

THE <sup>1</sup>[Khyber Pakhtunkhwa]  
WORKERS CHILDREN EDUCATION  
CESS (UTILIZATION) RULES, 1981<sup>2</sup>

[No. SOL/1-17.- 18th August, 1981.- In exercise of the powers conferred by section 6 of the Workers' Children (Education) Ordinance, 1972 (XI of 1972), the Government of the <sup>3</sup>[Khyber Pakhtunkhwa] is pleased to make the following rules.]

**1. Short title, extent and commencement.--** (1) These rules may be called the <sup>4</sup>[Khyber Pakhtunkhwa] Workers' Children Education Cess (Utilization) Rules, 1981.

(2) They shall extend to the whole of the <sup>5</sup>[Khyber Pakhtunkhwa].

(3) They shall come into force at once.

**2. Definitions.-** In these rules, unless there is anything repugnant in the subject or context,-

(a) "Board" means the Board constituted under rule 3;

(c) "Committee" means a District Committee constituted under rule 5;

(d) "Education" includes all types of education, whether general, vocational, technical or professional in a recognized school, college, university or other institution;

(e) "Government" means the Government of the <sup>6</sup>[Khyber Pakhtunkhwa];

(f) "Member" means a member of the Board or, as the case may be, a Committee; and

(g) "Ordinance" means Workers' Children (Education) Ordinance, 1972 (XI of 1972).

**3. Constitution of Board.-** (1) As soon as may be after the commencement of these rules, Government shall, by a notification in the official Gazette, constitute a Board for the <sup>7</sup>[Khyber Pakhtunkhwa], consisting of:-

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

<sup>2</sup> Published under Notification No. SOL/1-17 August 18, 1981, Khyber Pakhtunkhwa Government Gaz. Extr, 4 Oct; 1981m p.140.

<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.

- (a) the Secretary to Government of <sup>8</sup>[Khyber Pakhtunkhwa], Labour Department, who shall also be its Chairman;
- (b) the Secretary to Government of <sup>9</sup>[Khyber Pakhtunkhwa], Finance Department or his nominee not below the rank of a Deputy Secretary;
- (c) the Secretary to Government of <sup>10</sup>[Khyber Pakhtunkhwa], Education Department or his nominee not below the rank of a Deputy Secretary;
- (d) the Secretary to Government of <sup>11</sup>[Khyber Pakhtunkhwa], Excise and Taxation Department or his nominee not below the rank of Deputy Secretary;
- (e) the Director of Education (Schools), <sup>12</sup>[Khyber Pakhtunkhwa];
- (f) the Director of Education (Colleges), <sup>13</sup>[Khyber Pakhtunkhwa];
- (g) the Director of Technical Education, <sup>14</sup>[Khyber Pakhtunkhwa];
- (h) the Director, Labour Welfare, <sup>15</sup>[Khyber Pakhtunkhwa];
- (i) the Deputy Secretary (Labour), Government of <sup>16</sup>[Khyber Pakhtunkhwa], Labour Department, who shall also be its Secretary;
- (j) three representatives of workers to be nominated by Government; and
- (k) three representatives of employers.

**4. Functions and Powers of the Board.-**The Board shall-

- (a) review the collection of education cess;
- (b) call for any information from such establishments liable to pay education cess in respect of workers' children as it considers expedient and shall maintain upto-date record of such information;

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

<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.

<sup>11</sup> Sub. by the Khyber Pakhtunkhwa Act No IV of 2011.

<sup>12</sup> Sub. by the Khyber Pakhtunkhwa Act No IV of 2011.

<sup>13</sup> Sub. by the Khyber Pakhtunkhwa Act No IV of 2011.

<sup>14</sup> Sub. by the Khyber Pakhtunkhwa Act No IV of 2011.

<sup>15</sup> Sub. by the Khyber Pakhtunkhwa Act No IV of 2011.

<sup>16</sup> Sub. by the Khyber Pakhtunkhwa Act No IV of 2011.

- (c) lay down policy for utilization of education cess collected under the Ordinance;
- (d) approve the annual budget;
- (e) allocate funds out of the collection of education cess to the District Committee;
- (f) authorise the Chairman of Committees to make appointments of staff;
- (g) incur expenditure on the management and administration of the Board and Committees;
- (h) call for any information from, or give directions to, Committees;
- (i) regulate proceedings of the Board;
- (j) do any other thing necessary for, or connected with, or incidental to, the discharge of its functions under the Ordinance and these rules.

**5. Constitution of District Committees.-** (1) The Board shall by notification in the official Gazette, constitute a District Committee for each such District in the Province which it considers expedient for the purposes of the Ordinance and these rules.

(2) The Committee shall consist of-

- (a) the Deputy Commissioner of the District concerned who shall also be its Chairman;
- (b) District Education Officer of the District concerned;
- (c) Excise and Taxation Officer of the District concerned.
- (d) an Officer of the Labour Directorate to be nominated by the Director, Labour Welfare, <sup>17</sup>[Khyber Pakhtunkhwa], who shall so be its Secretary;
- (e) one representative of the employers to be nominated by the Board; and
- (f) one representative of the workers to be nominated by the Board.

**6. Functions and Powers of the Committee.-**The Committee shall -

- (a) utilize the funds placed at its disposal by the Board for the purposes of the Ordinance and these rules;

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<sup>17</sup> Sub. by the Khyber Pakhtunkhwa Act No IV of 2011.

- (b) decide the nature and extent of assistance to be given to the workers' children in connection with their education; subject to such guidelines as the Board may lay down;
- (c) withdraw or reduce the assistance given under clause (b), on expiry of an academic year or earlier than that of any of the following grounds:-
  - (i) completion of the prescribed course;
  - (ii) dismissal or termination of the worker concerned;
  - (iii) failure of the student in a class in two successive attempts;
  - (iv) if a student quits as boarder;

Provided that the assistance shall stop forthwith if the student concerned is found guilty of mis-conduct.

**7. Tenure of office of Members of the Board and the Committees.-** (1) A member other than an official member shall hold office for a period of two years from the date of notification appointing him as member and shall be eligible for re-nomination:

Provided that an outgoing member may continue in office until the appointment of his successor is notified:

Provided further that no act or proceeding of the Board or the Committee shall be invalid by reason only of existence of vacancy or defect in the constitution of the Board or the Committees.

(2) A person appointed as member to fill a casual vacancy shall hold office for the unexpired period of his predecessor.

(3) A member may, by writing under his own hand addressed to the Chairman, resign his office or he may be removed by Government if he is convicted of an offence which in the opinion of Government involves moral turpitude or if he has been absent for three consecutive meetings without leave of absence from the Chairman.

**8. Meetings.-** (1) The meeting of the Board or, as the case may be, a Committee may be convened by the Chairman as and when it is considered necessary; provided that at least one meeting shall be held in every three months.

(2) The quorum for the meetings of the Board shall be its Chairman and six members of the Board; and for the meeting of Committee, its Chairman and two members of the Committee; provided in each case that at least one member from workers is present.

(3) In the absence of the Chairman of a Committee, a person nominated by him shall act as the Chairman of the Committee.

(4) Decisions in a meeting shall be taken by the majority votes. In case of equality of votes, the Chairman shall have, a second or casting vote.

(5) The minutes of the meeting shall be recorded in a Minute Book to be kept for the purpose and shall be signed by the Chairman and shall be circulated amongst the members present in Pakistan.

**9. Disposal of Business.-** (1) Every question which the Board or the Committee is required to take into consideration shall be considered at a meeting.

(2) A resolution relating to a matter not on the agenda may be moved by any member with the permission of the Chairman and if the resolution is seconded, it shall be discussed in the meeting.

(3) The Board or a Committee may appoint a Sub-Committee and refer any particular matter to the Sub-Committee for consideration and report and may also appoint a technical adviser to assist the Sub-Committee. The quorum for the meeting of the Sub-Committee shall be half of the members of such a Sub-Committee.

(4) The Chairman shall place the findings of the Sub-Committee and the opinion expressed by the advisor before the Board or the Committee, as the case may be, for decision.

**10. Allowance for attending the meeting.-** (1) A non-official member, an advisor or any other person specially invited by the Board, the Committee or the Sub-Committee shall be entitled to the following allowance:-

- (a) travelling allowance equivalent to the actual fare by rail or road in a public transport to and from his place of residence; provided that an invitee residing at the place of meeting will be entitled only to actual taxi charges to and from his residence or a conveyance allowance at such rate, as determined by the Chairman, in case he uses his own car and
- (b) daily allowance for actual days of the meetings, or if need be, for the day preceding and following the day of meeting at the rates determined by the Board.

(2) The travelling and daily allowance shall be sanctioned by the Chairman and will be met out of the fund of education cess recoverable under the Ordinance.

**11. Office establishment of the Board.-** (1) The Board shall appoint such officers and staff as are considered necessary and determine their emoluments and terms of employment.

(2) The Secretary of the Board shall be paid, from the funds of the Board, such amount of special pay of honorarium as may be decided and sanctioned by the Board, in consultation with the Finance Department.

**12. Powers and duties of the Secretary.**-The powers and duties of the Secretary of the Board shall be:-

- (i) to convene under the orders of the Chairman meetings of the Board or any Sub-Committee, to record minutes of such meetings and to take action to get the decisions made in such meetings implemented;
- (ii) to maintain accounts of the funds placed at the disposal of the Board;
- (iii) to look after and supervise the administration of the Board; and
- (iv) to undertake such other duties and exercise such other powers as may from time to time be entrusted or delegated to him by the Board or the Chairman.

**13. Delegation of powers.**- The Board or the Committees may delegate any of its powers under these rules to the Chairman or any other member of the Board or the Committee, as the case may be.

**14. Utilization of funds-** (1) The annual collection of education cess shall be utilized for providing educational facilities to the workers' children, improvement of schools located in or attached to establishments through special grants over and above those given by the Government and on administration of the Board and the Committees.

(2) The total amount of the education cess excluding the expenditure on the administration of the Board and the Committees may be utilised in the following manner:-

- (i) not more than 25% of the amount for special grant on exceptional grounds on the improvement of schools by providing teaching aid, equipment, furniture and other things ancillary thereto, to schools located in the establishment areas or attached thereto;
- (ii) 25% of the amount for providing educational facilities to the workers' children upto matriculation by awarding scholarship or stipend or other facilities such as text books, stationery, fees and funds payable to the institution or hostel and combination of more than one of these facilities and any other facility which Government may deem necessary for the purpose.
- (iii) 50% of the amount shall be utilized for financial help to the worker's children for post-matriculation studies for the purposes mentioned in clause (ii) above.

- (iv) the maximum rates upto which financial aid will be given under clauses (ii) and (iii) will be specified by the Board from time to time.

(3) The Board shall ensure that the establishments the workers of which are being benefited are paying the education cess.

(4) Workers who are eligible to receive benefits in respect of education of their children under these rules shall apply to the respective Committees through their employers. The application shall be received by the Committee twice a year i.e. in the months of April and September in Form E-I appended to these rules.

(5) The decision of the Committee on the application received under sub-clause (4) shall be communicated forthwith to the worker concerned, his employer, and the institution where the child concerned is getting education.

<sup>18</sup>[(6) The amount of scholarship or stipend or other facilities shall be provided to the children -

- (i) in the case of a child studying in any class upto matriculation level, through the employer in whose establishment the father of the child works; and
- (ii) in the case of a child studying in a class above matriculation level, through the head of the institution in which the child studies.]

(7) A worker aggrieved by the decision of the Committee may prefer a review petition to the Committee within 30 days of the communication thereof and the Committee shall decide the matter afresh.

**15. Maintenance of accounts.-** (1) The Board and the Committee shall maintain proper accounts of the funds at their disposal in such form as may be specified.

(2) The Board and the Committees shall place their demands for the next financial year with the Board by the 1st of March every year. In addition to other items of expenditures the budget estimate statements must contain information regarding the amount of estimated expenditure on various items mentioned in rule 14. The Board will scrutinize and if necessary revise the said demands and shall allocate funds to the Committees and to itself for utilization.

(3) The funds allocated by the Board shall be held in the manner determined by the Board.

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<sup>18</sup> Sub-rule (6) of rule 14, subs. by the Notification No. SOL/1-17/80, dated 31st Oct, 1988/ Khyber Pakhtunkhwa Govt. Gaz. Extr., Nov. 26, 1988, p. 797.

(4) The account of the Board and the Committees shall be audited under such arrangements as the Board may decide.

(5) Notwithstanding the audit provided for in sub-rule (4) the Auditor-General of Pakistan shall once a year hold or cause to be held a test audit of the accounts of the Board and the Committee.

