

FATA SECRETARIAT
ADMN & Coord Department
Warsak Road Peshawar

NOTIFICATION

Dated: 08-06-2010

No. FS/C-25/2711/FDA. In exercise of powers conferred by section 39 of the FATA Development Authority Regulation, 2006, the Governor Khyber Pakhtunkhwa, is pleased to make the following rules, namely: -

1. **Short title, commencement and application:** (1) These rules may be called the FATA Development Authority Employees (Conduct) Rules, 2009.
 - (2) These rules shall come into force at once.
 - (3) These rules shall apply to all employees of the Authority except a person who is serving on deputation basis.
2. **Definitions:** - In these rules, unless there is anything repugnant in the subject or context: -
 - (i) “Authority” means the Federally Administered Tribal Areas Development Authority, established under the Federally Administered Tribal Areas Development Authority Regulation, 2006.
 - (ii) “Basic Pay scales” means the basic pay scales sanctioned by the Govt. for its employees and adopted by the Authority.
 - (iii) “Board” means the Board of Directors of the Authority constituted under section 5 of the Regulation.
 - (iv) “Chief Executive” means the Chief Executive of the Authority appointed under sub-section (1) of section 5 of the Regulation.

- (v) “Employee” means an officer or a servant, to whom these rules apply.
- (vi) “Family” means wife, children or step children and parents, residing with and wholly dependent upon the employee but does not include a wife legally separated from the employee or a child or stepchild who is no longer in any way dependent upon him.

Explanation: Reference to a wife shall be construed as reference to a husband where the employee or the relative is a woman.

- (vii) “Government” means Government of Pakistan.

3. Employees to abide by the rules of the Authority: - (1) An employee shall abide by rules of the Authority and obey the orders issued by an appropriate authority including the authority under whose jurisdiction and supervision he is for time being placed.

4. No employee shall: -

- (a) accept or obtain or agree to accept or attempt to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward such as is mentioned in section 161 of the Pakistan Penal Code; or
- (b) do or forbear to do any official act or show or forbear to show, in the exercise of his official functions, favour or disfavor to any person or render or attempt to render any service or disservice to any person, in violation or contravention of any provision of any law for the time being in force, and/ or rules made thereunder, in a manner which may appear to facilitate acceptance or obtaining or agreeing to accept or attempting to obtain from any person for himself or for any other person any gratification, whatsoever, other than the legal remuneration, as a motive or reward; or

- (c) accept or obtain or agree to accept or attempt to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or likely to be, concerned in any proceedings or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any employee to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or
- (d) misappropriate, dishonestly or fraudulently, or otherwise convert for this own use or for the use of any other person any property entrusted to him or under his control as an employee or willfully allow any other person to do so; or
- (e) obtain, by corrupt, dishonest, improper or illegal means, or seek for himself or for any other person, any property, valuable thing, pecuniary advantage or undue favour; or
- (f) possess, directly or through his dependents or a representative, any movable or immovable property or pecuniary resources, disproportionate to his known sources of income, which he cannot reasonably account for.
- (g) attend such functions and gatherings in which Islamic moral injunctions are not regarded or which are in violation of such injunctions.

5. **Acceptance of gifts:** - (1) Save as otherwise provided in these Rules no employee shall, except with prior approval of the Chief Executive, accept or permit any member of his family to accept from any person any gift the receipt of which will place him under any form of official obligation to the donor. If, a

gift cannot be refused, the same may under intimation to the Board, be kept for official use in the headquarter or an office of Authority, as per approval of the Chief Executive.

(2) If any question arises whether receipt of a gift places an employee under any form of official obligation to the donor, the decision of the Chief Executive thereon shall be final.

(3) If any gift is offered by a representative of a foreign State, the employee concerned should attempt to avoid acceptance of such a gift if he can do so without giving offence to the donor. If, however, he cannot do so, he shall accept the gift and shall report its receipt to the Board for orders as to its disposal.

(4) The employees are prohibited from receiving any gift for their person or for members of their families from diplomats, consular and other foreign Government representatives or their employees who are stationed in Pakistan. If, however, due to very exceptional reasons, a gift cannot be refused, it should invariably be deposited with the FATA Secretariat, under prior approval of the Chief Executive.

(5) The employees of the Authority, except those belonging to BPS 1 to 4, are prohibited from accepting cash awards offered by the visiting foreign dignitaries. In case, however, it becomes impossible to refuse without causing offence to the visiting dignitary, the amount may be accepted and immediately deposited in the FATA-DA account under the proper head of account.

(6) An employee may accept gifts offered abroad or within Pakistan by institution or official dignitaries of foreign Government of comparable or higher level;

Provided that the value of the gift in each case does not exceed ten

thousand rupees. An employee desirous of retaining a gift worth more than ten thousand rupees, can retain it on payment of the difference as evaluated under sub-rule (7). In any other case, the gift may be offered for sale.

(7) For the purpose of sub-rule (6), the value of gifts shall be assessed by a committee consisting of G.M (Finance) FATA-DA, Secretary FATA-DA and Dy. Secretary Finance Department FATA Secretariat, and the monetary limits upto which and the condition subject to which, the gifts may be allowed to be retained by the recipient, shall be as follows: -

- (a) gifts valued upto Rs. 10,000 may be allowed to be retained by the recipient; (free of cost); In case of employees in BPS-1 to BPS-4, the gift may be retained by the recipient irrespective of the cost.
- (b) gifts valued above Rs. 10,000 and less than Rs.400,000 may be allowed to be retained by the recipient against payment to the Authority of 25% of the value of the gift in excess of Rs. 10,000; and
- (c) gifts of value of Rs. 400,000 or more, may not be allowed to be retained by the recipient. Such gifts shall be deposited in the Toshakhana of the Cabinet Division, Govt. of Pakistan.

(8) The responsibility for reporting the receipt of a gift shall rest in the individual recipient. All gifts received by an employee, irrespective of their price, must be reported to the Board. However, the responsibility for reporting to the Cabinet Division Govt. of Pakistan about the receipt of gifts, including the names of recipients, from foreign dignitaries or delegations who come to Pakistan or when Pakistan dignitaries or delegations go abroad, shall lie with the Chief of Protocol of the Govt. or his representative, in the former case, and with the Ambassador concerned in the latter case. In case of foreign delegations or visiting dignitaries with whom the Chief of Protocol is not associated, the

Ministry or the Provincial Govt. Department sponsoring the visit, shall be responsible to supply the details of gifts, if received, and the list of recipients to the Cabinet Division and the Ministry of Foreign Affairs. .

6. **Acceptance of foreign awards:** - No employee shall, except with the approval of the Board, accept a foreign award, title or decoration.

Explanation: - For the purposes of this rule, the expression “approval of the Board” means prior approval in ordinary case and ex-post-facto approval in special cases where sufficient time is not available for obtaining prior approval.

7. **Public demonstration in honour of an employee:** - (1) No employee shall encourage meetings to be held in his honour or presentation of address of which the main purpose is to praise him.

(2) Notwithstanding anything contained in sub-rule (1), an employee may, with the previous permission of the Chief Executive, take part in the raising of funds to be expended for any public or charitable purpose.

(3) When an employee takes part in the raising of fund in accordance with the provisions of sub-rule (2), he shall keep regular accounts and submit them to the Chief Executive for scrutiny.

8. **Subscription:** No. employee shall, except with the previous sanction of the Board, ask for or accept or in any way participate in the raising of any subscription or other pecuniary assistance for any other objective whatsoever.

9. **Lending and Borrowing :** - (1) No employee shall lend money to, or borrow money from, or place himself under any pecuniary obligation, to any person within the local limits of his authority or any person with whom he has any official dealings;

Provided that the above rule shall not apply to dealings in the ordinary

course of business with a joint stock company, bank or a firm of standing.

