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GOVERNMENT GAZETTE

North-West Frontier Province

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

NOTIFICATION

11th September, 2002.

No. LEGIS:1(5)/02-6704-09.—The following Ordinance by the Governor of the North-West Frontier Province is hereby published for general information:—

THE NORTH-WEST FRONTIER PROVINCE ELEMENTARY EDUCATION FOUNDATION ORDINANCE, 2002.

N.-W.F.P. ORDINANCE NO. XXX OF 2002.

AN
ORDINANCE

to provide for establishment of an Elementary Education Foundation in the North-West Frontier Province.

WHEREAS it is expedient to provide for the promotion, improvement and financing of education and development of the human resources in the North-West Frontier Province through strengthening of Elementary Education in the Private Sector in line with the education policy of Government;

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 uptodate, and the Provisional 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 in that behalf, the Governor of North-West Frontier Province is pleased to make and promulgate the following Ordinance:

1. ***Short title, application and commencement.***— (1) This Ordinance may be called the North-West Frontier Province Elementary Education Foundation Ordinance, 2002.

(2) It shall extend to whole of the North-West Frontier Province.

(3) It shall come into force at once.

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

(a) "Bank" means the financial institution in whose custody and control the fund under this Ordinance is kept and invested;

(b) "Board" means the Board constituted under section 5;

(c) "Chairman" means Chairman of the Board;

(d) "Foundation" means the Elementary Education Foundation, established under section 3;

(e) "Fund" means the fund established under section 8 (1);

(f) "Government" means the Government of the North-West Frontier Province;

(g) "Managing Director" means Managing Director, Elementary Education Foundation, North-West Frontier Province;

(h) "Secretary Finance" means Secretary to Government, Finance Department;

(i) "Secretary Schools and Literacy" means Secretary to Government, Schools and Literacy Department;

(j) "Secretary P&D" means Secretary to Government, Planning and Development Department; and

(k) "Section" means a section of this Ordinance.

3. ***Establishment of the Foundation.***— (1) As soon as may be after the promulgation of this Ordinance, Government shall, by a notification, establish a foundation to be known as the "Elementary Education Foundation".

(2) The foundation shall be a body corporate having perpetual succession and a common seal with power to acquire and dispose of property both movable and immovable, and shall by the said name sue and be sued.

4. ***Function of the Foundation.***— (1) The main objective of the Foundation is to take all such measures as it deems necessary for the promotion, improvement and financing of education and development of the human resources in the North-West Frontier Province through strengthening of elementary education in the private sector in line with the education policy of Government.

(2) Without prejudice to the generality of the objective mentioned in sub-section (1), the other objectives of the Foundation are to—

(a) give loans to an individual or non-governmental organization for establishment of elementary education schools;

(b) to improve literacy, with particular focus on women, through opening of new schools and employment of teachers in deficient areas;

(c) improve quality of education through effective and systematic teachers training programme;

(d) promote community participation and ownership of elementary education programmes at the grass roots level;

(e) assist national efforts at mainstreaming the education imparted in religious madarassas and mosques;

(f) introduce innovative educational programmes relating to literacy and skills oriented disciplines for the exceptional disabled, related and disadvantaged children.

5. ***Constitution of the Board.***— (1) There shall be a Board to carry out the purposes of this Ordinance, consisting of the following:

(a)	Governor, North-West Frontier Province;	..	Chairman.
(b)	Minister for Education, North-West Frontier Province;	..	Vice-Chairman.
(c)	Secretary to Government, Schools and Literacy Department;	..	Member.
(d)	Secretary to Government, Planning and Development Department;	..	Member.
(e)	Secretary to Government, Finance Department or his nominee not below the rank of an Additional Secretary.	..	Member.
(f)	Chairman, Board of Intermediate and Secondary Education;	..	Member.
(g)	Managing Director, Frontier Education Foundation (FEF);	..	Member.
(h)	One District Nazim (to be nominated by the Chief Executive);	..	Member.
(i)	One Tehsil Nazim (to be nominated by the Chief Executive);	..	Member.

(j)	Managing Director, Elementary Education Foundation (EEF);	..	Secretary.
(k)	A nominee of the Sarhad Chamber of Commerce; and	..	Member.
(l)	A representative each of two non-Governmental Organizations (NGOs) working in Education Sector in the North-West Frontier Province (to be nominated by the Chief Executive);	..	Members.
(m)	A distinguished educationist to be nominated by the Chairman.	..	Member

(2) The members of the Board, other than ex-officio members, shall hold office for two years only.

