

EXTRAORDINARY

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## North-West Frontier Province

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GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE,  
LAW DEPARTMENT.

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**NOTIFICATION**

25th October, 2002.

No. Legis:1(2)93/7649.—The following Ordinance by the Governor of the North-West Frontier Province is hereby published for general information:-

**THE NORTH-WEST FRONTIER PROVINCE REGISTRATION AND  
FUNCTIONING OF PRIVATE EDUCATIONAL INSTITUTION  
(AMENDMENT) ORDINANCE, 2002.**

**N.-W.F.P. ORDINANCE NO. XLIV OF 2002.**

**AN  
ORDINANCE**

*to amend the North-West Frontier Province Registration and Functioning of  
Private Educational Institutions Ordinance, 2001.*

WHEREAS it is expedient to amend the North-West Frontier Province Registration and Functioning of Private Educational Institutions Ordinance, 2001 (N.-W.F.P. Ord. No. XXVII of 2001), for the purposes hereinafter appearing;

AND WHEREAS the Governor of the North-West Frontier Province is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, as amended upto date, and the Provincial Constitution Order No. 1 of 1999, read with Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him that behalf, the Governor of the North-West Frontier Province is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement.**— (1) This Ordinance may be called the North-West Frontier Province Registration and Functioning of Private Educational Institutions (Amendment) Ordinance, 2002.

(2) It shall come into force at once.

2. Amendment of section 2 of N.-W.F.P. Ord. No. XXVII of 2001.— In the North-West Frontier Province Registration and Functioning of Private Educational Institutions Ordinance, 2001 (N.-W.F.P. Ord. No. XXVII of 2001), hereinafter referred to as the said Ordinance, in section 2,-

- (i) in clause (a), after the word “Education”, the word “concerned” shall be inserted;
- (ii) after clause (e), the following new clause shall be inserted, namely:  
“(ee) ‘Higher Education Commission’ means the Higher Education Commission established under the Higher Education Commission Ordinance, 2002;”;
- (iii) in clause (1), the word “and” shall be added at the end;
- (iv) in clause (m), the semi-colon shall be replaced by a full-stop and the word “and” occurring thereafter shall be deleted; and
- (v) clause (n) shall be deleted.

3. Amendment of section 3 of N.-W.F.P. Ord. No. XXVII of 2001.— In the said Ordinance, in section 3, in sub-section (1), after the words “Regulatory Authority”, the words and commas “or, as the case may be, the Board” shall be added.

4. Amendment of section 4 of N.-W.F.P. Ord. No. XXVII of 2001.— In the said Ordinance, in section 4, for sub-section (3), the following shall be substituted, namely:

“(3) The Regulatory Authority shall appoint a Scrutiny Committee, consisting for four members, including a Dean of the University established by Government which is nearest to the place where the University in the private sector is being established, a representative of the Higher Education Department not below the rank of an Additional Secretary and two other members as appointed by it and forward all applications received under such section (2) to the said Committee for scrutiny in accordance with the guidelines issued from time to time by the Higher Education Commission and Government and to submit its report to the Regulatory Authority.”.

5. Amendment of section 5 of N.-W.F.P. Ord. No. XXVII of 2001.— In the said Ordinance, in section 5, in sub-section (1), for the words “University Grants Commission”, the words “Higher Education Commission” shall be substituted.

6. Amendment of section 6 of N.-W.F.P. Ord. No. XXVII of 2001.— In the said Ordinance, in section 6, in sub-section (2), for the word “University Grants Commission” the words “Higher Education Commission” shall be substituted.

7. Amendment of section 7 of N.-W.F.P. Ord. No. XXVII of 2001.— In the said Ordinance, in section 7,-

- (i) for sub-section (2), the following shall be substituted, namely:  
“(2) Any person or an Organization, as mentioned in sub-section (1), interested in establishing a Degree College, may apply for registration to the Regulatory Authority in such manner and form as may be prescribed.”;
- (ii) for sub-section (3), the following shall be substituted, namely:  
“(3) The Regulatory Authority shall refer the case to the Scrutiny Committee appointed under sub-section (3) of section 4 for scrutiny of the case within the

meaning of the said provisions.”;

(iii) for sub-section (4), the following shall be substituted, namely:

