



# **KHYBER PAKHTUNKHWA**

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## **PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA**

### **NOTIFICATION**

Dated Peshawar, the 25<sup>th</sup> May, 2026.

No. PA/Khyber Pakhtunkhwa/Bills-90/2026/6917.— The Khyber Pakhtunkhwa Educational Testing and Evaluation Agency Bill, 2026 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 04<sup>th</sup> May, 2026 and assented to by the Governor of the Khyber Pakhtunkhwa on 13<sup>th</sup> May, 2026 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

### **THE KHYBER PAKHTUNKHWA EDUCATIONAL TESTING AND EVALUATION AGENCY ACT, 2026. (KHYBER PAKHTUNKHWA ACT NO. XI OF 2026)**

*(First published after having received the assent of the Governor of the  
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.  
(Extraordinary), dated the 25<sup>th</sup> May, 2026).*

#### **AN ACT**

*to provide for the revamping, strengthening, operation and management of  
Educational Testing and Evaluation Agency in Khyber Pakhtunkhwa Province*

**WHEREAS**, it is expedient to re-establish the Khyber Pakhtunkhwa Educational Testing and Evaluation Agency to provide for the revamping, strengthening, operation, management development of resources and systems for the conduct of educational evaluation and testing for the admissions in educational institutions and recruitment in Government and semi-Government Departments and private institutions in a transparent, uninfluenced and academically sound manner;

**AND WHEREAS**, it is required to broaden the jurisdiction of the Khyber Pakhtunkhwa Educational Testing and Evaluation Agency beyond its existing jurisdiction of the Province of Khyber Pakhtunkhwa so that Federal Government and other Provincial Governments and other public or private entities may also be able to engage services of Educational Testing and Evaluation Agency;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

**1. Short title, application and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Educational Testing and Evaluation Agency Act, 2026.

(2) It shall apply to such educational institutions, including private educational institutions, departments of the government, attached departments, authorities, autonomous and semi-autonomous organizations, or any other entity as Government may, from time to time, by notification in the official Gazette, specify.

(3) It shall come into force at once.

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

- (a) **“Act”** means the Khyber Pakhtunkhwa Educational Testing and Evaluation Agency Act 2026;
- (b) **“Agency”** means the Khyber Pakhtunkhwa Educational Testing and Evaluation Agency, established under section 3 of this Act;
- (c) **“Board”** means the Board of Governors of the Agency established under section 9 of this Act;
- (d) **“Candidate”** means a person appearing in the test conducted by the Agency;
- (e) **“Committee”** means the Committee constituted by the Board under this Act;
- (f) **“Chairman”** means the Chairman of the Board;
- (g) **“Executive Director”** means the Executive Director of the Agency appointed under section 7 of this Act;
- (h) **“Endowment Fund”** means the Endowment Fund, established under section 15 of this Act;
- (i) **“Government”** means the Government of Khyber Pakhtunkhwa;
- (j) **“Secretary”** means Secretary to Government of Khyber Pakhtunkhwa, Higher Education, Archives and Libraries Department;
- (k) **“Department”** means the Higher Education, Archives and Libraries Department;

- (l) **“member”** means a member of the Board;
- (m) **“Repealed Ordinance”** means the Khyber Pakhtunkhwa Educational Testing and Evaluation Agency Ordinance, 2001, as repealed under section 24 of this Act;
- (n) **“prescribed”** means prescribed by rules and regulations;
- (o) **“regulations”** mean regulations made under this Act;
- (p) **“rules”** mean rules made under this Act;
- (q) **“Schedule”** means a Schedule appended to this Act;
- (r) **“staff”** mean persons appointed in the Agency on contract basis, regular basis or transfer or deputation basis;
- (s) **“test”** means a computer based test, written test, physical test or skill based test conducted by the Agency;
- (t) **“test center”** means a space, compound or premises used by the Agency as a venue of the test; and
- (u) **“unfair mean”** means the use or possession of cheating material, use or possession of mobile phones or any other electronic devices, act of impersonation, or smuggling of question paper or answer sheet from the test center or late submission of the answer sheet or use of fabricated documents or information, by the candidate during a test.