(2) When an employee is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has otherwise placed himself under a pecuniary obligation will be subject to his official authority, or will reside, possess immovable property, or carry on business within the local limits of such authority, he shall forthwith declare the circumstances to the Chief Executive through the usual channel.

(3) This rule, in so far as it may be construed, relates to loans given to or taken from co-operative societies registered under the Cooperative Societies Act, 1912, or under any law for the time being in force relating to the registration of Cooperative Societies, by the employee, shall be subject to any general or special restrictions or relaxations made or permitted by the Government.

- 10. Buying and selling of movable and immovable property :** - (1) Save in the case of a transaction conducted in good faith with a regular dealer, an employee who intends to transact any purchase, sale or disposal by other means, of movable or immovable property exceeding in value Rs. 100,000 (one hundred thousand rupees) with any person shall apply for permission to the Board for the purpose. Any such application shall state fully the circumstances, the price offered or demanded and, in the case of disposal otherwise than by sale, the method of disposal. Thereafter such employee shall act in accordance with such orders as may be passed by the Board.

Provided that all transactions with a person who is an official subordinate to the employee should be reported to the next higher authority.

Explanation: In this rule, the term 'property' includes agricultural or urban land, bonds, shares and securities but does not include a plot purchased for the first time for building a house from a cooperative housing society or a

Government housing scheme.

(2) No prior permission is necessary for buying and selling shares, bonds, saving certificate and Securities through Government sponsored organizations upto the value of Rs. 500,000 (five hundred thousand rupees). However, an employee concerned shall have to report all such transactions in the form of a statement at the end of the each year.

(3) An employee who intends to acquire more than one plot from one or more Cooperative Housing Societies or Government Housing Schemes or intends to dispose of any of plot acquired by him as such, shall obtain prior permission of the Board, as the case may be in the manner specified in sub-rule(1).

11. Construction of building etc: - No employee shall construct a building, whether intended to be used for residential or commercial purposes, except with the previous sanction of the Government obtained upon an application made in this behalf disclosing the source from which the cost of such construction shall be met.

12. Declaration of property: - (1) Every employee shall, at the time of entering the service of the Authority, make a declaration to the Authority, through the usual channel, of all immovable and movable properties including shares, certificates, securities, insurance policies and jewellery having a total value of Rs. 50,000 (fifty thousand rupees) or more belonging to or held by him or a member of his family and such declaration shall,-

- (a) state the district within which the property is situated.
- (b) show separately individual items of jewellery exceeding Rs.50,000 (fifty thousand rupees) in value, and
- (c) give such further information as the Authority may, by general or

special order, require.

(2) Every employee shall submit to the Authority, through usual channel, an annual return of assets in the month of December of each year showing any increase or decrease of property as shown in the declaration under sub-rule (1) or, as the case may be, the last annual return.

13. Disclosure of assets, immovable, movable and liquid: - An employee shall, as and when so required by Authority by a general or special order, furnish information as to his assets disclosing liquid assets and all other properties, immovable and movable, including shares, certificates, insurance policies, jewellery and expenses during any period specified by such order in the form specified therein.

14. Speculation and investment: - (1) No employee shall conduct speculative investments. For the purpose of this sub-rule, the habitual purchase and sale of securities of notoriously fluctuating value shall be deemed to be speculation in investments.

(2) No employee shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties.

(3) No employee shall make any investment the value of which is likely to be affected by some event of which information is available to him as an Authority employee and is not equally available to the general public.

(4) If any question arises whether or not an investment is of the nature referred to in any of the foregoing sub-rules, the decision of the Board thereon shall be final.

15. Promotion and management of companies, etc: - No employee shall, except with the previous sanction of the Board, take part in the promotion, registration

or management of any bank or company;

Provided that an employee may, subject to the provisions of any general or special order of the Authority or the Government, take part in the promotion, registration or management of a Co-operative Society registered under the Co-operative societies Act, 1912, or under any similar law.

- 16. Private trade, employment or work:** - (1) No employee shall, engage in any trade or undertake any employment or work, other than his official duties:

Provided that he may, without such sanction, undertake honorary work of religious, social or charitable nature or occasional work of a literary or artistic-character, subject to the conditions that his official duties do not thereby suffer and that the occupation or undertaking does not conflict or is not inconsistent with his position or obligations as an employee but he shall not undertake or shall discontinue such work if so directed by the Authority. An employee who has any doubt about the propriety of undertaking any particular work should refer the matter for the orders of the Authority;

Provided that employees in BPS-15 and below, may without such sanction, undertake a small enterprise which absorbs family labour and when he does so, shall file details of the enterprise alongwith the declaration of assets.

(2) Notwithstanding anything contained in sub-rule (1), no employee shall associate himself with any private trust, foundation or similar other institution which is not sponsored by the Government.

(3) This rule does not apply to sports activities and membership of recreation clubs.

- 17. Subletting of residential accommodation allotted by Government:** - No employee shall, sublet residential accommodation let to him by the Authority.

18. **Insolvency and habitual indebtedness:** - An employee shall avoid habitual indebtedness. If an employee is adjudged or declared insolvent or if the whole of that portion of his salary which is liable to attachment is frequently attached for debt, has been continuously so attached for a period of two years, or is attached for a sum which, in ordinary circumstances, he cannot repay within a period of two years, he shall be presumed to have contravened this rule unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits. An employee who applies to be or is adjudged or declared insolvent shall forthwith report his insolvency to the Chief Executive.
19. **Intimation of involvement and conviction in a criminal case:** - If an employee is involved as an accused in a criminal case, he shall bring the fact of such involvement or conviction, as the case may be, to the notice of the Chief Executive immediately or, if he is arrested and released on bail, soon after such release. On his charging in any criminal case, he shall be suspended; be reinstated on his acquittal and his services be terminated on his conviction by any competent court of law. If in appeal he is acquitted he may apply for his reinstatement.
20. **Unauthorized communication of official documents or information:** - No employee shall, except in accordance with any special or general order of the Authority, communicate directly or indirectly any official document or information to an employee of the Authority unauthorized to receive it, or to any other person, or to the press.
21. **Approach to members of the Assemblies, etc:** - No employee shall, directly or indirectly, approach any Member of the National Assembly/Senate or a Provincial Assembly or any other non-official person to intervene on his behalf in any matter.

22. **Management etc. of newspapers or periodicals:** - No employee shall, except with the previous sanction of the Authority, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.

23. **Radio broadcasts or television programmes and communications to the press:** - No employee shall, except with the previous sanction of the Authority, or in the bonafide discharge of his duties, participate in a radio broadcast or television programme or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical;

Provided that such sanction shall generally be granted if such broadcast or television programme or such contribution or letter is not, or may not be considered likely to jeopardize the integrity of the employee, the security of Pakistan or friendly relations with foreign States, or to offend public order, decency or morality, or amount to contempt of court, defamation or incitement to an offence:

Provided further that no such sanction shall be required if such broadcast or television programme or such contribution or letter is of a purely literary, artistic or scientific character.

24. **Publication of information and public speeches capable of embarrassing the Authority or the government:** - No employee shall, in any document publish, or in any communication made to the press, over his own name, or in any public utterance or television programme or in any radio broadcast delivered by him, make any statement of fact or opinion which is capable of embarrassing the Authority or the Government;

Provided that technical staff may publish research papers on technical subjects, if such papers do not express views on political issues or on

Government policy and do not include any information of a classified nature.

25. Where an employee submits the draft of a literary, artistic or scientific article or book for obtaining previous sanction for its publication, he shall be informed within three months of his doing so whether he has or has not such sanction and, if no communication is issued to him within that period, he shall be entitled to presume that the sanction asked for has been granted.

26. **Evidence before committees:** - (1) No employee shall give evidence before a public committee except with the previous sanction of the Authority.

(2) No employee giving such evidence shall criticize the policy or decisions of the Authority or the Federal or a Provincial Government.

(3) This rule shall not apply to evidence given before statutory committees which have power to compel attendance and the giving of answers, not to evidence given in judicial inquiries.

27. **Taking part in politics and elections.** (1) No employee shall take part or subscribe in aid of or assist in any way, any political movement in Pakistan or that relating to the affairs of Pakistan.

(2) No employee shall permit any person dependent on him for maintenance or under his care or control, to take part in or in any way assist, any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established in Pakistan.

(3) No employee shall canvass or otherwise interfere or use his influence in connection with or take part in any election to a legislative body, whether in Pakistan or elsewhere;

Provided that an employee who is qualified to vote at such election may exercise his right to vote: but if he does so, he shall give no indication of the

manner in which he proposes to vote or has voted.

(4) An employee who issues an address to electors or in any other manner publicly announces himself or allows himself to be publically announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule (3) to take part in an election to such body.

(5) The provisions of sub-rules (3) and (4) shall, so far as may be, apply to elections to local authorities or bodies , save in respect of employee required or permitted by or under any law, or order of the Government for the time being in force, to be candidate at such elections.

(6) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Authority thereon shall be final.

28. Propagation of sectarian creeds etc: - No employee shall propagate such sectarian creeds or take part in such sectarian controversies or indulge in such sectarian partiality and favoritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings of discontent or displeasure amongst the Authority employees in particular and amongst the people in general.

29. Employees not to express views, against ideology of Pakistan: - No employee shall express views detrimental to the ideology or integrity of Pakistan.

30. Employees not to take part in or assist, any public demonstration against Government decision, etc: - No employee shall take part in, or in any manner assist, any public demonstration directed against a decision or policy of the Authority or the Federal or a Provincial Government.

31. Nepotism, favoritism and victimization, etc. No employee shall indulge in provincialism, parochialism, favoritism, victimization and willful abuse of

office.

32. **Vindication by employees of their public acts or character.** An employee may not, without the previous sanction of the Authority, have recourse to any court or to the press for the vindication of his public acts or character from defamatory attacks. In granting sanction, the Authority will ordinarily bear the cost of the proceedings and in other cases leave the employee to institute them at his own expense. In the latter case, if he obtains a decision in his favour, the Authority may reimburse him to the extent of the whole or any part of the cost.

Nothing in this rule limits or otherwise affects the right of an employee to vindicate his private acts or character.

33. **Membership of service associations:** - No employee shall be a member, representative or office bearer of any association representing or purporting to represent, Authority employees.
34. **Membership of non-political associations:** - No employee shall accept membership of any non-political association or organization whose aims and object, nature of activities and membership are not publicly known.
35. **Use of political or other influence:** - No employee shall bring or attempt to bring political or other outside influence directly or indirectly to bear on the Authority for an employee in support of any claim arising in connection with his employment as such.
36. **Approaching foreign Missions and aid-giving agencies:** -No employee shall approach, directly or indirectly a foreign mission in Pakistan or any foreign aid-giving agency to secure for himself invitation to visit a foreign country or to elicit offers of training facilities abroad.
37. **Marriage with foreign nationals prohibited except with prior permission:** -
(1) Subject to the provisions of sub-rule (2), an employee may, with the prior

permission of the Board, marry a foreign national. A person who marries or promises to marry a foreign national without such permission shall be guilty of misconduct and render himself liable to one or more penalties in accordance with Efficiency & Discipline rules.

(2) An employee may, with the prior permission of the Chief Executive, marry or promise to marry a Muslim citizen of India.

(3) The grant of permission under sub-rule (1) or sub-rule (2) shall be at the discretion of the Board or, as the case may be, the Chief Executive and may be subject to such condition, if any, as it or, as the case may be, he may specify.

Explanation: For the purpose of this regulation “marriage” means matrimonial relationship entered into in accordance with any law for the time being in force or any religious rites or ceremonies, and its grammatical variations and cognate expressions shall be construed accordingly.

38. If an employee violates, contravenes any provision of these Rules he shall be proceeded against under the FATA-DA Employees (E&D) Rules.

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