(3) The Managing Director, Elementary Education Foundation (EEF) shall be the Secretary of the Board.

(4) The Board shall meet at least once in a quarter at such a place and on such a date as the Chairman may direct.

(5) The Board shall evolve its own procedure for the conduct of its business under this Ordinance.

(6) No remuneration shall be admissible to Chairman, any member or the secretary of the Board.

(7) The Board may constitute such financial, technical and other Committees as may be deemed necessary.

(8) The Board may delegate any of its powers, duties or functions to any officer or employee of the Foundation.

6. ***Powers and duties of the Board.***— (1) The administration and management of the Foundation and its affairs shall vest in the Board, which may exercise all powers and do all acts and things which may be exercised or done by the Foundation.

(2) Without prejudice to the generality of the foregoing provisions, and subject to other provisions of this Ordinance, the Board shall have the powers—

(a) to hold, control and administer the funds of the Foundation;

(b) to govern and regulate, with due regard to the advice of the finance and planning committees in this behalf, the finances, accounts and investments of the Foundation;

(c) to consider the annual report of the Foundation and give directions as may be necessary;

(d) to consider the annual and revised budgets and to advise Managing Director to re-appropriate funds;

(e) to enter into, carry out and cancel contracts on behalf of the Foundation;

(f) to cause proper books of accounts to be kept for all sums of money received and expanded by the Foundation and for assets and liability of the Foundation;

(g) to invest any money belonging to the Foundation in any of the Government securities;

(h) to receive and manage any property transferred and grants, bequests, trusts, gifts, donations, endowments and other contributions made to the Foundation;

(i) to administer any funds placed at the disposal of the Foundation for specified purposes;

(j) to create, suspend or abolish such administrative posts as may be necessary;

(k) to appoint consultants and employees in BPS-17 and above;

(l) to suspend, punish and remove from service officers (other than Managing Director) and other employees in the manner prescribed;

(m) to approve rules and regulations of the Foundation;

(n) to regulate, determine and administer all other matters concerning the Foundation and to this end exercise all powers necessary to fulfil the requirements of this Ordinance; and

(o) to delegate any of its powers to an Officer or a committee or sub-committee.

7. ***Management.***— (1) There shall be a Managing Director, to be appointed by Chairman through an open merit policy.

(2) The Managing Director shall exercise such powers and perform such duties and functions as may be assigned to him by the Board.

(3) The Foundation may employ such officers, advisers, consultants and employees in its service as may be necessary for the efficient performance of its function in such a manner and on such terms and conditions as may be prescribed.

8. ***Foundation fund.***— (1) The Foundation shall have a fund to be known as Elementary Education Fund.

(2) The sources of the Fund includes but is not limited to endowments, grants/contributions, donations, trusts, bequests by:

(i) Government of Pakistan;
(ii) Government of the North-West Frontier Province;
(iii) International and local donor agencies; and
(iv) others.

(3) The Fund shall be under the control and management of the Board and shall be kept in such bank and invested in such manner as may be determined by the Board.

(4) The income from the Fund shall be utilized in accordance with the procedure and for the purposes as may be prescribed.

9. ***Audit and accounts.***— (1) All monies received by the Foundation shall be kept in a separate bank account specifically opened for the purpose.

(2) The bank account shall be operated jointly by the Managing Director and Finance Officer of the Foundation.

(3) The accounts of the Fund shall be maintained in such form and in such manner as may be prescribed.

(4) The Managing Director of the Foundation shall prepare annual account statement of the Fund within 30 days of closing of the respective financial year. A copy of the annual statement, duly approved by the Board, shall be sent to Secretary to Government, Finance Department, through the Secretary to Government, Schools and Literacy Department.

(5) Accounts of the Fund shall be audited in the prescribed manner.

10. ***Powers to make rules.***— Government may make rules for carrying out the purpose of this Ordinance.

11. ***Powers to make regulations.***— Subject to the rules made by Government, the Board may, with the approval of Government, make regulations on matters not regulated by rules.

Peshawar,
Dated the 9th Sept., 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.

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