**3. Re-establishment of the Agency.**---(1) As soon as may be, after the commencement of this Act, Government shall, by notification in the official Gazette, re-establish the Educational Testing and Evaluation Agency, established under section 3 of the repealed Ordinance and shall be known as the Khyber Pakhtunkhwa Educational Testing and Evaluation Agency.

(2) The Agency shall be a body corporate by the name of Khyber Pakhtunkhwa Educational Testing and Evaluation Agency, a non-profit organization of Government under having perpetual succession and a common seal, with power to acquire, hold and dispose of its assets and investment and shall by the said name sue and be sued.

**4. Powers and functions of the Agency.**---(1) The Agency shall have the powers to,-

- (a) conduct the entrance tests to Professional Colleges and Universities, admission tests to colleges and universities, both in public and private sector or any other admittance test as Government may, by notification in the official Gazette, specify;
- (b) conduct the screening tests and recruitment tests in the public sector organizations of Government;
- (c) conduct the tests for Federal Government and other Provincial Governments and private entities, on their requests so as to ensure meritocracy and transparency;
- (d) develop the resources and systems for the conduct of educational evaluation and testing in respect of the educational institutions in general and for admission to the educational institutions in particular, to which the provisions of this Act are applied, in a transparent and academically sound manner;
- (e) achieve the testing and evaluation objectives in a manner that may inculcate the spirit of inquiry, application, and research amongst students, during study at academic, research and training institutions;
- (f) provide instructions, training, and research to foster meaningful and academically sound practices in testing and evaluation in order to attain progressive up-gradation of quality and standards of education in general and for matters ancillary thereto; and
- (g) perform such other functions, as Government may, by notification in the official Gazette, assign to it.

(2) The Agency may enter into agreements, contracts, and arrangements with governmental as well as non-governmental institutions, bodies, and individuals for the purpose of carrying out its functions and activities under this Act.

(3) The Agency, if deems necessary and beneficial for the general public, Government or the students, may develop standard tests for posts, advertised by the Agency in consultation with the department concerned, to be conducted periodically, in the manner as may be prescribed.

(4) The Agency, if requires, may re-conduct a specific test, as a whole or part of it, in the prescribed manner, for a purpose advertised by the Agency, with the approval of the Board.

(5) The Agency, with prior approval of the Board, may take any action or step to create deterrence so as to ensure smooth and transparent conduct of test.

**5. Administration and conduct of business.**---(1) The general direction, control and administration of the affairs of the Agency shall vest in the Board which may exercise all powers and do all acts and things that may be exercised or done by the Agency in accordance with the provisions of this Act.

(2) All acts of the Agency, whether executive or otherwise, shall be expressed to be taken in the name of the Agency and shall be authenticated in such manner as may be prescribed.

(3) Without prejudice to the generality of the foregoing provisions, the Board shall exercise and perform the powers and functions hereinafter specified namely:

- (a) to formulate or approve the principles, policies and plans, governing the activities and operations of the Agency so as to ensure that examination and testing activities enjoy their freedom and non-interference from outside;
- (b) to frame or have framed and revised, from time to time, regulations for the efficient and effective operations of the Agency;
- (c) to approve the plans, programs and budget of the Agency submitted by the Executive Director;
- (d) to require the Executive Director to submit reports relating to the plans and programs of work, to consider such reports and also to direct the Executive Director to submit reports relating to any matter specified by the Board;
- (e) to create, abolish or upgrade such academic, technical, or administrative posts as it may consider necessary for the purpose of the Agency and to approve appointments on such posts as it may specify;
- (f) to undertake responsibility for the financial integrity of the Agency, including responsibility for ensuring effectiveness of its future operations;
- (g) to undertake responsibility for the preservation of the autonomy of the Agency;
- (h) to appoint from amongst its members such committees or sub-committees as may, in the opinion of the Board, lead to its more efficient and effective operation;

(i) to take all such initiatives as it may consider necessary or desirable for the efficient and effective management and functioning of the Agency; and

(j) to make procedures for the conduct of its business under this Act.

**6. Use of public facilities or private spaces as test center.**---(1) The Agency may utilize the premises of any public facility suitable for test center or engage any private property or place to hold tests, on such terms and conditions as approved by the Board.

(2) If the Agency deems a public facility suitable for holding tests but the management of such facility does not allow the Agency to hold tests, the management shall communicate the reasons in writing to the Agency.

(3) In case, the Agency considers spending an amount in the form of technological investment in the premises of any public facility so that the facility can be jointly utilized by the Agency and the host public institution, on the terms and condition agreed between both, subject to the prior approval of the Board, if deems it beneficial for the Agency and the public in general.

**7. Executive Director.**---(1) The Chairman shall, on the recommendation of the Board, appoint an Executive Director for such period and on such terms and conditions as the Board may determine.

(2) The Executive Director shall be the chief academic, financial and executive officer of the Agency and shall have the overall responsibility for the direction, organization, administration and programs of the Agency in accordance with the guidelines and general policies formulated by the Board and for the implementation of the decisions and policies of the Board. In particular, he shall,-

(a) submit plan of activities, work and budget estimates for the approval of the Board;

(b) direct the activities connected with the execution of programs for testing, training, research, and marketing of its services and authorize expenditure provided for in the budget as approved by the Board;

(c) submit to the Board, in accordance with the rules, its reports on the activities of the Agency and the execution of plan of work;

- (d) provide necessary services, including the service of paper setting, to the Board for the conduct of entrance examination, screening tests and other tests:

Provided that the examiners shall not be setters of the papers, and they shall conduct only entrance examination or test; and

- (e) make plan for the investments of surplus funds to generate maximum benefits for and financial soundness of the Agency.

(3) In the discharge of his duties, the Executive Director shall deal directly, and not through intermediaries, with the Chairman and the Board.

**8. Inquiry and audit by the Department.**---(1) The Department, on direction of Chairman or Vice-Chairman, may order the inquiry against the officers or officials of the Agency as the case may be.

(2) The Department may carry out financial as well as performance audit to the Agency and submit report to the Chairman for perusal and appropriate orders.

(3) The Agency shall share financial position and performance report with the Department for perusal and arrangement of funds (if required) twice in a financial year.

**9. Re-constitution of the Board of Governors.**---(1) As soon as may be, after the commencement of this Act, Government, by notification in the official Gazette, shall re-constitute the Board, constituted under section 7 of the repealed Ordinance, which shall consist of,-

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| (a) | Chief Minister, Khyber Pakhtunkhwa;  | Chairman      |
| (b) | Minister/Advisor/Special Assistant to Chief Minister for Higher Education, as the case may be; | Vice-Chairman |
| (c) | Secretary to Government, Higher Education, Archives and Libraries Department;                  | Member        |

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| (d) | Secretary to Government, Finance Department;  | Member |
| (e) | Secretary to Government, Establishment Department;  | Member |
| (f) | Secretary to Government, Health Department;   | Member |
| (g) | Secretary to Government, Elementary and Secondary Education Department;   | Member |
| (h) | Managing Director, Khyber Pakhtunkhwa Information Technology Board;   | Member |
| (i) | Principal of a medical college of the Province, to be nominated by the Chairman for a term of three years on rotation basis;  | Member |
| (j) | Vice-Chancellor of University of Engineering and Technology of the Province, to be nominated by the Chairman for a term of three years on rotation basis;           | Member |
| (k) | Chairman of one of the Boards of Intermediate and Secondary Education of the Province, to be nominated by the Chairman for a term of three years on rotation basis; | Member |
| (l) | one nominee of the Chief Minister (public representative);  | Member |

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| (m) one professional person of eminence in Computer Technology or Education, to be nominated by the Department; and | Member               |
| (n) Executive Director of the Agency.   | Member-cum-Secretary |

(2) The tenure of nominated members of the Board, constituted under section 7 of the repealed Ordinance, shall continue till its expiration.

(3) The members at clauses (i), (j) and (k) of sub-section (1), on expiry of the terms, be eligible for re-nomination for one another term, only.

(4) The office of the members at clauses (i), (j) and (k) of sub-section (1), shall become vacant if he resigns or fails to attend three consecutive meetings of the Board without sufficient cause or leave of absence.

(5) A casual vacancy in the office of the members at clauses (i), (j) and (k) of sub-section (1) shall be filled by nomination of another person by Chairman for the remaining period.

**10. Delegation of Powers.**---The Board may delegate any of its powers to the Executive Director, subject to such conditions as it may deem fit to impose.

**11. Meetings of the Board.**---(1) The Board shall meet at least twice a year on dates to be fixed by the Chairman in consultation with the Executive Director, for regular or scheduled meetings and may meet at any other time at which a special meeting thereof may be called by the Chairman or requisitioned in writing by not less than five members of the Board.

(2) In case of a special meeting, not less than ten days' notice shall be given to the members of the Board and the agenda of the meeting shall be restricted to the matter for which the special meeting is called.

(3) The quorum for a meeting of the Board shall be one-half of its members, a fraction being counted as one.

(4) The decision of the Board shall be expressed in terms of the views of the majority of the members present and voting and, if the members are equally divided, the Chairman shall have and exercise a casting vote.

**12. Academic and technical staff.**---(1) The academic, technical and administrative staff of the Agency shall be selected on open merit, through a competitive process, in a manner and on terms and conditions as prescribed by the rules, with a view to achieve its stated objectives and the basic criteria for their selections shall be the highest standard of competence, integrity and efficiency.

(2) The Agency may, if deems necessary, hire services of any suitable technical or non-technical person, subject specialist, expert of the field or advisor of highest standard of integrity, competence and efficiency, for a period and on the terms and conditions to be specified by the Agency through notification.

(3) The Agency may hire the service of invigilators on part-time or hourly basis for the purposes of conducting tests.

(4) The staff of the Agency shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860.

**13. Fund.**---(1) The Agency shall have a Fund, which shall consist of the following,-

- (a) income from fees;
- (b) endowments, trusts or bequests;
- (c) donations, contributions or grants; and
- (d) any other source.

(2) The Agency shall function on the principle of self-financing through the resources listed above.

(3) No contribution, donation or grant which may directly or indirectly involve any immediate or subsequent financial liability of the Agency, or which may involve an activity not included in its programs for the time being shall be accepted without the prior approval of the Board.

**14. Audit and accounts.**---(1) The accounts of the Agency shall be maintained in such form and in such manner as may be prescribed by rules.

(2) The accounts of the Agency shall be audited each year within four months of the closing of financial year by the Director Local Fund Audit, Khyber Pakhtunkhwa.

(3) There shall be an Agency Audit Committee, to be constituted in the prescribed manner, which shall discuss the Audit Paras before their submission to the Board along with the recommendations.

(4) The accounts, together with the report of the auditor thereon, shall be submitted to the Board for approval.

(5) The Board may take action on audit paras in light of the recommendations of the Agency Audit Committee and if deems necessary, refer the draft paras to the Public Accounts Committee of the Provincial Assembly of Khyber Pakhtunkhwa, through Department.

(6) The Auditor's report shall certify that the auditor has complied with the standards of audit and certification laid down by the Institute of Chartered Accountants of Pakistan.

(7) The Auditor's report containing draft paras shall be laid before the Provincial Assembly of Khyber Pakhtunkhwa every year.

(8) The Agency, on a need basis, shall undertake financial audit each year from a renowned Chartered Accountant Firm, in the prescribed manner.

**15. Endowment Fund.---** (1) There shall be an Endowment Fund to be known as Khyber Pakhtunkhwa Educational Testing and Evaluation Agency Endowment Fund.

(2) The Endowment Fund shall be established with an initial capital specified by the Board and may, from time to time, credited by,-

- (a) grants from Government and Federal Government;
- (b) income from the Agency fund; and
- (c) any other legal source duly approved by the Board,

(3) The Fund shall be utilized:

- (a) for the welfare of the staff of the Agency; and
- (b) for academic activities and programs conducted by the Agency.

(4) The Endowment Fund shall be under the administrative control of the Board and administered by the Investment Committee of the Agency.

(5) The Endowment Fund shall be managed separately from the Agency Funds.

(6) No amount from the Endowment Fund shall be withdrawn unless it is approved by the Board.

(7) The Board may frame regulations for the administration of the Endowment Fund.

**16. Decision about use of unfair means cases.**---(1) The Agency or any authorized officer of the Agency shall have the power to take action against the candidate indulged in use of any type of unfair means during the test, in a prescribed manner.

(2) The Agency shall constitute and notify a committee to hear the appeals against the actions taken under sub-section (1).

(3) The Executive Director shall be the appellate authority to hear and decide the appeals against the orders taken under sub-section (2), and make a decision, which shall be final.

(4) If a situation arises, or an action is required regarding the matters of use of unfair means which do not cover under any law for the time being in force, the Board shall have the authority to take decision in such matters.

(5) If the Agency deems necessary, any matter regarding the use of unfair means can be referred to the Board whose decision shall be final.

**17. Penalties.**---(1) If a candidate found involved in use of unfair means, he shall be disqualified from the test and forthcoming tests for a period as specified by the Agency.

(2) The mobile phone or any electronic device used for unfair means, shall be confiscated in favor of the Agency:

Provided that the mobile phone or any electronic device confiscated by the Agency, may be disposed off in the manner as may be prescribed by the rules.

(3) The appropriate court shall try such person under the relevant provisions of the law for the time being in force.

(4) In case of any criminal act during the test or at any stage of the process, the original candidate and the person committed the offence shall be proceeded under the relevant law, for the time being in force.

**18. Annual report.**--- Annual report of the Agency shall be laid before the Government each year in the month of March.

**19. Indemnity.**---No suit, prosecution or other legal proceedings shall lie against the Agency or any person empowered under this Act for anything done or intended to be done in good faith under this Act, before any court of law or authority.

**20. Act to override other laws.**---This Act shall have effect notwithstanding anything contained in any other law for the time being in force.

**21. Removal of difficulties.**---(1) If any question arises as to the interpretation of any of the provisions of this Act, the decision of the Board shall be final.

(2) Where this Act makes any provision for anything to be done but no provision or no sufficient provision has been made as respects the authority under whose order, or the time at which, it shall be done, then it shall be done by such authority and at such time as the Board may direct.

**22. Power to make rules.**---The Government may, by notification in the official Gazette, make rules within one hundred and twenty (120) days, after the commencement of this Act, for carrying out the purposes of this Act.

**23. power to make regulations.**---The Board may make regulations not inconsistent with the provisions of this Act and rules made thereunder for carrying out the purposes of this Act.

**24. Repeal and saving.**---(1) The Khyber Pakhtunkhwa Educational Testing and Evaluation Agency Ordinance, 2001 is hereby repealed.

(2) Anything done, action taken, rules made and notification or order issued under any provision of the Ordinance repealed under sub-section (1) shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued under the corresponding provisions of this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

(3) Any document, referring to the repealed Ordinance, shall be construed as referring to the corresponding provisions of this Act.

**BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA**

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**(SYED WIQAR SHAH)**  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa