

## **Conduct Rules, 2006.**

In exercise of the powers conferred by Section-26 of the <sup>1</sup>[Khyber Pakhtunkhwa] Registration and Functioning of Private Educational Institutions Ordinance, 2001 (<sup>2</sup>[Khyber Pakhtunkhwa] Ordinance No. XXVII of 2001) the Government of the <sup>3</sup>[Khyber Pakhtunkhwa] is pleased to make the following rules, namely;

### **<sup>4</sup>[Khyber Pakhtunkhwa] HIGHER EDUCATION REGULATOR AUTHORITY CONDUCT RULES, 2006”**

#### **1. Short Title, Commencement and Application**

- i. These rules may be called the <sup>5</sup>[Khyber Pakhtunkhwa] Higher Education Regulator Authority Conduct Rules, 2006.
- ii. These rules shall come into force at once.
- iii. These rules shall be applicable to all employees of the Authority.

#### **2. Definitions**

- i. In these rules, unless the context otherwise require, the following expression shall have the meaning respectively assigned to them as follows:
  - a. “Authority” means the <sup>6</sup>[Khyber Pakhtunkhwa] Higher Education Regulator Authority established under Section 13a (1) of the <sup>7</sup>[Khyber Pakhtunkhwa] Ordinance No. XXVII of 2001.
  - b. “Employee” means an employee with whom the Authority has entered into a contract agreement, and is paid from Authority’s fund.
  - c. “Chairman” means the Chairman of the Authority appointed in pursuance of <sup>8</sup>[Khyber Pakhtunkhwa] Registration and Functioning of Private Educational Institutions Ordinance, 2001.

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<sup>1</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>2</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>5</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>6</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>7</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>8</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

- d. “Government” or “Provincial Government” means Government of the <sup>9</sup>[Khyber Pakhtunkhwa].
- e. “Management” means the Chairman of the Authority or Regulatory Authority, or where the context so allow, other staff designated by the Chairman.
- f. “Member of an Employee’s Family” includes:
  - i. his wife, children and step children, parents, sister and minor brothers, residing with and wholly dependent upon the employee(s), and
  - ii. any other relative of the employee or his wife residing with and wholly dependent upon him; that does not include a wife legally separated from the employee or a child or a step child who is no longer in any way dependent upon him, of whose custody the employee has been deprived by law.
- g. “Misconduct” means conduct prejudicial to good order or service discipline unbecoming of an employee and includes any act on the part of an employee to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Authority Officers or any employee in respect of any matter relating to the appointment, promotion, transfer, punishment or other condition of services of an employee.
- h. “Province” means the <sup>10</sup>[Khyber Pakhtunkhwa].
- ii. All other expression herein used but not defined shall have the same meaning respectively as assigned to them under the Authority’s Ordinance, 2001.

### **3. Administrative Discipline**

- i. All employees of the Authority shall duly and faithfully comply with all rules and regulations, administrative order and office orders issued from time to time with respect to office hours, procedures, general duties and responsibilities, and all other matters relating to the smooth and efficient operation of the Authority.
- ii. All employees of the Authority shall perform duties effectively and faithfully. They should be punctual and regular in attending to their duties.

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<sup>9</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>10</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

Leave shall be applied for in advance and absence without prior permission shall lead to disciplinary action.

#### **4. Financial Discipline**

No employee shall:

- i. accept or obtain or agree to accept or attempt to obtain from any person for himself/herself or for any other person, any gratification (other than legal remuneration) as a motive or reward.
- ii. do or forbear to do any official act or show or forbear to show, in the exercise of his/her official functions, favour or disfavour 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, in a manner which may appear to facilitate acceptance or obtaining or agreeing to accept or attempting to obtain from any person for himself/herself or for any other person any gratification, whatsoever, other than the legal remuneration, as a motive or reward, or
- iii. Accept or obtain or agree to accept or attempt to obtain for himself/herself or for any other person, any valuable thing without consideration or for a consideration which he/she knows to be inadequate, from any person whom he/she knows to have been, or to be likely to be, concerned in any proceedings or business transacted or about to be transacted by him/her, or having any connection with the official functions of himself/herself or of any employee of the Authority to whom he/she is subordinate, or from any person whom he/she knows to be interested in or related to the person so concerned; or
- iv. Misappropriate, dishonestly or fraudulently, or otherwise-convert for his/her own use or for the use of any other person any property entrusted to him/her or under his/her control as an employee, nor willfully allow any other person to do so; or
- v. Obtain, by corrupt, dishonest, improper or illegal means, or seek for himself/herself or for any other person, any property, valuable thing, pecuniary advantage, or undue favour; or
- vi. Possess, directly or through his/her dependents or benefactor, any movable or immovable property or pecuniary resources, disproportionate to his/her known sources of income, which he/she cannot reasonably account for”.

#### **5. Gifts**

- i. Same as otherwise provided in this rule, no employee shall, except with the previous sanction of Authority, accept or permit any member of his/her family to accept, from any person any gift the receipt of which will place him/her under any form of official obligation to the donor. If the offer of a gift cannot be refused without causing undue offence, it may be accepted and delivered to Authority for decision as to its disposal.
- ii. If any question arises whether receipt of a gift places an employee under any form of official obligation to the donor, the decision of Authority thereon shall be final.
- iii. If any gift, is offered by the head of representative of a foreign state, the employee concerned should attempt to avoid acceptance of such a gifts, if he/she can do so without offending the donor. If, however, he/she cannot do so, he/she shall accept the gift and shall report its receipt to Authority for orders as to its disposal.
- iv. Employees are prohibited from receiving gift of any kind of their persons or for members of their families from diplomats, consular and other foreign Government representatives or their employees who are stationed in Pakistan.
- v. Employees 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 with the Authority under the proper head of account.

## **6. Declaration of Property**

- i. Every employee shall, at the time of entering Authority Services, made a declaration to Authority, through the usual channel, of all immovable and movable properties including shares, certificates, securities, insurance policies, cash and jewellery having a total value of Rs. 50,000/- (fifty thousand rupees) or more belonging to or held by him/her 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 Authority may, by general or special order, require.

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

**7. Disclosures of Assets, Immovable and Liquid**

An employee shall disclose all his assets, immovable as well as liquid and expenses during any period in the specified form, when require to do so by the Authority

**8. Private Trade, Employment or Work**

- i. No employee shall, except with the previous sanction of the Authority; engage in any trade or undertake any employment or work, other than his official duties;

Provided that he/she may, without such sanction, undertake honorary work of a religious, social or charitable nature or occasional work of a literary or artistic character, subject to the condition that his official duties do not thereby suffer and that the occupation or undertaking does not conflict or is not inconsistent with his/her position or obligations as an employee but he/she 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 Authority.

Provided further that employee without such sanction, undertake a small enterprise which absorbs family labour and where he/she does so shall file details of the enterprise alongwith the declaration of assets.

- ii. Notwithstanding anything contained in sub-rule (i), no employee shall associate himself/herself with any private trust, foundation or similar other institution which is not sponsored by Authority.
- iii. This rule does not apply to sports activities and memberships of recreation clubs.

**9. Report by an Employee in Case of Involvement in Criminal Case**

If an employee is involved as an accused in a criminal case, he/she shall bring the fact of such involvement or conviction, as the case may be, to the notice of the Chairman immediately or, if he/she is arrested and release on bail soon after such release.

**10. 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 information or the contents of any official documents to a Government servant not authorized to receive it, or to a non-official person or to the press.

Every employee of the Authority shall maintain the highest standard of confidentiality with regard to the operations and affairs of the Authority. The employee shall not disclose, divulge or communicate directly or indirectly to the public, press, or any other party, any matter or official duties, or has been prepared or collected by him/her during the course of such duties relating to the affairs of the Authority. Breach of this fundamental rule would be taken against any employee who violates this rule.

**11. Approach to Members of the Assembly**

No employee shall directly or indirectly approach any member of the National Assembly or Provincial Assembly or any other non-official person to intervene on his/her behalf in any matter.

**12. Management etc, of Newspapers or Periodicals**

No employee shall except with the previous sanction of the Authority wholly or in part, or conduct or participate in the editing or management of any newspapers or other periodical publication.

**13. Radio Broadcast and Communication to the Press**

No employee shall accept without the previous sanction of competent authority or any other authority empowered by it, in his/her behalf, or in bonafide discharge of his/her duties, to participate in a radio broadcast or a television program, or contribute any article or write any letter, either anonymously or in his/her 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 of program 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 to amount to contempt of court, defamation or incitement to an offence.

**14. Publication of Information and Public Speeches Capable of Embarrassing the Government.**

- i. No employee of the Authority shall in any document published or any public utterance in a radio or television program or in any other manner make any statement of fact or opinion which is capable of embarrassing the federal or any provincial government.

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

**15. Taking Part in Politics and Elections**

- i. No employee shall take part in, subscribe in aid of, or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan.
- ii. No employee shall permit any person dependent on him/her for maintenance or under his/her care or control to take part in, or in any way assist any movement directly or indirectly, to be subversive to Authority/Government as by law established in Pakistan.
- iii. No employee shall canvass or otherwise interfere or use his/her 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/her right to vote.

- iv. No employee shall allow any member of his/her family dependent on him/her to indulge in any political activity including forming a political association and being its member or to act in a manner in which he/she himself/herself is not permitted by sub-rule (iii) of section-15 to act.
- v. An employee, who issues an address to electors or in any other manner publicly announces himself/herself or allows himself/ herself to be politically announced as a candidate or prospective candidate for election to a legislative body, shall be deemed for the purpose of sub rule (iii) of section-15 to have taken part in an election of such body.
- vi. The provision of sub rule (iii) and (v) of section-15 shall so far as may apply to election to local authorities or bodies, save in respect of Authority employees required or permitted by or under law and order of Authority for the time being enforced to be candidates at such election.
- vii. If any question arises whether any movement or activity falls within scope of this rule the decision of authority thereon shall be final.

**16. 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 favouritism as are likely to effect his/her integrity in discharge of his/her duties or to embarrass the administration or to create feelings of discontent or displeasure amongst the employees in particular and amongst the people in general.

**17. Expression of Views Against the Ideology of Pakistan**

No employee shall express views detrimental to the ideology or integrity of Pakistan.

**18. Nepotism, Favouritism and Victimization etc.**

No employee shall indulge in provincialism, parochialism, nepotism, favoritism, victimization or willful abuse of office.

**19. Vindication by Employees of their Public Acts or Character**

- i. An employee shall not, without the previous sanction of Authority have recourse to any Court or to the press for the vindication of his public acts or character from defamatory attacks, when Authority grants sanction to an employee to have recourse to a Court, Authority will ordinarily bear the cost of the proceedings, but may leave the employee to institute them at his own expense. In the later case, if he/she obtains a decision in his/her favor, Authority may reimburse him/her to the extent of the whole or any part of the cost.
- ii. Nothing in this rule limits or otherwise affects the right of an employee to vindicate his/her private acts or character.

**20. Members of Service Association**

- i. No employee shall be a member, representative or office bearer of any association representing the employees unless such association satisfies the following conditions, namely;
  - a. Membership of the association and its office bearers shall consist of person in one and the same functional unit.
  - b. Office bearers of the association shall be elected from amongst members of the association actually serving.
  - c. Persons who have retired or have been dismissed or removed from service shall cease to be members of such association.

- d. The association shall neither affiliate nor associate with any other body or association belonging to any other cadre.
- e. The association shall confine its representation to matters of general interest of the Authority employees whom it represent and shall not involve itself in individual cases of its members. The office bearers and members of the association shall not participate in the activities of the association at the cost of their official duties.
- f. The association shall not in respect of any election to legislative body or to a local authority or body whether in Pakistan or elsewhere.
  - i. Pay or contribute towards any expenses incurred in connection with the candidature for such elections.
  - ii. Support in any matter the candidature of any person for such election.
  - iv. Undertake or assist in the registration of a candidate of such election.
- g. The association shall not:
  - i. Issue or maintain any periodical publication except in accordance with any general or special order of the Authority.
  - ii. Publish, except with the previous sanction of the Authority, any representation on behalf of its members whether in the press or otherwise.
- h. The association shall get its bye law or rules approved by the appointing authority who may at any time require any modification therein or propose rules or bye laws in a particular manner and,
  - i. The association shall submit annual statement of its account and lists of its members to the appointing authority. Such statements and lists shall be submitted before 1<sup>st</sup> September every year.
  - ii. The association shall not represent or purport to represent employees unless it is recognized by the competent authority.

- iii. The appointing authority in respect of a cadre shall be the authority competent to recognize the association of that cadre, provided that the cadre consists of higher and lower grades the authority competent to recognize the association shall be the appointment authority in respect of the highest post of the cadre.
- iv. Authority in its discretion may withdraw recognition of an association if in its opinion such association has violated any of the conditions of the recognition.

**21. Restriction on Acceptance of Membership of Certain Association**

No employee shall accept membership of any association or organization whose aims and objects, nature of activities and membership are not publicly known.

**22. 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 Authority or any other Authority employee in support of any claim arising in connection with his employment as such.

**23. Approaching Foreign Missions or Aid Giving Agencies**

- i. No employee shall approach directly or indirectly a Foreign Mission in Pakistan or any foreign aid giving agency in Pakistan or abroad to secure for himself/herself invitation to visit a foreign country or to elicit offers of training facilities abroad.
- ii. Employees should exercise great caution and restraint in the matter of social contact with the members of foreign missions working in Pakistan. They should also avoid casual remarks and observations of official matters in social gathering where foreigners are present.
- iii. Employees below the rank of Chairman should not receive officials of foreign mission except with the express permission of the Chairman.
- iv. Employees are prohibited from contacting or making direct approach to foreign mission in Pakistan in connection with their private business. All such approaches should be made through proper channel i.e. chief of Protocol of the Ministry of Foreign Affairs.
- v. Invitation extended by foreign missions on the occasions of their National Day or private functions to employees below the rank of Chairman may be acceptable with the prior permission of the Chairman. Repeated participation must be avoided.

**24. Rules not to be in Derogation of Any Law**

Nothing in these rules should derogate from the provisions of any law or of any order of any competent authority for the time being in force relating to the conduct of employees of the Authority.