

GOVERNMENT

G A Z E T T E

**KHYBER PAKHTUNKHWA**

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**PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA****NOTIFICATION**Dated Peshawar, the 14th October, 2016.

No. PA/Khyber Pakhtunkhwa/Bills/2016/10331.—The Khyber Pakhtunkhwa Higher Education Academy of Research and Training Bill, 2016 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 26th September, 2016 and assented to by the Governor of the Khyber Pakhtunkhwa on 6th October, 2016 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA HIGHER EDUCATION ACADEMY OF RESEARCH
AND TRAINING ACT, 2016****(KHYBER PAKHTUNKHWA ACT NO. XXI OF 2016)**

*(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,
(Extraordinary), dated the 14th October, 2016).*

AN**ACT**

*to provide for the establishment of the Khyber Pakhtunkhwa
Higher Education Academy of Research and Training.*

WHEREAS it is expedient to establish an Academy for imparting training to the academic and managerial staff of the Higher Education, Archives and Libraries Department with a view to develop their capacity, professional competence, research and ethical standards for efficient dispensation of knowledge and skills related matters connected therewith or incidental thereto;

It is hereby enacted as follows:-

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Higher Education Academy of Research and Training Act, 2016.

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

(3) It shall come into force at once.

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

(a) "Academy" means the Khyber Pakhtunkhwa Higher Education Academy of Research and Training, established under section 3 of this Act;

(b) "Board" means the Board of Governors of the Academy established under section 5 of this Act;

(c) "Chairperson" means the Chairperson of the Board;

(d) "Department" means the Higher Education, Archives and Libraries Department, Government of the Khyber Pakhtunkhwa;

(e) "Director" means the Director of the Academy;

(f) "Fund" means the Fund of the Academy, established under section 10 of this Act;

(g) "Government" means the Government of the Khyber Pakhtunkhwa;

(h) "member" means a member of the Board;

(i) "prescribed" means prescribed by rules or regulations;

(j) "staff" mean members of the staff of the Academy, including employees on contract, part-time and deputation, as the case may be;

(k) "regulations" mean regulations made under this Act; and

(l) "rules" mean rules made under this Act.

3. Establishment of the Academy.---(1) As soon as after the commencement of this Act, Government shall establish an Academy to be known as the Khyber Pakhtunkhwa Higher Education Academy of Research and Training.

(2) The Academy shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable in its name, and shall by its name sue and be sued.

(3) The main office of the Academy shall be at Peshawar. The Academy shall have its regional offices and campuses at such places as the Board may deem fit.

4. **Aims and objectives of the Academy.**---The aims and objectives of the Academy shall be to

- (a) provide pre-service and in-service trainings to the academic and managerial staff of the Department, and personnel of the bodies and institutions which are directly or indirectly related to higher education with a view to develop their capacity, professional competence, research and ethical standards for efficient dispensation of knowledge and skills;
- (b) to conduct examination;
- (c) award certificates and other distinctions to the trainees and to prescribe standards of proficiency before such awards in pre-service and in-service trainings, which may also form mandatory yardstick for future promotions of such officers subject to their respective services rules;
- (d) hold conferences, seminars, lectures, workshops and symposia in matters relating to public policy on and the delivery of quality services in the fields of higher education, teachers' education, training and research;
- (e) initiate, promote and encourage research projects, publication of books, research journals, research papers and reports on important topics relating to policy, education, training and research;
- (f) establish liaison with research institutions, universities and other bodies of national and international repute in the field of higher education for the promotion of teachers education, training and research;
- (g) inculcate and promote professional and ethical values and standards of academic and managerial staff and other personnel connected with the Department;
- (h) formulate and prescribe courses of studies, research and training;
- (i) determine teaching methods and instructional strategies as well as co-curricular activities in order to ensure the most effective educational, training and other related programs;
- (j) undertake consultancy and advisory services;
- (k) serve as a research institute for Government on matters related to public policy on education and to advise the concerned authorities on matters as are referred to it; and
- (k) conduct such other activities as may be considered necessary in order to achieve its objectives under this Act.