“(4) Any person or Organization, as mentioned in sub-section (1), interested in establishing an Inter College, may apply to the Board concerned in such form and manner as may be prescribed, and the Board shall forward all such applications to the District Committee concerned constituted under sub-section (4) of section 9 for scrutiny of the cases in accordance with the provisions of this Ordinance.”; and

(iv) “for sub-section (5), the following shall be substituted, namely:

“(5) Subject to other provisions of this Ordinance, if the Scrutiny Committee or, as the case may be, the District Committee, is satisfied that the applicant has submitted a correct feasibility report and the establishment of the respective college shall help in the furtherance of the cause of education, it shall,-

(a) in the case of a Degree College, recommend to the Regulatory Authority; and

(b) in the case of an Inter College, recommend to the Board concerned, for the establishment of the respective college and the college may be provisionally registered.”.

8. Amendment of section 8 of N.-W.F.P. Ord. No. XXVII of 2001.— In the said Ordinance, in section 8, after the word “Regulatory Authority”, the words and commas “or, as the case may be, the Board” shall be inserted.

9. Amendment of section 9 of N.-W.F.P. Ord. No. XXVII of 2001.— In the said Ordinance, in section 9,-

(a) in sub-section (1), for the words “Regulatory Authority”, the word “Board” shall be substituted;

(b) in sub-section (2), for the expression “sub-section (3) of section 7”, the expression “sub-section (4)” shall be substituted;

(c) in sub-section (3), for the words “Regulatory Authority”, the word “Board” shall be substituted; and

(d) after sub-section (3), as so amended, the following new sub-section shall be added, namely:

“(4) The Board shall constitute a District Committee in each District, comprising of the following:

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|-------|---|------|----------|
| (i)   | the Executive District Officer (Education) of the District concerned. | .... | Chairman |
| (ii)  | The District Officer (Education) of the District concerned            | .... | Member   |
| (iii) | Secretary of the Board concerned.                                     | .... | Member   |
| (iv)  | Senior Principal of the Colleges in the District.                     | .... | Member   |
| (v)   | an Educationist or a social worker as determined by the Board.        | .... | Member   |

- (vi) a representative of the Zilla Nazim of ..... Member  
the District concerned.

10. Amendment of section 10 of N.-W.F.P. Ord. No. XXVII of 2001.— In the said Ordinance, in section 10, in sub-section (2), the words and semi-colon "for the purpose of examination; provided that the school shall inform the respective Board about its registration under this Ordinance" shall be deleted.

11. Amendment of section 11 of N.-W.F.P. Ord. No. XXVII of 2001.— In the said Ordinance, in section 11,-

- (a) in sub-section (1), for the word "Regulatory Authority" the word "Board" shall be substituted;
- (b) in sub-section (2), for the figures "3" and "7", the figures "4" and "9" shall respectively be substituted;
- (c) in sub-section (3) and (4), for the words "Regularly Authority", wherever occurring, the word "Board" shall be substituted.

12. Amendment of section 13 of N.-W.F.P. Ord. No. XXVII of 2001.— In the said Ordinance, for section 13, the following shall be substituted, namely:

"13. Constitution of Regularly Authority.— As soon as may be after the commencement of this Ordinance, there shall be constituted a Regulatory Authority for the purposes of carrying out the functions assigned to it by or under this Ordinance."

13. Insertion of a new section to N.-W.F.P. Ord. No. XXVII of 2001.— In the said Ordinance, after section 13, as so amended, the following new section shall be inserted, namely.

"13A. Settlement of disputes.— (1) The Regulatory Authority or, as the case may be, the Board, shall have exclusive authority in respect of registration of private educational institutions within their respective jurisdiction and in respect of matters relating to disputes arising between the Government and the registered institutions, the Regulatory Authority or the Board and the registered institutions, the University and the registered institutions, or any dispute pertaining to the staff of the institutions, or complaints of parents about fees, conditions of buildings of the institutions, staff employed and other related matters.

(2) The Regulatory Authority or, as the case may be, the Board, shall be responsible for supervision and performance of evaluation of the registered institutions within their respective jurisdiction in the manner determined by them within their respective authority."

Peshawar,  
Dated the 22nd Oct. , 2002.

Lt. Gen. (Rtd.) IFTIKHAR HUSSAIN SHAH,  
Governor of the North-West Frontier Province.

SALIM KHAN,  
Secretary to Government of North-West Frontier Province,  
Law Department.