

Rules of Business, 2006.

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

“⁴[Khyber Pakhtunkhwa] HIGHER EDUCATION REGULATORY AUTHORITY (HERA) RULES OF BUSINESS, 2006”

1. Short Title, Commencement and Application

- (i) These rules may be called the ⁵[Khyber Pakhtunkhwa] Higher Education Regulatory Authority Rules of Business, 2006.
- (ii) These rules shall come into force at once.
- (iii) These rules shall apply to all the employees of the Authority.

2. Definitions

- (i) In these rules unless there is anything repugnant in the subject or context, the following expressions shall have the meanings hereby respectively assigned to them as under:
 - (a) “Ordinance” means the ⁶[Khyber Pakhtunkhwa] Registration and Functioning of Private Educational Institutions Ordinance, 2001 (⁷[Khyber Pakhtunkhwa] Ordinance No. XXVII of 2001).
 - (b) “Authority” means Higher Education Regulatory Authority constituted under section 13 of ⁸[Khyber Pakhtunkhwa] Registration and Functioning of Private/Educational Institutions Ordinance No. XXVII of 2001.
 - (c) “Chairman” means the Chairman of the Authority appointed in pursuance of Section 15 of the ⁹[Khyber Pakhtunkhwa] Registration and Functioning of Private Educational Institutions Ordinance No. XXVII of 2001.

¹ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

² Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁷ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁸ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁹ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (d) “Regulatory Authority” means the body constituted under section-14 of the Ordinance 2001.
- (e) “Member” means the Full Time member of the Authority appointed under Section-15 of the ¹⁰[Khyber Pakhtunkhwa] Registration and Functioning of Private Educational Institutions Ordinance 2001.
- (f) “Member Ex-Officio” means Member Ex-Officio of the Regulatory Authority.
- (g) “Meeting” means a meeting of the Regulatory Authority.
- (h) “Post” means a post specified in column 3 of Annexure-A of HERA Service Rules 2006.
- (i) “Section” means a section of the Ordinance, 2001.
- (j) “Annexure” means the Annexure to these rules.
- (ii) All other expressions herein used but not defined shall have the same meaning respectively assigned to them under Registration and Functioning of Private Educational Institutions Ordinance, 2001.

3. Functions of the Authority

The Authority shall have exclusive jurisdiction in respect of the Registration of Private Universities, Degree/Professional Colleges and other institutions and shall also have the power to take all necessary steps to;

- i) Streamline, Supervise and Regulate the Functioning of Private Educational Institutions;
- ii) Coordinate in respect of matters relating to disputes arising between the Government and registered institutions, or the Public Universities and the registered Institutions/Colleges.
- iii) Perform such other functions as specified in the Ordinance besides other duties as may be assigned to it by the Government from time to time.
- iv) Take action on the guidelines issued from time to time by Higher Education Commission (HEC) and the Government.

4. Composition of the Regulatory Authority

¹⁰ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

The composition of Regulatory Authority shall be as defined in Section-14 of the ¹¹[Khyber Pakhtunkhwa] Registration and Functioning of Private Educational Institutions Ordinance 2001 (¹²[Khyber Pakhtunkhwa] Ordinance No. XXVII of 2001). Member (Full Time) will be Secretary of the Regulatory Authority.

5. Procedure for the Meeting of Regulatory Authority

Meeting of the Regulatory Authority shall be convened on quarterly basis or anytime upon the direction of the Chairman.

6. Responsibilities of the Chairman

- (i) The Chairman shall be overall incharge of the Authority and will preside its meetings.
- (ii) He shall perform any other duty assigned to him by the Government.
- (iii) In the discharge of his duties, the Chairman shall route the cases through the Higher Education Department.

7. Administration and Conduct of Business

The administration and conduct of Business of the Authority shall be carried out as provided in the ¹³[Khyber Pakhtunkhwa] Registration and Functioning of Private Educational Institutions Ordinance 2001 (¹⁴[Khyber Pakhtunkhwa] Ordinance No. XXVII of 2001).

8. Constitution and Composition of Authority

The Authority shall comprise the posts specified in Column-3 of the Annexure-A of HERA Service Rules 2006.

9. Audit of Accounts

(i) Internal Audit

- a. The Authority shall make proper arrangement for the Internal Audit.
- b. The Internal Audit shall be looked after by an officer designated by the Chairman, for the purpose.

¹¹ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

¹² Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

¹³ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

¹⁴ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

- c. The report of Internal Audit shall be submitted to the Chairman for corrective action.

(ii) External Audit

- (a) The accounts of the Authority shall be audited once a year by an Auditor appointed by the Government for this specific purpose by 31st December following 30th June, the closing date of financial year.
- (b) The reply to the observations on the audit report shall be presented to the Authority in annotated form for decision. A representative of Finance Department and Officer of the Director Local Fund Audit shall be associated as members for the purpose.
- (c) A copy of the Audit report with an annotated reply shall invariably be sent to the Provincial Govt.

10. Procedure of Meetings

- a. The meetings of the Regulatory Authority shall be held on dates as may be approved by the Chairman of Authority.
- b. The Secretary shall prepare the agenda and notify the meetings with the approval of the Chairman at least 7 days before the date of the meeting.
- c. The Secretary will circulate the agenda of the meeting alongwith working papers among the members at least 7 days before the meeting.
- d. In case any occasion arises supplementary agenda may be issued by the Secretary with the approval of the Chairman as table agenda on the day of meeting.
- e. A member may propose an additional item to be brought on the agenda with the permission of the Chairman.
- f. If a member so desires, he may prepare in writing the consideration of any item in a meeting at a notice of at least 15 days before the meeting and send his proposal to the Secretary. The Secretary may include the item in the agenda with the approval of the Chairman provided it is otherwise admissible under the provision of Ordinance, 2001.
- g. The Secretary may, if the occasion so demands, convenes an emergent meeting of the Regulatory Authority with the approval of the Chairman irrespective of the time limit prescribed in Rule c, d, e above.

- h. In case of an emergency, the Chairman may call a meeting of the Regulatory Authority at 24 hours notice. Circulation of Agenda in such a case would not be necessary.
- i. The Secretary shall maintain the record of proceedings of the meeting and get it approved by the Chairman of the meeting. Copies of such proceedings shall be circulated among all the members of the Regulatory Authority.
- j. The Record of minutes of meetings of the Regulatory Authority shall be maintained by the Secretary and shall be authenticated by the Chairman as the case may be. The minutes after authentication of the proceeding may, with the permission of the Chairman, be issued for necessary action.
- k. After the authentication of the proceedings two master copies will be kept under lock and key in the offices of the Chairman and Secretary. Every page of the master copy shall be signed by the Secretary and confirmed by the Chairman.
- l. The time period for receiving observations/comments before confirmation of the minutes shall be 7 days.
- m. Any previous decision of the Regulatory Authority not ordinarily be reconsidered within one year of the decision of the Regulatory Authority in subsequent meetings without the permission of the Chairman or if a request is received from any member of the Regulatory Authority.