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PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 11th March, 2015.

No. PA/Khyber Pakhtunkhwa/Bills/2015/6010.—The Khyber Pakhtunkhwa Technical Education and Vocational Training Authority Bill, 2015 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 27th February, 2015 and assented to by the Governor of the Khyber Pakhtunkhwa on 4th March, 2015 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA TECHNICAL EDUCATION AND VOCATIONAL TRAINING AUTHORITY ACT, 2015

(KHYBER PAKHTUNKHWA ACT NO. XII OF 2015)

*(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa
(Extraordinary), dated the 11th March, 2015).*

AN
ACT

*to provide for the establishment of Technical Education and Vocational
Training Authority in the Province of the Khyber Pakhtunkhwa.*

WHEREAS it is expedient to provide for the establishment of the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority in the Province of the Khyber Pakhtunkhwa to impart such technical education and vocational skills through institutions under its administrative and regulatory control, which is based on syllabi acceptable internationally, is accredited with national and international institutions, is responsive to the market needs and provides nationally and internationally acceptable hands on experience to its trainees for the purpose hereinafter appearing;

It is hereby enacted as follows:

1. Short title, application and commencement. ---(1) This Act may be called the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority Act, 2015.

(2) It shall apply to all the public sector technical institutions and vocational training centers except colleges of commerce, business administration or management sciences, in the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once and shall be deemed to have been taken with effect from 15th December, 2014.

2. Definitions. ---In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "Board" means the Board of Directors constituted under section 5 of this Act;
- (b) "Chairperson" means the Chairperson of the Board and of the Institute Management Committee, as the case may be;
- (c) "Vice Chairperson" means Vice Chairperson of the Board;
- (d) "Directorate" means the Directorate General of Technical Education and Manpower Training Khyber Pakhtunkhwa but does not include the Wing dealing with the commerce education;
- (e) "Fund" means the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority's Fund established under section 13 of this Act;
- (f) "Government" means the Government of the Khyber Pakhtunkhwa;
- (g) "Managing Director" means the Managing Director of the Board;
- (h) "member" means a member of the Board or Institute Management Committee, as the case may be;
- (i) "prescribed" means prescribed by the rules and regulations;
- (j) "Province" means the Province of the Khyber Pakhtunkhwa;
- (k) "regulations" mean regulations made under this Act;
- (l) "rules" mean rules made under this Act; and
- (m) "Technical institutions" mean a college, an institute or a centre engaged in technical education, vocational or skills training except colleges of commerce, business administration or management sciences, in public sector in the Province.

3. Establishment of the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority.—(1) As soon as may be, after the commencement of this Act, Government shall establish an Authority to be known as the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority (hereinafter referred to as the "TEVTA"), to impart such technical education and vocational skills through institutions under its administrative and regulatory control, which is based on syllabi acceptable nationally and internationally, is accredited with national and international institutions, is responsive to the market needs and provides nationally and internationally acceptable hands on experience to its trainees.

(2) Soon after the notification of the establishment of TEVTA in the official Gazette, by the Industries, Commerce and Technical Education Department, TEVTA shall, except colleges of commerce, business administration or management sciences, take over the administrative and regulatory control over all colleges, institutes and centers by whatever name called, imparting technical education and vocational trainings and which are working under the administrative and regulatory control of Directorate, immediately before existence of TEVTA.

(3) The TEVTA shall be a body corporate having perpetual succession, and a common seal with the power to acquire and dispose of property both movable and immovable and shall by the said name sue and be sued:

Provided that the movable and immovable property owned by the TEVTA shall not be sold, leased out or otherwise dispensed without prior approval of the Government.

(4) The main office of the TEVTA shall be at Peshawar and shall have such other regional offices at such places in the Province as Government may deem appropriate.

(5) The Board in discharging its function shall be guided by such direction as Government may from time to time give and shall be accountable to Government for its performance.

4. Status of the Directorate and its employees.—(1) On commencement of this Act, the Directorate, shall ceased to be an Attached Department of Industries, Commerce and Technical Education Department of the Government, and shall be deemed to be the head office the TEVTA under the control of TEVTA. The Commerce Wing of the Directorate shall be attached with Higher Education Department of Government for the disposal of its official business.

(2) The employees working in the colleges, institutions or centers taken over by the TEVTA under sub-section (2) of section 3 shall continue to work in the said colleges, institutions or centers, as the case may be.

(3) On commencement of this Act, all the civil servants serving in Directorate or in the colleges, institutions or centers taken over by the TEVTA, shall be given an option either to continue to serve as civil servant or may opt for the employment of TEVTA. The option shall be exercised within a period of ninety days after the commencement of this Act. Those employees, who do not opt for their absorption in the TEVTA, shall continue to be governed and regulated in accordance with Civil Servants Act, 1973 and rules and regulations thereunder.

(4) Subject to sub-section (5), the service matters of TEVTA employees recruited under TEVTA Act, 2015 shall be regulated in accordance with regulations made under this Act, whereas the service matters of the existing Civil Servants in TEVTA shall be governed under the Civil Servant Act, 1973 and rules and regulations framed thereunder;

(5) Notwithstanding anything contained in any other law for the time being in force, the powers of transfer and posting of all the employees whether recruited under this Act or opted for Civil Service under sub-section (3), in the head office and in various institutions or centers shall be with Board provided that the Board may delegate its power under this section to such class of officer as may be prescribed by regulations.

(6) All assets and liabilities including furniture, fixture, machinery, vehicles etc. of the Directorate shall be transferred to TEVTA and ownership of such assets shall vest in the Government:

Provided that any assets which have been procured for colleges of commerce, business administration or management sciences, shall remained the assets of the said institutions.

5. Board of Directors.—(1) The administration, management and general control of the TEVTA and its affairs shall vest in the Board of Directors, which may exercise all powers and do all acts and things to further the objectives of the TEVTA.

(2) Government shall by notification in the official Gazette, constitute the Board of Directors, which shall consist of a Chairperson, a Vice Chairperson and such other members as provided in sub-section (5).

(3) The Chief Minister Khyber Pakhtunkhwa shall be the Chairperson of the Board

(4) The Vice Chairperson shall be appointed by Government, from private sector having a graduate degree from a recognized university in the field of engineering/ technology having twenty years active industrial management experience and shall not be less than forty-five (45) years and not more than sixty-five (65) years of age.

(5) The other members shall be:

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|-----|--|---------|
| (a) | Secretaries to Government, Industries, Commerce and Technical Education Department, Finance Department, Planning and Development Department and Labour Department; | Members |
| (b) | Chairman, Standing Committee on Technical Education; | Member |
| (c) | Vice-Chancellor, Technology University, Khyber Pakhtunkhwa; | Member |
| (d) | Chairperson of the Provincial Commission on the Status of Women; | Member |
| (e) | President, Women Chamber of Commerce, Peshawar; | Member |
| (f) | a representative of Federation of Pakistan Chambers of Commerce and Industry; | Member |

(g)	a representative of the Khyber Pakhtunkhwa Chamber of Commerce and Industry;	Member
(h)	a representative of the Industrialist Association, Peshawar;	
(i)	a representative from the Skill Development Council, Peshawar;	Member
(j)	a representative from the Directorate General of Bureau of Immigration and Overseas Employment;	Member
(k)	a representative of Private Sector's Technical and Vocational Training Institutions;	Member
(l)	a representative of Large Scale Manufacturers;	Member
(m)	a representative of All Pakistan Contractor Association from Categories A, B and C of contractors as defined by Pakistan Engineering Council;	Member
(n)	a representative of the Gadoon Industrial Estate Association;	Member
(o)	a representative of the Industrialist Association, Industrial Estate, Hattar;	Member
(p)	President Industrial Association, D.I.Khan;	Member
(q)	President Small Industries Estate Association, Abbotabad;	Member
(r)	a representative of Overseas Employment Promoters Agencies of the Province;	Member
(s)	a Chairperson of the Institute Management Committee to be nominated by Board; and	Member
(t)	Principal, Government Technical Institution to be nominated by TEVTA;	Member
(u)	Managing Director.	Member-cum-Secretary

(6) The members under the clauses (k) to (r) of sub-section (5) shall be nominated by their respective registered associations. In case of more than one registered associations of an organization, Government shall nominate the member.

(7) The term of office of the Vice Chairperson and members at clauses (k) to (t) of the sub-section (5) shall be three years; provided that one third of the members, other than the Vice Chairperson, shall cease to be members after completion of two years, in whose place new members shall be appointed for a period of three years in the same manner as was applied in the case of out-going members. The names of such out-going members shall be decided by a draw.

(8) The Vice Chairperson shall cease to hold office on attaining the age of sixty-five (65) years or expiry of the term whichever is earlier.

(9) The Vice Chairperson and members at clauses (k) to (r) of sub-section (5) may resign from his office by tendering his resignation to Government.

(10) Government may remove the Vice Chairperson and members at clauses (k) to (r) of sub-section (5) on the grounds of inefficiency or misconduct after giving him an opportunity of being heard.

(11) Any vacancy caused due to death, resignation or removal of the Vice Chairperson and members at clauses (k) to (r) of sub-section (5) shall be filled in by Government through appointment of another person as Vice Chairperson and such appointee shall, hold such office for the unexpired term of his predecessor.

(12) The Vice Chairperson shall assist the Board in adopting a vision for quality improvements in technical education and vocational training in addition to help the TEVTA in strategizing options for self sustainability, linkages with the market for training needs assessment, gainful employability of skilled workforce and optimal utilization of the resources existing with the TEVTA.

6. Meeting of the Board.—(1) The meeting of the Board shall be regulated in accordance with procedure as may be prescribed by regulations.

(2) Meetings of the Board shall be held as and when required, but once at least in a quarter, at the time and place as the Chairperson may determine.

(3) The Chairperson shall preside over a meeting of the Board and in the absence of the Chairperson, the Vice Chairperson shall preside over meeting of the Board.

(4) Presence of fourteen members of the Board shall constitute the quorum for a meeting.

(5) The decisions of the Board shall be taken by the majority of the members present and, in case of a tie, the person presiding over the meeting shall have a casting vote. All orders, determinations and decisions of the Board shall be reduced to writing together with a record of the discussions held in the meeting.

(6) The Board may co-opt members belonging to the relevant expertise in relation to any matter under consideration of the Board, who may take part in discussion, but shall not be entitled to vote for or against the matter under discussion.

(7) In case a member absent from three consecutive meetings of the Board without its leave, he shall cease to remain a member of the Board.

(8) All members shall attend meeting of the Board in person.

7. Powers and functions of the Board.—Subject to section 3, the Board shall exercise and perform the following powers and functions:

- (a) set up new institutions to offer such subjects or courses as demanded by the market needs;
- (b) develop reliable mechanism for ascertaining need of the national and international market for specific skills to be imparted through institutions under administrative and regulatory control of the TEVTA;
- (c) take steps to up-grade teaching abilities, skills and pedagogy of teaching staff;
- (d) develop mechanism to up-grade teaching machinery or equipment to the extent required by trainings of internationally acceptable standards;
- (e) enter into joint venture under the Public Private Partnerships Act, 2014, for promoting Public Private Partnership;
- (f) promote entrepreneurship and self employment;
- (g) take steps to sale out the products prepared and services rendered for income generation for the improvement of the concerned institutions and centers;
- (h) for the purpose of attaining financial independence, the Board may out-source any of its services or institute in such a manner, as may be prescribed by the rules made under this Act;
- (i) create objective linkages with Institute Management Committees for the purpose of market oriented quality trainings;
- (j) allocate its funds on annual basis for infrastructure development and other required incidental expenditure in furtherance to the objectives of improving quality of technical education and gainful employment of the trained workforce;
- (k) take measures, including the allocation of funds, for the establishment of scholarships and stipends for students and training of teachers abroad and within the country;
- (l) set up such administrative and technical committees as it may deem appropriate for attainment of objective of this Act;
- (m) regulate quality control for implementation of skills standards, syllabi, trade testing and certification of vocational and technical training institutions;
- (n) approve the development projects up-to a ceiling fixed and notified by the Government;
- (o) to establish institution-industry linkages;
- (p) to generate funds by introducing or arranging special courses by opening service outlets;

- (q) co-ordinate with Non Governmental Organizations and other stakeholders wherever the need occurs;
- (r) exercise and perform powers and functions which are needed to improve quality of technical education and vocational training for gainful employment of trained youth in accordance with rules; and
- (s) exercise and perform such other powers and functions in the field of Technical Education and Vocational Training as may be assigned by Government.

8. Managing Director.—(1) Government shall post a Government Officer, not below the rank of Grade 20, to act as the Managing Director of the Board for a term not exceeding three years on such terms and conditions as the Board may determine.

(2) Notwithstanding a change in the term of his office by an order of the Government, the Managing Director shall continue to hold office till his successor enters upon office.

(3) The Managing Director shall perform such functions as may be prescribed or assigned to him by the Board and shall act as the Principal Accounting Officer of the Board.

(4) The Managing Director, while acting as Secretary to the Board, shall be responsible for:

- (i) convening of meetings of the Board with the approval of Chairperson;
- (ii) the preparation of the agenda, working paper and its distribution among the members of Board;
- (iii) recording the minutes of each meeting of the Board and its prompt dispatch to the concerned quarters;
- (iv) implement decisions of the board.
- (v) proper follow-up of all matters connected with or arising out of a meeting of the Board; and
- (vi) monitoring and evaluation of the progress of projects approved by the Board.

9. Institute Management Committees.—(1) With a view to enhance effectiveness of technical and vocational institutions and to make optimal use of the available resources, there shall be Management Committees at the Institute or College or Centre level, called Institute Management Committees, College Management Committees or Centre Management Committees, as the case may be. These Institute Management Committees shall consist of a Chairperson and such other official and non-official members as the Board may determine.

(2) The non-official members may have not less than five years of active industrial management experience.

(3) The Chairperson shall be elected from the non-official members by the members from amongst themselves by vote of majority.

(4) First meeting of the Board shall be chaired by the Principal of the concerned college, Institute or Center, as the case may be.

10. Functions of the Institute Management Committee. ---Management Committees shall be responsible for the following functions for the concerned institution:

- (a) to identify the local employment opportunities or requirements of skilled labor force;
- (b) to prepare annual training plan based on identified training needs;
- (c) to ensure optimum utilization of the available facilities and monitor training costs;
- (d) to prepare annual budget estimates of the college or institute or centre concerned;
- (e) to reflect on effectiveness of the prescribed training courses and suggest remedial actions;
- (f) to establish institution - industry linkages;
- (g) undertake any other function as may be prescribed by the Board; and
- (h) to develop a sustainable and effective mechanism by which inputs on above mentioned functions is communicated to the Board for its consideration wherever relevant.

11. Meeting of the Management Committee.---(1) The Committee shall meet as per requirement but not later than at least once in a month.

(2) The Committee shall meet at such time and place as determined by the Chairperson.

(3) In case Chairperson is not available, members present for a meeting shall elect one of the present members to preside over the proceedings of that meeting.

(4) Presence of at least 5 members shall constitute quorum for the meeting.

(5) All decision of a meeting shall be made by majority of votes. In the event of equality of votes, the person presiding meeting shall have a second of casting vote.

(6) All administrative and financial matters of the Institute shall be the responsibility of the principal concerned.

12. Delegation of powers. ---The Board may delegate any of its powers, duties or functions to any of its member or officer in such a manner, extent and period as may be prescribed by regulation.

13. Fund.—(1) There shall be a Fund to be known as the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority's Fund, which shall vest in the TEVTA and to which shall be credited all moneys received by the Authority, including one-line budget from the Provincial Government, other than salaries and allowances of employees, who opted for civil service under sub-section (3) of section 4 of this Act.

(2) The Fund shall be kept in such custody and shall be utilized and regulated in such manner as may be prescribed by the rules.

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

14. Audit and Accounts.—(1) The Fund shall be maintained in the scheduled bank and shall be operated in accordance with the direction of the Board.

(2) Fund shall be kept in a separate bank account specifically opened for the purpose.

(3) The Board may invest money not required for immediate expenditure in Government Saving Scheme or in fixed deposit with banks approved by Government.

(4) The bank account shall be operated jointly by the Managing Director and another officer of the head office, not below the rank of BS-19 officer to be nominated by the Board.

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

(6) The Managing Director shall prepare Annual Account Statement of the Fund within thirty (30) days of closing of the respective financial year.

(7) Accounts of the Fund shall be audited by the Auditor General of Pakistan.

15. Annual reports. ---The Board shall within three months of the close of the financial year submit to the Government an annual report which shall inter-alia focus on the following:

(a) financial status of the TEVTA;

(b) key functions which have been undertaken during the period under consideration; and

(c) challenges faced during the course of activities and remedial actions taken in furtherance to attainment of objectives stated under this Act.

16. Appointment of Officers, etc.---The Board may employ officers, advisors, consultants and other employees in service of TEVTA on contract and regular basis, as may be necessary for the efficient administration of TEVTA, in such manners and on such terms and conditions, as may be prescribed.

17. Public servants.---All employees recruited by the TEVTA shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Ordinance No. XLV of 1860).

18. **Assistance to TEVTA.**---The Khyber Pakhtunkhwa Board of Technical Education and the Khyber Pakhtunkhwa Trade Testing Board shall continue to exercise its functions under the relevant laws and shall provide all assistance to TEVTA under the provisions of this Act.

19. **Indemnity.**---No suit, prosecution or other legal proceedings shall lie against any person exercising the powers, or for anything done in good faith or intended to be done, under this Act.

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

21. **Power to make regulations.** ---The Board may, make regulations, not inconsistent with this Act and the rules, for carrying out the purposes of this Act.

22. **Removal of difficulties.**---If any difficulty arises in giving effect to any provision of this Act, Government may make such order, not inconsistent with the provision of this Act, as may be necessary for removing the difficulty.

23. **Repeal and savings**--- (1) The Khyber Pakhtunkhwa Technical Education and Vocational Training Agency Ordinance, 2002 (Khyber Pakhtunkhwa Ordinance No. XXXIII of 2002) is hereby repealed.

(2) Notwithstanding the repeal of the aforesaid Act, anything done, action taken, rules made, notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued under this Act and shall have effect accordingly.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa