1985. Inter-sectoral re-appropriation is made only when any department offered surrender of funds. P & D department re-appropriate that funds to the fast moving schemes which can be completed in that particular financial year. Re-appropriation of funds is done when one or more of the following reasons exist:

- a. The preparation and approval of the scheme or execution is delayed leading to saving / non-utilization of allocated amount.
- b. The pace of expenditure is very low and there is likelihood of lapse of funds at the end of occurrence of saving leading to lapse of funds in a particular scheme
- c. The capacity of the executing department is weaker and the allocated funds are required to be expended.

On the other hand, excess funds are provided to the schemes where additional allocation results in the early completion leading to early benefits for the beneficiaries, season/time bound activities. Moreover, funds are re-appropriated to avoid lapse of funds from slow moving projects.

10 (a): Incorrect. The CM Directive dated 7/3/2019 referred to in the petition does not exist which tantamount to concealment of facts.

The amount of Rs. 1.415 million indicated in the petition is incorrect. The Department has so far re-appropriated collectively an amount of Rs. 6,034.93 million during the Financial year 2018-19. All these funds were surrendered by different departments and the apprehension was there that if these funds were not re-appropriated in time the same would be lapsed.

10 (b): Incorrect. This honorable court is requested note this glaring

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example of ignorance on part of the petitioners. The CMDs are received and implemented in accordance with the prevailing rules and policies. As far as the CMD regarding the funds of scheme No. 696/170340 (Special Development Package for District Torghar) is concerned, the CM Directive has not been implemented and funds have been smoothly released to district Torghar to the tune of Rs. 260 million in accordance with the ADP allocation (Funds Release orders are at (Annex-F). This may serve as a clear example that the Departments implement only those CMDs which comply with prevailing rules and regulations.

The News items mentioned in the petition in this respect are false.

11. **Incorrect.** The Finance Department has released funds in accordance with the ADP allocations and approved Release Policy without any discrimination and irrespective of political affiliation of the MPAs. In case of sub-schemes under umbrella schemes, the funds are released as per umbrella allocation in the ADP. Further, distribution of funds amongst the contractors of sub-schemes is the mandate of executing agencies of the concerned Departments in the field. The executing agencies determine the priority of release of funds to the sub-schemes according to the works done on ground.

As far as accumulation of accrued liabilities of contractors is concerned, it has been noted that contractors are often in the habit of executing works more than the allocated funds. This practice results in to the accumulation of accrued liabilities. For instance the province wise accrued contractors liabilities for 2018-19 reported by C&W and Irrigation Departments was more than Rs. 10 billion and Rs. 6.5 billion respectively. However, due to the fact that matching surrender were not offered by other departments

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therefore the contractors additional liabilities could not be fully cleared. The schemes reflected in the ADP are not based on the constituencies; therefore, the question of discrimination in the clearance of liabilities of contractors of certain constituencies on the basis of political affiliation does not arise.

12. **Incorrect.** Dropping of schemes are undertaken on the recommendations of the concerned Departments due to a number reasons which mainly include:-

- a. Non-feasibility of scheme.
- b. Delay in identification of sites.
- c. Site disputes.
- d. Non-availability of land.
- e. Litigation.
- f. Un-avoidably capping/ closure of schemes on reduced cost/work done basis.

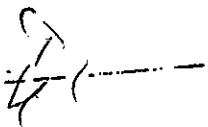
Incorrect: A project for "Establishment of Government College of Management Sciences (Boys) at Dir Upper" was included in the ADP 2015-16. The project remained reflected in the ADP 2016-17 and 2017-18. However, PC-I of the project could not be processed for three years, therefore, the project was omitted from the ADP 2018-19 with understanding that on selection of a feasible site, further processing would be made. As and when the Higher Education is able to remove the obstacles, the scheme can be considered for inclusion in the ADP afresh.

12 (b): **Incorrect:** Project titled "150755-Up-gradation of BHU Janbhatti to RHC, District Dir Upper" was included in the ADP 2015-16 which was

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remained a part of the ADP 2016-17 & 2017-18. The PC-I/DCEs of the project could not be processed for three years, therefore, the project was dropped from the ADP 2018-19. The main constraint faced by the Health Department was non-availability of the additional land essentially required for up-gradation.

No scheme has been illegally dropped from ADP.

- 13. Incorrect: No development fund was allocated by the P&D Department from the Provincial Annual Development Program for such activities. The procurement of the items were made by district government from its own resources. However it may kindly be brought in the notice of the honorable court that MNAs and MPAs are equally public representatives and does not make any difference as to who distribute such items in the public.
- 14. No Comments. Pertains to the Provincial Assembly Business
- 15. Incorrect: The petitioners have no right to invoke the jurisdiction of the Honorable Court as no fundamental rights of the petitioners has been infringed upon by the respondents.

GROUND

- A. No comments.
- B. No comments. Pertains to record
- C. **Incorrect.** No malicious, reprehensible conduct is there on part of the respondents. The ADP is prepared by the concerned Departments keeping in view the social and economic well-being of the people of the province. The very premise of the petition is wrong, misleading, based on lack of knowledge and based on the intent to stop the development process in the

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province. There is no such decision of the superior courts which directs for equal distribution of development funds amongst elected representatives. The petitioners are against the very spirit of the long term development planning as the ADP is part of a long term development vision/ strategy of the sitting government. If the stance of the petitioners for constituency-wise equal distribution of ADP is accepted, then it will open a Pandora box where there will be a demand for equal distribution of such funds amongst the level of districts, Tehsils, union councils, villages, families and individuals.

- D. **In-correct.** The very foundation of the petition is wrong, misleading, based on lack of knowledge and bad intent to stop the development process in the province. There is no such decision of the superior courts which directs for equal distribution of development funds amongst elected representatives. The petitioners are against the very spirit of the long term development planning as the ADP is part of a long term development vision/ strategy of the sitting government. If the stance of the petitioners for constituency-wise equal distribution of ADP is accepted, then it will open a Pandora box where there will be a demand for equal distribution of such funds amongst the level of districts, Tehsils, union councils, villages, families and individuals.

The Process of formulation Annual Development Plan is a long and robust process. It includes:-

- i. **Issuance of budget call circular in October- November.**
- ii. **Indication of Development Budget for the upcoming year by Finance Department.**

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- iii. Issuance of guidelines for predation of ADP in December every year.
- iv. Review of the progress of ongoing development schemes with a view to assess the possibility of completion of such schemes or to be carried forward to the next year.
- v. Identification of schemes by the administrative departments in line with their sectoral policies/Plan based on the provincial Government long-term/ medium term development vision and strategies. Such vision/ strategies are documented in the shape of Integrated Development Strategy (IDS), Economic Growth Strategy (EGS), Post-Crises Need Assessment (PCNA), Strategic Development Partnership framework (SDPF), Provincial framework on Sustainable Development Goals (SDGs) and the recent one Sustainable Development Strategy (SDS).
- vi. Keeping in view the available resources, the Annual Development Program (ADP) is prepared by the concerned Administrative Departments as per their sectoral policy/priorities enshrined in the IDS, EGS, PCNA, SDPF and SDGs targets.
- vii. Once the draft proposal is received, P&D Department holds consultative meetings with the concerned line departments for finalization of ADP at various levels with the aim to ensure adherence to principles of fair and equitable distribution of resources and alignment with the above mention strategies.
- viii. Once the Draft ADP is finalized after extensive consultations spread over a period of almost 3 months, it is recommended by the

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Provincial Cabinet to the Provincial Assembly for approval after due discussion process in the August house.

The logic behind the above process lies in following:-

- a) The concerned administrative departments intimate drafting ADP as they are required to proposed projects and allocations in accordance above mentioned strategies with regard to their respective sectors, and they are responsible for meeting the sectoral targets.
- b) The department are in a better position to assess the need of different districts/regions for a particular intervention. For example gravity biased water supply schemes are not feasible in district southern districts but are most suitable in hilly districts of Northern Region where sources of water are available.
- c) A number of provincial initiatives are included which benefits the entire province. For example, 'Sehat Insaf card', Consolidation process in Elementary & Secondary Education across the province and provision of missing facilities in government schools.
- d) The Provincial Assembly is a constitutional body empowered to consider, discuss and approve ADP. Any dissenting reservation is supposed to be expressed in the Assembly for its consideration in accordance with the provision of constitution.

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Formal Guidelines for Preparation of ADP are issued every year well before the commencement of a particular financial year. The provincial

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government has devolved 30% of the total development budget to the districts on the basis of Provincial Finance Commission (PFC) award. The PFC award takes into consideration the factors of Poverty, Backwardness, population and lag in infrastructure while determining the share of particular districts. The Provincial ADP 2018-19 was not based on district-wise or Provincial Assembly Constituency-wise distribution. Therefore, the question of inequitable district-wise distribution of ADP funds or deprivation of a particular constituency does not arise. Moreover, the ADP formulation guidelines mentions following the sectoral policies/ plans and the sustainable development strategy (SDS) of the provincial government to be followed. This means that the provincial ADP is not prepared on the basis of districts rather it is based on sectoral distribution.

- E. **Incorrect.** The approval of the Annual Budget statement and the ADP by the Provincial Assembly is the Provincial Assembly Business and its prerogative. The list of Umbrella Schemes mentioned by the petitioners are proposed by the concerned Administrative Departments and the manner of selection of sites and sub-schemes under such projects are spelled out in the Umbrella PC-I. These umbrella schemes are included by the concerned Departments in the ADP due to the reason that exact site/locations cannot be identified at the time of finalization of ADP 2018-19. Another important compulsion is the phenomenal difference between the high demands and scarce available resources which can accommodate a very limited number of sub-schemes. Further, to clarify that the nature of schemes and their cost are almost the same. So instead of inclusion of hundred schemes in the ADP with different names, only one umbrella scheme like "Construction of 100 Schools in Khyber Pakhtunkhwa" is included.

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The departments always accommodate the most feasible sites amongst a number of demands. In case the Honorable Chief Minister issue directive, the department scrutinize it in light of feasibility criteria. If the proposed project under the CMD is not feasible, the concerned department regrets the directive and inform the honorable Chief Minister accordingly.

It is submitted that the inclusion of umbrella schemes is an avoidable phenomenon. These are included in the ADP due to the reason that demands for such facilities are always higher than the available resources. Therefore, departments always accommodate the most feasible sites amongst a number of demands. Inclusion of umbrella schemes in the Annual Development Program is not a new phenomenon. It had been included in the ADPs since long. List of the umbrella schemes with their cost in the three previous political regimes (MMA, ANP and PTI) is as under:

Period	No. of Umbrella Schemes	Total Cost (Rs in Million)
MMA (2003-08)	188	21,980
ANP (2008-13)	285	86,021
PTI (2013-18)	209	190,576

Regarding the issuance of CM Directives, it is submitted that CM directives are issue for implementation in accordance with the prevailing rules/policy. The department scrutinizes such CM Directives in the light of feasibility criteria, and if the directive is not found feasible, the concerned department regrets it and informs the honorable Chief Minister accordingly.

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F. **Incorrect.** The petitioners have falsely attempted to misguide the Honorable court as no direction of the superior court exists warranting equal distribution of development funds amongst the elected representatives. This is very clear as submitted earlier that ADP is based on certain long term development vision of the government having sectoral policies and plans whereas the petitioners seems either completely ignorant of this fact or diverting unjustifiably the attention of this august Court. Therefore with the vacation of this baseless petition the honorable court will enable the general public to reap the benefits of development investment which is the basic right of the people of this province.

As far as the release of funds is concerned the finance department releases funds in quarterly manner on the basis of approved Release Policy without any discrimination.

G. **Incorrect.** The inter-sectoral re-appropriation is the mandate of the P&D Department. Such re-appropriation is made only from schemes where one or more of the following reasons exist:

- i. The preparation and approval of the scheme or execution is delayed leading to saving / non-utilization of allocated amount.
- ii. The pace of expenditure is very low and there is likelihood of lapse of funds at the end of occurrence of saving leading to lapse of funds in a particular scheme

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The capacity of the executing department is weaker and the allocated funds are required to be expended.

On the other hand, excess funds are provided to the schemes where

additional allocation results in the early completion leading to early benefits for the beneficiaries, season bound activities and where probability of early completion of the projects is more. Moreover, funds are re-appropriated to avoid lapse of funds from slow moving projects.

H. **Incorrect.** No particular example has been quoted in the petition. However, it is submitted that funds are released on the basis of ADP allocation and Release Policy.

It is further added that the funds are released without any discrimination as per ADP allocation. The allocation for each scheme are approved by the provincial assembly which has the constitutional authority and mandate for approval of the ADP.

I. **Incorrect.** It may be noted that ADP 2018-19 has been formulated with the principles of provision of 90% funds to the ongoing schemes and only 10% to the new initiatives to complete all the ongoing schemes as per PC-1 financial phasing. Funds are released on the basis of ADP allocation and Release Policy.

As far as accumulation of accrued liabilities of contractors is concerned, it has been noted that contractors are often in the habit of executing works more than the allocation mentioned to them by the executing agencies which result in to the accumulation of accrued liabilities. As an example, the accrued liabilities of contracts have exceeded Rs. 10 billion and Rs. 6.5 billion respectively in case of Road and Water Sectors. In such circumstances, it becomes impossible to clear the accrued liabilities in the meager financial resources. Therefore, against the huge demands of the nation building departments, an amount of Rs. 6,034.93 Million was provided through re-appropriation.

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J. **Incorrect.** The petitioners have not mention any specific schemes which has been dropped during the currency of ADP 2018-19.

The departments drop the schemes from ADP without any mala fide intention but only in case when one or more of the reasons mentioned below:

- a. Non-feasibility of scheme.
- b. Delay in identification of sites.
- c. Site disputes.
- d. Non-availability of land.
- e. Litigation.

K. **Incorrect.** The petitioners have come with their mala fide intention without any knowledge to the court and have based their petition on hear and say without any plausible arguable stance and thus attempting to malign the government. It is submitted that negotiations are still on with JICA the project in question. It is further submitted that JICA in principle agreed to include all the districts (except southern areas excluding Kohat district due to security reasons). JICA has also hired NESPAK as consultant for feasibility and specifications as per requirements and conditionality of JICA from their own resources. Once list of feasible roads are identified the same would be shared by the consultants with JICA and Govt. of KP.

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In case additional amount over and above of the approved cost of the project is required, the executing agency approach to Administrative department and in case of saving after completion of the project the same is surrendered by the executing agency to the sponsor department. The sponsor department further allocates the surrendered amount/saving to other projects.

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- M. Incorrect. The petition in hand is not maintainable as it is not based on facts, is time-barred and balance of convenience is not in favor of the public at large. Moreover, the instant petition is an attempt to halt implementation of the development works in the province and its acceptance will deprive the general public of the benefits of the development schemes reflected in the ADP.
- N. Incorrect.
- O. No comments

PRAYER

- I. The approval of the Annual Budget statement and the Annual Development Program is the Business/mandate of Provincial Assembly. The record of objections and protests may be obtained from the Provincial Assembly. The list of Umbrella Schemes mentioned by the petitioners are proposed by the concerned Administrative Departments and the criteria of selection of sites and sub-schemes under such umbrella schemes are reflected in the Umbrella PC-Is of such umbrella schemes at the time of approval of PC-Is. These umbrella schemes were included in the ADP due to the reason that exact site/ locations could not be identified at the time of finalization of ADP 2018-19. In case, such sites were identifiable in advance the same were included in the ADP 2018-19. For example, the lists of sub-schemes covered by the umbrella schemes No. 662, 663 and 664 have been duly annexed as **Annex-B, C and D** with the **ADP 2018-19**.
- II. **Incorrect.** The concerned departments reflect the umbrella schemes in light of the demand received to them from the elected

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representatives, community elders, departments own initiatives in light of their expansion programs on need basis etc. On approval of the ADP and subsequently availability of sites / land (wherever required), feasibility and fulfillment of codal formalities, the scheme is placed before the approval fora for consideration. Hence no discretion is involved.

Requirements/ needs of different districts and constituencies are different from each other. For example gravity based water supply schemes are not required in Southern Districts and a need in hilly districts.

Furthermore, since there is no law which provides that the umbrella schemes are to be distributed amongst the provincial assembly constituencies, therefore, the prayer is not acceptable.

III. **Incorrect.** The CM Directives which fulfill the requirement so rules and policy are to be implemented being the directives of the Chief Executive of the Province. In case of multiple demands against meager resources availability, the government has to decide in the public interest.

Funds always been released to the ongoing and new schemes of ADP as per 'release policy' circulated on yearly basis by the Finance Department with the approval of the competent authority.

IV. **Incorrect.** The petitioners are negating their own stance as the ADP is formulated on sectoral priorities based on 5 years Plans and Strategies and not equally distributed amongst all the districts/constituencies. Moreover, Development partners / donors release fund to the approved projects/areas only for which codal formalities are

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completed and loan/ grant conditions are met by the quarter concerned after a lengthy deliberations at various levels i.e. Provincial & Federal.

- V. Not correct. Those schemes from which the allocations have been diverted do get the required funds/allocations in following financial year according to their allocations. Re-appropriation of funds is a routine matter which mainly takes place in 3rd / 4th quarter of the Financial Year.

Funds legally re-appropriated in an authorized manner have been utilized in 2018-19 and requisite allocations have been made in the FY 2019-20 to the schemes from which funds have been diverted.

- VI. The release of funds have a prescribed manner in the shape of release policy for each financial year on which releases are made to each and every scheme reflected in ADP.

- VII. The departments drop the schemes from ADP without any malafide but only in case when one or more of the reasons mentioned below:

- a. Non-feasibility of scheme.
- b. Delay in identification of sites.
- c. Site disputes.
- d. Non-availability of land.
- e. Litigation.

- VIII. Foreign funded projects always been initiated in the areas for which the donor/development partners showing willingness and make

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commitment in light of their own approval processes and priorities. Hence there is no mechanism / formula exists for distribution of funds amongst the members / constituencies.

IX. Incorrect. The Line Departments are making allocations / approving funds for the schemes on the basis of feasibility and subsequently submission of detailed cost estimates (PC-Is) for the particular schemes. Saving in light of the low bid cost, reduced scope of work as per site requirements would not be considered a thumb rule to be allocated to the same scheme for new/enhanced scope of work in that locality. The concerned department re-direct such savings if any, in accordance with the sectoral strategic requirements.

X. The proposed principles are followed while distributing 30% of developmental funds to Local Governments. For the remaining 70% of development funds sector-wise distribution are provided in the guidelines for formulation of ADP every year. The Provincial Government is providing funds through PFC formula containing parameters i.e. population, backwardness and lag in infrastructure to the districts for the devolved tiers of local governments also take initiatives from the provincial ADP in terms of special/area development packages e.g. "Special Development Package District Torghar" costing Rs. 6.379 billion.

XI. Provision of the Constitution and dicta of the superior courts are followed in letter and spirit. The Provincial Government is always keen to bring the least developed areas at par with the developed one through investment under development portfolio on yearly basis.

Moreover, the sectoral strategic priorities are aimed at reducing

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CHIEF MINISTER'S SECRETARIAT, KHYBER PAKHTUNKHWA

No.SO.III/CMS/ST-2-8/2018 631 -
37

Dated Peshawar, the 15th January, 2019

To

The Chief Secretary,
Khyber Pakhtunkhwa.

Subject: CHIEF MINISTER'S DIRECTIVE.

Dear Sir,

I am directed to refer to the subject noted above and to state that the Hon'ble Chief Minister, Khyber Pakhtunkhwa, has been pleased to issue the following directives in respect of District Swat:-

Establishment of Degree College at Arkot/Vanai in District Swat out of ADP (2018-19) Scheme No. 475/180621 "Establishment of 10 Government Colleges (Boys & Girls) in Khyber Pakhtunkhwa (Phase-II)".

- Action by:-
- i. A.C.S, P&D
 - ii. Secy: FD
 - iii. Secy: Higher Education
 - iv. Secy: C&W

It is requested that the above directive of the Chief Minister, Khyber Pakhtunkhwa may kindly be circulated amongst all concerned for implementation and submission of compliance report.

Yours faithfully,

(EHSAN ULLAH)
Section Officer-III

Endst No. & date even.

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CHIEF MINISTER'S SECRETARIAT, KHYBER PAKHTUNKHWA

No.SO.III/CMS/6-1/2018/General 22802-03

Dated Peshawar, the 14th December, 2018

To

1. The Secretary to, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. The Secretary to, Govt. of Khyber Pakhtunkhwa, Local Government Department.

Subject: CHIEF MINISTER'S DIRECTIVE.

Dear Sir,

I am directed to refer to the subject noted above and to state that Hon'able Chief Minister, Khyber Pakhtunkhwa, has desired that the work on ADP Scheme No. 696/170340 (2018-19) "Special Development Package District Torghar" may be stopped till further order of HCM and the allocation of Rs. 260.00 million may be re-appropriated to other schemes given by this Secretariat.

2. It is therefore requested that necessary action may be taken accordingly under intimation to this Secretariat, please.

Yours faithfully,

Ehsan Ullah
(EHSAN ULLAH)
Section Officer-III

Endst No. & date even.

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. The Special Secretary to Chief Minister, Khyber Pakhtunkhwa.

Section Officer-III

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No. SO.III/CMS/PR-20-G/2018/212

Dated Peshawar, the 14th November, 2018

To

The Tehsil Municipal Officer,
Town-I, Peshawar.

Handwritten initials and date: 10/11/18

Subject: DISTRIBUTION OF ITEMS.

I am directed to refer to the subject noted above and to inform you that items including Wheel Chairs, Water Coolers and Sewing Machines etc. procured earlier from the development fund earmarked to the concerned MPA may please be distributed amongst the deserving people of the Community as per prescribed criteria through the elected MNA of the area.

Yours faithfully,

Handwritten signature of Section Officer-III

Section Officer-III

Encl: No. & date even

- 1. The Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
- 2. The Special Secretary to Chief Minister Khyber Pakhtunkhwa.

Section Officer-III

ATTESTED

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MOST IMPORTANT/TOP PRIORITY

**GUIDELINES FOR
ANNUAL DEVELOPMENT PROGRAM (2018-19)**



(December, 2017)

**PLANNING AND DEVELOPMENT DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHAWA**

5/1/18

Assistant Chief Coordination
Planning & Development Department
K.P.K.

GUIDELINES FOR ANNUAL DEVELOPMENT PROGRAM (2018-19)

1. General:

- 1.1 Annual Development Program represents a key policy instrument for actualizing development vision of provincial government through strategic resource investment. By virtue of its size and sectoral spread, ADP interventions should also be seen as principal drivers of economic growth and equitable development in the province. For these reasons, ADP formulation process needs to be accorded utmost priority and meticulous handling by provincial line departments.
- 1.2 P&D department, Khyber Pakhtunkhwa intends to ensure that formulation process of **ADP 2018-19** is fully geared towards and informed by principles of value for money through precious public sector investments. It is therefore expected that provincial government departments will view this process as a means to support actualization of sectoral policy goals and assign it utmost priority.

2. Overarching Development Policy Framework:

- 2.1 It is critical to remember that provincial government is embarking upon formulation process for **ADP 2018-19** within a specific and well-defined development policy milieu. Development vision of **provincial government** has already been articulated through **Strategic Development Partnership Framework (SDPF)** and **Integrated Development Strategy (IDS) 2014-18**. These policy instruments would need to be fully considered by provincial government departments for defining direction and determining the contours of their ADP interventions.
- 2.2 **Proposed ADP schemes should be in compliance with targets set under Sustainable Development Goals (SDGs).**
- 2.3 ADP formulation process by individual departments is also required to be fully cognizant of OBB (Output based Budget) stipulations which are extremely useful in terms of defining results from budgetary investments. It is critical to ensure alignment of outcomes and outputs proposed to be generated through public sector resource utilization across development, non-development and current side
- 2.4 Considering above points, it is expected that departments will make every effort to ensure that **ADP 2018-19** is not a compendium of PC-Is but is actually reflective of priorities set out in SDPF/IDS besides contributing to outcome areas of OBB
- 2.5 All the departments shall prioritize the projects which could be completed by March 2018. The projects included in the ADP 2018-19 need to be more strategic, sustainable and reflecting public prioritized needs.
- 2.6 Last but not the least, sectoral interventions in **ADP 2018-19** should be contributing to Government's mission of achieving 7.5% GDP¹ growth rate, complimenting private sector-led economic development, boosting competitive and entrepreneurial spirit and **facilitating timely pursuit of SDG targets in Khyber Pakhtunkhwa**

¹ Economic Growth Framework Strategy (2015-18)

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3. ADP Formulation Parameters:

- 3.1 Formulation of ADP 2018-19 will continue to follow the medium term perspective, adopted for ADP 2017-18. Such a perspective is central to helping provincial government in realizing its objectives of fiscal discipline, allocative as well as operational efficiencies.
- 3.2 Following Medium-Term Development Framework, ADP 2018-19 will comprise of development schemes for 2017-18 and projections for next two financial years, viz, 2019-20 and 2020-2021 on the prescribed format
- 3.3 Each department/sector is required to submit proposed ADP including mission statement with vision and goals to be achieved in the next 2-3 years. Needless to say, these statements will be contextualized within laid down policy framework of SDPF and IDS. Sector briefs will also contain reference to OBB parameters, clearly identifying strategic objectives and targets, proposed to be achieved through ADP 2018-19 for each department/sector
- 3.4 Proposed interventions under ADP 2018-19 must be arranged by assigning clear and logical prioritization, facilitating readjustments and course correction during the year, in accordance with resource situation. Proposed interventions, establishing robust linkages with SDPF objectives and IDS priorities shall be given preference.
- 3.5 The exact size of the program cannot be indicated at this stage. However, the overall size of your budgeted program should not be more than 10% above the allocations for the current year.
- 3.6 The foreign aid component for the medium term i.e. 2018-21 shall be determined/ finalized by respective sectors/departments in consultation with the Foreign Aid Section, P&D Department
- 3.7 Departmental ADP proposals should be worked out on net basis and information be supplied on the proforma at Annex-I. All figures in relevant columns of the proforma are to be indicated in million rupees
- 3.8 Details of ADP will be provided as per prescribed Proformas. The priority for allocation of funds should be as follows:
 - a. Counterpart funds for foreign aided projects as per commitment should be given highest priority.
 - b. Maximum allocation should be provided to on-going projects that are at fairly advanced stage of implementation.
 - c. Full funding should be allocated to projects that are due for completion in 2018-19.
 - d. Projects dealing with emergencies, such as flood relief, rehabilitation etc. may be prioritized.
 - e. Departments dealing with social sector may focus on consolidation and improving service delivery activities instead of expansion
 - f. New projects.

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Assistant Chief Coordination
Planning & Development Department
K.P.K.

Allocations to the individual projects should be decided on the basis of past performance and the phasing set out in the PC-I/PC-II

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- 3.10 Counterpart funding for the foreign aided projects and projects co-financed with Federal Government be phased as per PC-I
- 3.11 For the new projects, the departments shall prepare a detailed concept paper highlighting different aspects of the project. For this purpose the details should be put in the proforma at Annex-II. This will enable the Planning & Development Department to capture necessary inputs on new initiatives. Please note that **no proposal of new project would be accepted for which the proforma is not properly filled.**
- 3.12 **The Cost Estimation of the new schemes proposed for inclusion in the ADP 2018-19 should be based on rational calculation, cost escalation and marketing analysis, because any scheme whose cost would exceed by 15% of the ADP cost would require approval of the competent authority**
- 3.13 **Project life should be kept at minimum possible and in no case should exceed 2-3 years. Projection for 2019-20 and 2020-2021 may be worked out with due care on the proforma at Annex-II.**
- 3.14 **The Sectoral allocation for ADP 2018-19 shall be in accordance with the ADP 2017-18 as per following distribution formula:-**
- i. **70% ongoing projects**
 - ii. **30% for reforms initiatives and new program.**
- Efforts should be made to focus the new portfolio on SDPF/IDS-related reforms initiatives**
- 3.15 Education & Health Departments shall make every effort to ensure consolidation and improvement in services delivery projects for enhancing efficiency and effectiveness
- 3.16 **Unapproved on-going projects reflected in the current year (ADP 2017-18) may be considered for deletion if they are no longer priority of the sector. All un-approved projects by 30th of June 2018 would automatically become new projects in the next ADP (2018-19)**
- 3.17 Special attention may be given to new initiatives /programmes of the Government with emphasis on pro-poor growth, poverty alleviation, SDGs attainment and creation of productive assets.
- 3.18 **To move from traditional to modern and futuristic tools for development, the departments shall come up with special projects as below:**
- i. **Innovative and out of the box ideas, especially the use of ICT and modern technological tools.**
 - ii. **The projects having a revenue generating potential.**
- 3.19 The concerned line Departments (Health, Education, Agriculture, Food, Social Welfare, Local Government, Public Health Engineering and Industries) may look into the possibility for inclusion of nutrition sensitive and specific projects while formulating Annual Development Program 2018-19. The proposed projects shall in line with Khyber Pakhtunkhwa Multi Sectoral Integrated Nutrition Strategy, keeping in view sectoral allocation for 2018-19.

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4. District /Tehsil ADP

- 4.1 Decentralization represents one of the key policy priorities for the provincial government in KP. Divisional and District Administrations as

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well as District/Tehsil Nazims are therefore required to ensure necessary facilitation and coordination for finalization of development proposals, planned to be implemented through District/Tehsil ADP on the principles of decentralized planning. Objective of this strategy is to gear up district and tehsil departments for future implementation of local governance framework in the province.

- 4.2 Both in design of District ADP as well as for proposed interventions in sectoral ADP having a localized character, Divisional and District Administrations as well as District/Tehsil Nazims are expected to ensure adherence to processes of needs analysis, evidence-based planning and stakeholder consultation.
- 4.3 The District and Tehsil Nazims as well as the DC/TMO shall ensure that all the steps given in the "Planning And Development Guidelines (2015) for devolved tiers of local governments under LGA 2013" approved by the Provincial Government and issued to all the District Governments be complied with. This shall include a proper needs assessment exercise, updation and finalization of District Annual Development Programmes and District Development Plans to be carried out by the district offices and coordinated by district officer finance and planning. Communities and other stakeholders shall be involved in the needs assessment exercise through consultative workshop and seminars at the district and tehsil level with effective participation of the village and Neighborhood Councils representatives, CSOs, professional and business associations etc. of the district/tehsil concerned.
- 4.4 All the district governments shall develop their District Development Plans (DDPS) by June 2018 in consultation with the relevant stakeholders. For this purpose detailed guidelines-District Development Plan Guidelines have been prepared and are Annexed-III. These guidelines shall be implemented in true letter & Spirit.
- 4.5 Alongside other needs-based sectoral priorities, proposed interventions under District and Tehsil ADPs should prioritize community-led development, provision of improved municipal and social services at local level as well as pro-poor and gender mainstreaming interventions. From among these parameters, those development schemes should be preferred having wider beneficiaries base and low cost of investment per benefitting household with ensured O&M arrangements.
- 4.6 In preview of the P&D guidelines, no umbrella scheme i.e. schemes without mentioning the location/cost etc. should be included in district/tehsil ADP at any stage.
- 4.7 For authentic identification of any scheme their GPS coordinates are to be recorded in its proposal/PC-I form of the district/tehsil council.

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All the above-mentioned ADP guidelines shall be read with the Budget Call Circular (2018-19) already issued by Finance Department vide its **letter No. BO.I/FD/5-20-2018-2019/BCC, Dated:30/11/2017** to ensure greater integration of recurrent and development budget for a more focused approach towards service delivery. The Budget Call Circular contains sufficient provisions to complement the "Output Based Budgeting/Budgeting for Service Delivery" by clearly spelling the vision, goal, outcomes and outputs of each department with SMART output level indicators. Thus, all the developmental schemes identified for inclusion in

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Assistant Chief Coordinator
Planning & Development Department
RPR

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the ADP as per the prescribed format circulated herewith need to be duly mapped/incorporated in the forms and formats already circulated by Finance Department via Budget Call Circular (2018-19)

- 6 All provincial government departments are requested to indicate their proposed programs under ADP 2018-19 after thorough deliberations and get these countersigned by the Administrative Secretary accompanying one page brief indicating vision of the sector, objectives and glimpses of the strategic intervention. The proposals must also be shared with respective Ministers.

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TIME SCHEDULE FOR PREPARATION OF ANNUAL DEVELOPMENT PROGRAMME 2018-19

DATE	ACTION
January 2018	Circulation of guideline for the preparation of the Draft ADP 2017-18 to all departments
30 th March 2018 (Friday)	Submission of draft ADP 2018-19, proposals by the concerned departments to the P&D Department.
10 th April 2018 (Tuesday)	All Chief of Sections will have to submit the draft ADP 2018-19 to Computer Section for processing after scrutiny & examination of the proposal received from counterpart line department(s).
16 th April 2018 (Monday)	The Computer Section will furnish the consolidated report of Draft ADP 2018-19 to the Chief Economist, P&D Department.
20 th April 2018 to 9 th May 2018	Meetings with the departments to discuss & finalize the Draft ADP 2018-19.
16 th to 18 th May 2018	1 st round of consultation with line department by Chief Economist.
23 rd May 2018 (Tuesday)	2 nd round of consultation with line department by Additional Chief Secretary.
4 th to 8 th June 2018	Presentation of Draft ADP 2018-19 to Chief Minister for Finalization.
12 th June 2018 (Tuesday)	Final Draft 2018-19 will be sent to the printing press for printing with copy to Finance Department for budgeting.
3 rd July 2018 (Tuesday)	Circulation of ADP 2018-19 to all concerned departments.

Assistant Chief Coordination
Planning & Development Department
K.P.K.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Annex - 1

Finance Department Civil Secretariat Peshawar <http://www.finance.gko.pk> facebook.com/GoKPFD twitter.com/GoKPFD

No.BO.I/FD/5-20/2018-19/Release Policy Chief Economist's Dated Peshawar the 29/10/2018
To Diary No. 724

Date 2-11-18

- All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa, Peshawar.
- All Deputy Commissioners in Khyber Pakhtunkhwa.

Subject: **RELEASE POLICY FOR FINANCIAL YEAR 2018-19**

Secretary (P&D)
Diary No: 3277

Date: 21-11-18

Dear Sir,

I am directed to refer to the subject noted above and to convey Release Policy for financial year 2018-19, Provincial and Local Governments, duly approved by the Provincial Cabinet in its special budget meeting held on 15/10/2018, as per details given below for information and necessary action, to be effective from 1st November, 2018:-

A) DEVELOPMENT EXPENDITURE:

TYPE OF SCHEMES	FUNDS RELEASE METHODOLOGY
1. Ongoing approved schemes	i) 50% of the allocated funds will be released to ongoing schemes of a sector progressively at the start of the financial year. ii) Out of released 50% funds; the Administrative Department will ensure adequate releases to the on-going schemes, due for completion and to the schemes pertaining to snow bound areas (either due for completion or not) through intra sectoral re-appropriations. iii) Subsequent releases to each sector will be made on provision of Utilization Certificate of at least 75% of already released funds or justification to be provided by Administrative Department for non-utilization / low utilization on case to case basis.
2. New approved schemes	25% of the allocated funds will be released to new schemes of each sector on production of Administrative Approval (AA). Remaining allocations for such schemes will be released as and when demanded by the Administrative Department on production of utilization report and on case to case basis.
3. Schemes with 'R' status in ADP 2018-19	Funds will be released to the schemes of 'R' status in ADP 2018-19 on the basis of notified Revised Administrative Approval.

Finance Department
Diary No: 323
Dated: 05/11/18

Assistant Chief Coordination
Planning & Development Department
K.P.K.

4. District wise complete breakup of the umbrella schemes shall be provided by the Department within one week after release of funds to enable Finance Department to punch it in SAP system.

5. No release shall be made in the name of individuals with respect to Umbrella schemes.

6. 75% release will be made for procurement of medicines under schemes of Health Department on the request of the Department. Subsequent 25% release will also be made as and when required by the Health Department.

7. Development funds to schemes having designated accounts will be released subject to production of utilization report and bank statement of their accounts.

8. Intra-Sectoral re-appropriation approved by Administrative Departments to development schemes shall be punched in SAP system by Administrative Departments themselves and not by the Finance Department.

9. No re-appropriation shall be made against those schemes wherefrom funds are re-appropriated to other schemes, during current financial year, unless otherwise justified by the P&D Department.

10. Proposed schemes against 21 billion from arrears of NHP will be subject to the receipts from Federal Government

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(B) CURRENT EXPENDITURE - PROVINCIAL

S#	OBJECTS	FUNDS TO BE RELEASED
1.	• Salary* (except Honoraria which shall be released on case to case basis)	100%
2.	• Electricity • Sui Gas Charges • Advertisement Charges (Current side only) • Financial Assistance to the families of Government servants who die while in service	100%
3.	Rest/Others	75%
4.	Purchase of Physical Assets	75%
5.	Maintenance & Repair **	75%
6.	Wheat Subsidy	Release on the request of Food Department
7.	Funds at the disposal of Finance Department	Release on case to case basis through re-appropriation as per Guidelines contained in Finance Department's circular letter No. BO.1/FD/5-17/2014 - 15 dated 12/06/2015
8.	S.N.E (Fresh)	Authentication of Audit Copy by the Finance Department

NOTE:

- Medical Charges*:-** The funds released under object A01274-Medical Charges shall be utilized by the concerned sanctioning authorities only upto the limit of medical re-imbusement claims i.e Rs.30,000/- where verification / authentication by Director General, Health Services, Khyber Pakhtunkhwa is not required under the prevailing rules/policy instructions. The incurrence of expenditure against the remaining claims shall be authorized by Finance Department on case to case basis as usual.
- Repair & Maintenance **:-** The funds allocated for civil works, maintenance and repair of Roads, Highways and Buildings, will be released on case to case basis on the approval of competent forum and issuance of Administrative Approval.
- Release of Withheld Budget:-** The withheld budget under Current Expenditure (Provincial) will be released in 3rd quarter of current financial year subject to availability of financial resources. The individual demands for release of balance funds shall be examined at the level of concerned Sections and decided by the competent authority based on justification(s) provided by the Administrative Department concerned."

(C) (DEVELOPMENT & CURRENT EXPENDITURE - LOCAL GOVERNMENTS

i. DEVELOPMENT EXPENDITURE (LOCAL GOVERNMENT)

Development share of District Development Funds shall be transferred to respective Local Governments on quarterly installment basis, which have not been provided development funds during financial year 2018-19. Such Districts, TMAs and VCs/NCs which have been provided development budget during last financial year (2017-18), shall be facilitated with funds subject to utilization of 60% development funds of last financial year.

ii. CURRENT EXPENDITURE (LOCAL GOVERNMENT)

SR.#	GRANT	FUNDS TO BE TRANSFERRED
1.	Salary	On monthly installment basis subject to adjustment of balance available from previous month.
2.	Non-salary	On quarterly installment basis subject to availability of financial resources.

Assistant Chief Coordination
Planning & Development Department
K.P.K.

(D). **GRANT TO LOCAL COUNCILS**

SR:#	GRANT	FUNDS TO BE TRANSFERRED
1.	TMA	On monthly installment basis subject to availability of financial resources.
2.	District Councils	20% share of the Grant on monthly installment basis of the total allocation which shall be released on need basis subject to availability of financial resources.
3.	Grant to VCs/NCs	80% share of the Grant on monthly installment basis subject to availability of financial resources.
4.	Cantt: Board	On monthly installment basis subject to availability of financial resources.

Yours faithfully,

(SAEED AHMAD KHAN)
BUDGET OFFICER-I
Email: saeed.ahmad@finance.gkp.pk

Endst: No. and date even:

Copy forwarded for information and necessary action to the:

- 1) Principal Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 2) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
- 3) Military Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5) All Divisional Controller of Accounts / District Accounts Officer, Khyber Pakhtunkhwa
- 6) Budget Officer II-XI, Fund/Loan, PFC, Finance Department.
- 7) Section Officer (Dev. I-IV), Finance Department.
- 8) Private Secretary to Minister for Finance, Khyber Pakhtunkhwa.
- 9) P.Ss to Finance Secretary/Special Secretary Finance.
- 10) P.As to Addl: Finance Secretaries (Budget/PFC & Development).
- 11) P.A to Director, FMIU, Finance Department.
- 12) P.As to Deputy Secretaries (Budget/PAC/Development), Finance Department

Assistant Chief Coordination
Planning & Development Department
K.P.K.

BUDGET OFFICER-I