5. **Board of Governors**---(1) The administration, management and general control of the Academy and its affairs shall vest in the Board of Governors, which shall exercise all powers and do all acts and things that may be exercised or done by the Academy.

(2) The Board shall consist of-

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| (a) Minister for Higher Education,
Khyber Pakhtunkhwa. | Chairperson |
| (b) Secretary to Government, Higher Education,
Archives and Libraries Department; | Vice-
Chairperson |
| (c) Secretary to Government, Finance Department
or his nominee not below the rank of BPS-19; | Member |
| (d) Director, Higher Education, Khyber
Pakhtunkhwa; | Member |
| (e) Director, Commerce Education and
Management Sciences; | Member |
| (f) Director, Institute of Education and Research,
University of Peshawar; | Member |
| (g) Regional Director, Higher Education
Commission, Peshawar; | Member |
| (h) Director, Provincial Institute of Teachers
Education, Peshawar; | Member |
| (i) a Principal from Government Colleges (Male),
nominated on rotation basis by Government
for period of three years on the recommend-
ation of the Secretary Higher Education,
Archives and Libraries Department; | Member |
| (j) a Principal from Government Colleges (Female),
nominated on rotation basis by Government for
period of three years on the recommendation of
the Secretary, Higher Education, Archives and
Libraries Department; | Member |
| (k) an eminent educationist, preferably from
private sector appointed by Government on the
recommendation of the Minister, for Higher
Education, Khyber Pakhtunkhwa; | Member |

(kk) a representative of a civil society organization working for the cause of education or training or research appointed by Government on the recommendation of the Minister for Higher Education, Khyber Pakhtunkhwa; and

Member

(l) Director, of the Academy.

Member-cum-Secretary.

(3) The non-official member at clauses (k) and (kk) shall be appointed for a period of two years.

(4) The non-official member at clause (k), may resign from his office by writing under his hand addressed to Government.

6. Meetings of the Board.---(1) A meeting of the Board shall be called by the Chairperson on such date and at such time and place as he may deem appropriate:

Provided that the intervening period between two meetings of the Board, shall not exceed six months.

(2) The meetings of the Board shall be presided over by the Chairperson and in his absence; the Vice Chairperson shall preside over the meetings of the Board.

(3) The quorum for the meetings of the Board shall be seven members.

(4) All decisions shall be made by simple majority present and voting.

(5) The Chairperson or the Vice-Chairperson of the Board, as the case may be, presiding over the meeting, shall have a casting vote in case of tie.

7. Powers and functions of the Board.---(1) Subject to the provisions of this Act and rules, the Board shall exercise such powers and perform such functions, as may be necessary to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing sub-section (1), the Board shall-

- (a) lay down the policy and programs for training and research;
- (b) initiate, modify, adopt the curriculum, courses, contents, modules, clinics for orientation and training;
- (c) organize and carry out the activities and performance of the Academy;
- (d) consider and approve the annual budget and revised budget estimate of the Academy;

- (e) manage financial affairs;
- (f) cause proper books of account to be maintained for all sums of money received and expenditure incurred by the Academy and arrange for audit of accounts;
- (g) specify qualifications, conditions of services and matters relating to the members and staff;
- (h) create, abolish, suspend and upgrade posts and make appointments thereon;
- (i) make arrangements of hostel facilities and provision of food for residential trainings;
- (j) purchase, hire, construct or alter any building for the use of the Academy;
- (k) affiliate the Academy with other academies, institutions and centers of higher studies of Federal Government, Foreign Governments and Government or any other organization in the relevant field etc;
- (l) declare any training or education institution, administered and funded by Government, as a constituent unit;
- (m) appoint advisors, consultants and experts and specify their terms and conditions;
- (n) appoint or hire permanent or visiting faculty members and specify their terms and conditions;
- (o) prescribe the method or procedure of conducting examination;
- (p) prescribe the procedure for awarding certificates and distinctions by the Academy; and
- (q) perform such other functions as may be necessary for carrying out the purposes of this Act.

8. Appointment of the Director.---The Director shall be posted by Government from amongst the Government Officers in BPS-20 and above for a period of three years.