(6) The Committee shall, by the 10th of each month, submit to the Board a monthly return relating to the preceding month showing the amount of allocation in hand at the beginning of the month, the amount of further allocation, if any, received and disbursement made during the month.

**16. Withdrawals.**-(1) The Chairman of the Board will be the drawing and disbursing officer for the funds of the education cess; provided that he may nominate any other officer as Drawing and Disbursing Officer on his behalf.

(2) The Chairman of the Committee will be the Disbursing Officer of the funds placed at his disposal by the Board; provided that he may delegate his powers of withdrawal to a member of the Committee, who shall exercise such powers of withdrawal in such manner and subject to such conditions as are determined by the Chairman.

**17. Miscellaneous.**- The Committee shall furnish to the Board quarterly as well as annual reports giving the following information:-

- (i) number of worker's children provided with educational facilities during the period under report;
- (ii) types of facilities provided; and
- (iii) the amount spent on each of such facilities during the period under report.

<sup>19</sup>**[18. Accounting Procedure.**- (a) The Cess shall be paid by an Employer of an Establishment under the head "3000 -- Deposit Not Bearing Interest-3500 -- Departmental and Judicial Deposits-3548 -- Civil Deposits- Workers' Children Education Fund".

(b) At the close of the year, 2% of the collection at (a) shall be paid through cheque by Chairman, Workers' Children Education Board, <sup>20</sup>[Khyber Pakhtunkhwa] into the head "0200- Indirect Taxes-0290 - Other Indirect Taxes-0293-Education Cess.]

**19. Repeal.** - The <sup>21</sup>[Khyber Pakhtunkhwa] Workers' Children (Education) (Disbursement of Benefits) Rules, 1975 are hereby repealed.

<sup>19</sup> Rule 18 subs. for the original. By the Notification No. SOL. 1-17, dated 11th Nov., 1982 Khyber Pakhtunkhwa Govt Gaz. Extr., Nov. 22, 1982, p. 409.

<sup>20</sup> Sub. by the Khyber Pakhtunkhwa Act No IV of 2011.

<sup>21</sup> Sub. by the Khyber Pakhtunkhwa Act No IV of 2011.

**FORM E-1**  
[See rule 14(4)]

I, Mr.....  
resident of.....  
employed as.....in.....hereby nominate  
Mr./Miss.....who is my son/daughter as my nominee for  
the grant of facilities under the Workers' Children (Education) Ordinance, 1972, and the Rules  
made thereunder. His/her-brief particulars are as under:

- (i) Name of Nominee.....
- (ii) Date of birth of the Nominee.....
- (iii) Class in which the Nominee is studying.....:
- (iv) Name of the School/Institution in which the nominee is  
studying.....
- (v) He/She is Boarder/Non-Boarder.....

I apply for the following facilities for my son/daughter:-

- (i) Text Books and Exercise Books.....Rs.
- (ii) Tuition Fee and Funds.....Rs.
- (iii) Hostel charges, including food expenses.....Rs.
- (iv) Uniform charges (if any).....Rs.
- (v) Miscellaneous.....Rs.

I certify that the above particulars are true to the best of my knowledge and belief. I  
further certify that I have not nominated any other son/daughter previously. Four attested  
photographs of the nominee are attached herewith.

Dated:

Signature of the Applicant

**VERIFICATION OF THE HEAD OF INSTITUTION**

Verified that.....son of.....  
.....is a *bona fide* student of class..... of this  
School/College/University/Institution.

Dated:

Signature of Head of the Institution.

Seal.

VERIFICATION BY THE EMPLOYER

It is verified that the applicant is employed in this establishment for the last..... months/years. It is also certified that the worker is not already enjoying the facility under Workers' Children (Education) Ordinance, 1972, and that this establishment has not previously verified any nomination paper of this worker. It is further certified that the nominated child is residing at a distance of more than 10 miles from the said college.

Dated: Signature of Proprietor/Manager of the Establishment.

VERIFICATION BY THE EXCISE DEPARTMENT

It is certified that the aforementioned establishment to which the worker belongs has been regularly paying the Cess under the Education Cess Rules, 1973 and its workers are entitled to the benefits provided under the Workers' Children (Education) Ordinance, 1972.