

**THE ¹[KHYBER PAKHTUNKHWA] GOVERNMENT EDUCATION AND
TRAINING INSTITUTIONS ORDINANCE, 1971.**

(²[KHYBER PAKHTUNKHWA] ORDINANCE NO. III OF 1971)

PESHAWAR, THE 11th MAY, 1971.

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¹ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

² Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

THE ¹[KHYBER PAKHTUNKHWA] GOVERNMENT EDUCATION AND
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PESHAWAR, THE 11th MAY, 1971.

AN

ORDINANCE

*to provide for certain modifications in the law relating to establishment
of Boards of Governors for Government educational and training
institutions in the³[Khyber Pakhtunkhwa].*

WHEREAS it is expedient to provide for certain modifications in the law relating to establishment of Board of Governors for Government educational and training institutions in the ⁴[Khyber Pakhtunkhwa]; Preamble

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Provisional Constitution Order and in exercise of all powers enabling him in that behalf, the Governor of the ⁵[Khyber Pakhtunkhwa] is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the ⁶[Khyber Pakhtunkhwa] Government Educational and Training Institutions Ordinance, 1971. Short title and application

(2) It shall apply to such institutions and from such dates as may be notified by Government.

⁷[(3) Government may, by notification in the official Gazette, apply all or any of the provisions of this Ordinance to any Educational or Training Institution, other than a Government Educational and Training Institutions, from such date as it may specify in the notification].

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

(a) “Board” means the Board of Governors of an institution;

(b) “Chairman” means the Chairman of the Board;

⁸[(bb) “Chief Minister” means the Chief Minister of the ⁹[Khyber Pakhtunkhwa].]

(c) “Controlling Authority” means the Controlling Authority of the Board;

¹ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

² Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

⁷ Added vide Khyber Pakhtunkhwa Ord. No. XIII of 1978.

⁸ Inserted vide the Khyber Pakhtunkhwa Act No. XII of 2005.

⁹ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

- (d) “Governor” means the Governor of the ¹[Khyber Pakhtunkhwa];
- (e) “Government” means the Government of the ²[Khyber Pakhtunkhwa];
- (f) “Institution” means an educational or Training Institutions notified by Government under sub-section (2) ³[or sub-section (3)] of section 1 and includes an establishment or organization attached thereto;
- (g) “Member” means a member of the Board;
- (h) “Prescribed” means prescribed by rules or regulations made under this Ordinance;
- (i) “Principal” means the Principal officer-in-charge of an institution by whatever name called; and
- (j) “Vice-Chairman” means the Vice-Chairman of the Board.

3. (1) For the efficient management and control of an institution there shall be established a Board of Governors. Incorporation.

(2) The Board shall be a body corporate, shall have perpetual succession and a common seal, with power to enter into contracts and to acquire and hold property movable and immovable, and shall in its corporate name Sue and be sued.

4. (1) The Board shall consist of not more than eleven members to be appointed by the ⁴[Chief Minister]. Constitution of the Board.

(2) One of the Members shall be appointed by the ⁵[Chief Minister] to be the Chairman of the Board.

(3) The ⁶[Chief Minister] may appoint one of the Members to be the Vice Chairman of the Board.

(4) Official Members, if any, shall be appointed by designation.

(5) Non-official Members, if any, shall hold office for a period of three years and shall be eligible for re-appointment.

5. The ⁷[Chief Minister] may remove any Member before the expiry of his term of office without assigning any reason therefore. Removal of Member.

6. The Principal shall be the Secretary of the Board. Secretary

7. The meetings of the Board shall be held at such times and at such places and in accordance with such procedure as may be prescribed. Meeting of the Board

¹ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

² Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Inserted vide Khyber Pakhtunkhwa Ord. No. XIII of 1978, S.No. 3. and then sub vide the Khyber Pakhtunkhwa Act. IV of 2011.

⁴ Substituted vide the Khyber Pakhtunkhwa Act No. XII of 2005.

⁵ Substituted vide the Khyber Pakhtunkhwa Act No. XII of 2005.

⁶ Substituted vide the Khyber Pakhtunkhwa Act No. XII of 2005.

⁷ Substituted vide the Khyber Pakhtunkhwa Act No. XII of 2005.

8. Subject to the other provisions of this Ordinance the Board shall have full powers to administer and manage an institution and in particular in respect of the following matters:---- (a) to acquire and dispose of property and generally to enter into contracts, in conformity with the purposes of this Ordinance; (b) recruitment and determination of the terms and conditions of service of the Principal and other members of the staff of the institution and of other officers and servants of the Board; (c) to formulate the budget of the institution for approval of Government; (d) to set up an Executive Committee and other standing Committees as may be required for carrying out the purposes of this Ordinance; (e) to delegate powers to the Chairman, the Vice-Chairman, the Executive Committee, Standing Committee, the Principal, the staff of the institution and other officers and servants of the Board; and (f) to frame, subject to the approval of Government, regulations for the conduct of business of the Board.	General Powers of the Board.
9. The ¹[Chief Minister] or his nominee shall be the Controlling Authority of the Board.	Controlling Authority
10. (1) The Controlling Authority shall have the power to cause an inspection to be made by such person or persons as it may direct, of the offices, activities and funds of the Board, and to cause an enquiry to be made in like manner in respect of any matter concerning the Board. (2) The Controlling Authority shall communicate to the Board the result of such inspection or enquiry and may advise the Board to take such action within such period as may be specified. (3) The Board shall report to the Controlling Authority the action as it proposes to take or has taken on such communication. (4) Where the Board does not within a reasonable time take action to the satisfaction of the Controlling Authority, the Controlling Authority may, after considering any explanation made by the Board, issue such directions as it thinks fit, and Chairman shall comply with such directions. (5) If the Controlling Authority is satisfied that any proceeding of the Board is not in conformity with this Ordinance, the Controlling Authority may, without prejudice to the foregoing provisions of this section, by an order in writing,	Powers of the Controlling Authority

¹ Substituted vide the Khyber Pakhtunkhwa Act No. XII of 2005.

annul such proceeding:

Provided that before making any such order the Controlling Authority shall, through the Chairman, call upon the Board to show cause why such an order should not be made.

11. Any person serving in connection with the affairs of the ¹[Khyber Pakhtunkhwa], in an institution in any capacity immediately before the day notified under sub-section (2) of section 1, hereinafter referred to as the “said day”, may be transferred by Government for service under the Board on such terms and conditions as Government may determine:

Transitional provisions regarding staff.

Provided that such terms and conditions shall not be less favorable than those admissible to him under Government but he shall not be entitled to any deputation allowance:

Provided further that no such person shall be dismissed, removed from service or reduced in rank by an authority subordinate to that by which he was appointed.

12. All property, movable or immovable, vesting in Government in connection with the affairs of an institution immediately before the said day shall vest in the Board. In the event of Government rescinding the notification made under sub-section (2) of section 1, the property vesting in the Board shall stand transferred to Government.

Property.

13. (1) There shall be a fund to be known as “Board Fund” Vested in the Board.

Board Fund.

(2) The Board Fund shall consist of-

- (a) grants-in-aid made by Government;
- (b) loans obtained from Government;
- (c) loans raised by Board with the special or general sanction of Government;
- (d) foreign aid and loans obtained by the Board with the sanction of and on terms and conditions approved by Government;
- (e) fees and other sums received by the Board.

(3) All moneys at the credit of the Board shall be kept in such custody as may be prescribed.

(4) The Board Fund shall be utilized by the Board in connection with its functions under this Ordinance, including the payment of salaries and other remunerations of the Principal and the staff of the institution and of officers and servants appointed under this Ordinance.

14. The Board shall maintain complete and accurate books of accounts in such form as may be prescribed.

Maintenance of account.

15. The Board shall submit a statement of estimated receipts and expenditure in

Annual financial statement.

¹ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

respect of the next financial year to Government for approval, at such time and in such manner as may be prescribed and shall give effect to any modification made there in by Government.

16. (1) As soon as may be after the close of every financial year not later than the last day of September next following, the Board shall submit to Government for approval a report on the conduct of the affairs of the Board for that year.

Returns and statements.

(2) Government may require the Board to furnish Government with-

- (a) any return, statement, estimate, statistics or other information or report regarding any matter under the control of the Board, or
- (b) a copy of any document in the charge of the Board, and the Board shall comply with every such requisition.

17. (1) The accounts of the Board shall be audited in such manner as may be prescribed.

Audit.

(2) Copies of the audit report shall be sent to the Board and with the comments of the Board to Government.

(3) The Board shall carry out any directive issued by Government for rectification of an audit objection.

18. The Chairman, the Vice-Chairman and the Members of the Board, the members of the Executive Committee and the Standing Committees, constituted under this Ordinance, the officers and the servants of the institution and other officers and servants appointed under this Ordinance shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code (XLV of 1860).

Chairman, Members and employees to be public servants.

19. (1) Government may make rules for carrying out the purposes of this Ordinance.

Powers to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for-

- (a) the terms and conditions on which Government servants may be transferred to the Board;
- (b) the frequency of meetings of the Board and the procedure that shall be followed at such meetings;
- (c) the forms and registers for keeping the accounts;
- (d) the manner in which and the time at which the annual financial statement shall be submitted to Government for approval;
- (e) the returns, statements, estimates, statistics, information or reports which may be submitted to Government;

- (f) the manner in which the accounts of the Board shall be audited;
- (g) the custody in which the Board Fund shall be kept;
- (h) any other matter required under the provisions of this Ordinance to be prescribed.

20. (1) The Board may, subject to the approval of Government, frame Regulations. regulations not inconsistent with the provisions of this Ordinance and the rules made thereunder, to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for-

- (a) the notice on which an ordinary or special meeting may be convened;
- (b) the time and place at which meeting of the Board may be held;
- (c) the manner in which the minutes shall be circulated and confirmed;
- (d) the manner in which the Executive Committee or a Standing Committee shall be constituted and the powers and functions that may be exercised and performed by the Committee;
- (e) the recruitment, tenure of office, terms and conditions of service of the officers and servants appointed by the Board;
- (f) the delegation of administrative and financial powers to the Executive Committee, Standing Committee, or other officers and servants of the Board;
- (g) the manner in which the funds shall be disbursed;
- (h) any other matter required under any of the provisions of this Ordinance to be prescribed.

21. (1) The West Pakistan Government Educational and Training Institutions Ordinance, 1960 (W.P Ord.XI of 1960), hereinafter referred to as the said Ordinance, in its application to the ¹[Khyber Pakhtunkhwa], is hereby repealed. Repeal and Savings

(2) Notwithstanding the repeal of the said Ordinance, everything done, action taken, liability incurred, jurisdiction or power conferred, contract entered into and proceeding instituted, rights and assets acquired, officer appointed or person authorized, notification or order issued or Board constituted under any of the provisions of the said Ordinance and the Rules and Regulations made thereunder in respect of any institution in the ²[Khyber Pakhtunkhwa], shall, if not inconsistent with the provisions of this Ordinance and the Rules and Regulations made thereunder, continue in force and, so far as may be, be deemed to have been respectively done, taken, incurred, conferred, entered into and instituted, acquired, appointed or authorized, issued or constituted under this Ordinance and the Rules and Regulations made thereunder.

¹ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

² Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.