9. Powers and functions of the Director.---(1) The Director shall-

- (i) manage the affairs of the Academy under the general directions of the Board;

- (ii) be the academic and administrative head of the Academy and shall be responsible for its administration, maintenance, order and discipline;
 - (iii) execute the policy, set out by the Board; and
 - (iv) perform any function as may be prescribed or assigned by the Government.
- (2) The Director, while acting as Secretary to the Board, shall be responsible for-
- (i) convening the meeting of the Board;
 - (ii) the preparation of the agenda, working paper and its distribution among the members of Board of Governor;
 - (iii) recording the minutes of each meeting of the Board and its prompt dispatch to the concerned quarters;
 - (iv) proper follow-up of all matters connected with or arising out of a meeting of the Board; and
 - (v) monitoring and evaluation of the progress of projects approved by the Board.

10. Fund.---(1) There shall be a Fund of the Academy to be known as the Khyber Pakhtunkhwa Higher Education Academy of Research and Training Fund to which all its income shall be credited and from which all its expenditures shall be met.

- (2) The sources of income of the Fund shall be-
- (a) grants-in-aid made by the Federal Government and Government;
 - (b) grants made by the philanthropists;
 - (c) donations;
 - (d) sale proceeds of the property and publications of the Academy; and
 - (e) fees, charges or any other sum received by the Academy from any lawful source.

(3) The Fund shall be utilized for the purpose of the Academy and shall be regulated under the overall supervision of the Board in such a manner as may be prescribed by the Board.

11. Budget.---(1) The Director shall, in respect of each fiscal year, submit for approval of the Board, by such date and in such manner as may be prescribed by regulations, a statement showing the estimated receipts, the current and development expenditures and the sums required as grants-in-aid from Government or any other lawful source.

(2) The Director shall not incur any expenditure from the Fund which is not provided for in the budget approved by the Board except in certain conditions, situations and to such limit as may be prescribed by regulations.

12. Account and Audit.--- (1) The Fund shall be maintained in the scheduled bank and shall be operated in accordance with the direction of the Board.

(2) The accounts of the Academy shall be maintained in such form and in such manner as may be prescribed.

(3) The accounts of the Academy shall be audited by the Auditor General of Pakistan.

13. Annual report.---(1) The Director shall, within two months of the conclusion of each calendar year, submit the annual report to the Board, in respect of various activities carried out by the Academy during the previous year.

(2) The Board shall submit such annual report within a period of six months of the close of the calendar year, to Government.

14. Delegation of powers.---The Board may, for smooth running of the affairs of the Academy, delegate its power to any officer of the Academy as it may deem fit.

15. Validations and savings.---(1)On the commencement of this Act, the Higher Education Teachers Training Academy at Peshawar already in existence, here in after referred as the "Training Academy", shall be deemed to have validly established by Government and all funds, assets and properties, rights and interests, and all books of accounts, registers, records and all other documents of whatever nature relating thereto, of Training Academy shall stand transferred to and vest in the Academy;

(2) Notwithstanding anything contained in any other law or rules for the time being in force, -

(i) all debts and liabilities incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Training Academy shall be deemed to have been incurred, entered or engaged to be done by, with or for, the Academy;

(ii) all suits, prosecutions and other legal proceedings instituted by or against the Training Academy shall be deemed to have been instituted by or against the Academy and may be continued or proceeded with accordingly; and

- (iii) employees except civil servants on deputation to the Training Academy, who are holding various posts till the commencement of this Act, shall be deemed to have been validly appointed to these posts on regular basis on the commencement of this Act, having the same qualification and experience for the said posts.

16. Removal of difficulties.---If any difficulty arises in giving effect to any of the provisions of this Act, Government may, on the recommendations of the Board, give such directions, not inconsistent with the provision of this Act, as it may consider necessary for the removal of such difficulty.

17. Power to make rules.---Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

18. Powers to make regulations.---Subject to the provision of this Act and rules made thereunder, the Board may make regulations for carrying out the purpose of this Act.

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

**(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa**