



KHYBER PAKHTUNKHWA

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PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 16th January, 2019.

No. PA/Khyber Pakhtunkhwa/Bills-8/2019/2789. - The Khyber Pakhtunkhwa Education Employees Foundation Bill, 2018 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 26th December, 2018 and assented to by the Governor of the Khyber Pakhtunkhwa on 14th January, 2019 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA EDUCATION EMPLOYEES FOUNDATION ACT, 2018

(KHYBER PAKHTUNKHWA ACT NO. VI OF 2019)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 16th January, 2019).

AN ACT

to provide for establishment of the Khyber Pakhtunkhwa Education Employees Foundation.

WHEREAS it is expedient to provide for the establishment of the Khyber Pakhtunkhwa Education Employees Foundation, for promotion, welfare, assistance, facilitation and benefit of the Employees of Education Department and their families and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:

1. Short title, application and commencement.--- (1) This Act may be called the Khyber Pakhtunkhwa Education Employees Foundation Act, 2018.

(2) It shall apply to all Education Employees and their family members as defined in clauses (c) and (e) of section 2 of this Act.

(3) It shall come into force at once.

2. Definitions.---In this Act, unless the context otherwise requires, the following expressions, shall have the meaning hereby respectively assigned to them, that is to say,-

(a) "Board" means the Board of Governors constituted under sub-section (2) of section 5 of this Act;

(b) "Chairperson" means the Chairperson of the Board;

(c) "Education Employees" means---

(i) Education Employees working in and on the strength of the-

(a) Directorate General of Commerce Education and Management Sciences, Khyber Pakhtunkhwa;

(b) Directorate of Higher Education, Khyber Pakhtunkhwa;

(c) Directorate of Elementary and Secondary Education, Khyber Pakhtunkhwa;

(d) Directorate of Education, FATA; and

(e) Directorate Bureau of Curriculum and Teachers Education, Khyber Pakhtunkhwa;

(ii) Education Employees working in on the strength of the Foundation; and

(iii) Education Employee, who are under the supervision and control of TEVTA and who were contributors to the Fund before the commencement of this Act

(d) "employee" means a employee of the Foundation;

(e) "family member" means and includes parents, wife or wives, husband, sisters, minor brothers and children, real or step, as the case may be, of an Education Employee, residing with and wholly dependent upon him;

(f) "Foundation" means the Khyber Pakhtunkhwa Education Employees Foundation established under section 3 of this Act;

- (g) "Fund" means the Fund established under section 10 of this Act;
- (h) "Government" means the Government of the Khyber Pakhtunkhwa;
- (i) "Managing Director" means the Managing Director of the Foundation, appointed under section 8 of this Act;
- (j) "Province" means the Province of the Khyber Pakhtunkhwa;
- (k) "prescribed" means prescribed by rules and regulations;
- (l) "rules" mean rules made under this Act;
- (m) "regulations" mean regulations made under this Act; and
- (n) "TVEETA" means the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority, established under the Khyber Pakhtunkhwa Technical Education and Vocational Training Authority Act, 2015 (Khyber Pakhtunkhwa Act No.XII of 2015).

3. Establishment of the Foundation.---(1) Government shall, by notification in the official Gazette, establish a Foundation to be known as the Khyber Pakhtunkhwa Education Employees Foundation.

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

(3) The head office of the Foundation shall be at Peshawar.

4. Aims and objectives of the Foundation.--- (1) The Foundation shall take all such measures, as it may deem necessary, for the welfare of the Education Employees and their family members.

(2) Without prejudice to the generality of sub-section (1), the Foundation shall

- (a) provide low cost accommodation to the Education Employees and their family members;
- (b) award scholarships, cash awards and talent support to the Education Employee's children upto twenty five (25) years of age, studying in educational institutions duly recognized;
- (c) provide to the Education Employee or his/her family member financial assistance on his/her retirement, medical treatment, leaving of service, death, as the case may be;

- (d) grant for marriage of the Education Employee or his/her children, as the case may be;
- (e) make such schemes as it considers necessary for the welfare of the Education Employees or their family members and utilize the Fund to implement such schemes in such manner and subject to such conditions as may be prescribed: and
- (f) do all such other things and activities as may be considered necessary in order to achieve its objectives under this Act.

5. Constitution of the Board of Governors.--- (1) There shall be a Board to carry out the purposes of this Act, consisting of the following, namely:

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| (i) | Secretary to Government, Higher Education, Archives and Libraries Department: | Chairperson |
| (ii) | Secretary to Government, Elementary and Secondary Education Department or his nominee not below the rank of Additional Secretary: | Member |
| (iii) | Secretary to Government, Finance Department or his nominee not below the rank of Additional Secretary: | Member |
| (iv) | Director Higher Education, Khyber Pakhtunkhwa: | Member |
| (v) | Director Elementary and Secondary Education, Khyber Pakhtunkhwa: | Member |
| (vi) | Director General, Commerce and Management Sciences: | Member |
| (vii) | Director Bureau of Curriculum and Teacher Education: | Member |
| (viii) | Director Education, FATA: | Member |
| (ix) | Managing Director, TVETA: | Member |
| (x) | nominees of Khyber Pakhtunkhwa Teachers Association of Higher Education, Elementary and Secondary Education and Ministerial staff: and | Members |
| (xi) | Managing Director. | Secretary-cum-member. |

(2) The members of the Board mentioned in clause (x) other than ex-officio members shall hold office for a period of two years.

6. Meetings of the Board.--- (1) Meetings of the Board shall be called by the Chairperson on such date and at such time and place as he may deem appropriate:

Provided that the intervening period between two meetings of the Board, shall not exceed **four** months.

(2) The meetings of the Board shall be presided over by the Chairperson and in his absence, by any member nominated by him.

(3) The quorum for the meeting of the Board shall be seven members.

(4) The Board may evolve its own procedure for conduct of its business in the manner as may be prescribed by regulations.

(5) All decisions of the Board shall be made by majority of votes. In case of tie, the person presiding over the meeting shall have a casting vote.

7. Powers and functions of the Board.--- (1) The administration, management and general control of the Foundation and its affairs shall vest in the Board, which shall exercise all powers and perform all functions of the Foundation, to achieve its aims and objectives.

(2) Without prejudice to the generality of the foregoing sub-section, the Board shall -

- (a) organize and carry out the activities and performance of the Foundation;
- (b) consider and approve the annual budget and revised budget estimates of the Foundation;
- (c) manage financial affairs of the Foundation;
- (d) consider the annual report of the Foundation and give directions as may be necessary;
- (e) enter into, carry out and cancel contracts on behalf of the Foundation;
- (f) administer any funds placed at the disposal of the Foundation for specified purposes;
- (g) create or abolish such administrative posts as may be necessary;
- (h) with the approval of Chief Minister punish or remove from service the Managing Director;
- (i) make and approve the regulations;
- (j) constitute such financial, administrative, technical and other committees or sub-committees as may be deemed necessary for carrying out the purposes of this Act; and
- (k) perform such other functions as may be necessary for carrying out the purposes of this Act.

8. Appointment of Managing Director.--- The Managing Director, who shall be the Chief Executive Officer of the Foundation, shall be appointed by the Chief Minister of the

Khyber Pakhtunkhwa from amongst the retired Employees in BPS-20 and above on such terms and conditions as may be prescribed by the Board: Provided that the existing Managing Director shall continue till the arrival of new Managing Director. The new Managing Director shall be appointed within six months from the commencement of this Act.

9. Powers and functions of Managing Director.--- (1) The Managing Director shall-

- (a) manage the affairs of the Foundation under the general directions of the Board;
- (b) be responsible for the administration and maintenance of order and discipline in the Foundation;
- (c) appoint employees from BPS-1 to 16 on such terms and conditions and in such manner as may be prescribed;
- (d) suspend, terminate or rename any such employee or impose penalty as required under the rules and regulations;
- (e) appoint consultants, advisors, officers and employees in the Foundation on such terms and conditions and in such manner as may be prescribed;
- (f) execute the policy set out by the Board;
- (g) exercise all the powers as may be assigned by the Board or other committees in urgency or when the quorum is not available for the meeting with the approval of the Chairperson: provided that the decisions or action taken by both the Chairperson and Managing Director shall be placed before the next meeting of the Board or committee for ratification;
- (h) perform such other functions as may be assigned by the Board;
- (i) convene the meeting of the Board with the approval of the Chairperson;
- (j) prepare agenda, working paper and its distribution among the members of the Board;
- (k) record the minutes of each meeting of the Board and its prompt dispatch to the concerned quarters;
- (l) follow-up of all matters connected with or arising out of a meeting of the Board;
- (m) monitor and evaluation of the progress of projects, approved by the Board; and
- (n) conduct the official correspondence of the Foundation under the authority of the Chairperson.

10. The Fund.---(1) The Foundation shall have a fund to be known as the Education Employees Foundation Welfare Fund to which all its income and receipts shall be credited and from which all its expenditures shall be met.

(2) On the commencement of this Act, the Education Employees Foundation Welfare Fund already in existence, shall be deemed to have established under this Act and all its income, contribution and receipts shall be part of this Fund.

(2) The sources of income of the Fund shall be-

- (a) the registration fee paid by the Education Employees;
- (b) compulsory contributions by the Education Employees, at such rates as may, from time to time, be determined by the Board;
- (c) donations from philanthropist, domestic and international donor agencies and other Institutions and individuals;
- (d) sale proceed of the property of the Foundation;
- (e) income from investments of the Fund under this Act; and
- (f) any other sum received by the Foundation from any lawful source.

(3) The Fund shall be utilized for the welfare activities of the Foundation and other expenditures incurred and shall be regulated under the overall supervision of the Board in such manner as may be prescribed by the Board.

11. Budget.--- (1) The Managing Director shall, in respect of each fiscal year, submit for approval of the Board, by such date and in such manner as may be prescribed by regulations, a statement showing the estimated receipts, the current and development expenditures and the sums required as compulsory contribution by the Employees or any other lawful source.

(2) The Managing Director shall not incur any expenditure from the Fund, which is not provided for, in the budget approved by the Board except in certain conditions, situations and to such limit as may be prescribed by regulations.

12. Accounts and audit.--- (1) The Fund shall be maintained in the scheduled bank and shall be operated in such form and in such manner as may be prescribed.

(2) The accounts of the Foundation shall be audited by the Auditor General of Pakistan and report shall be submitted to the Provincial Assembly of Khyber Pakhtunkhwa.

13. Annual report.--- The Managing Director shall, within two months of the conclusion of each calendar year, submit the annual report to the Board, in respect of various activities carried out by the Board during the previous year.

14. Delegation of powers.--- The Board may, from time to time, for smooth running of the affairs of the Foundation, delegate its powers to the Managing Director or any other officer of the Foundation as it may deem fit.

15. Appointment of employees, staff.--- The Managing Director may appoint such officers, advisors, consultants and other employees as it may consider necessary for the efficient performance of its functions on such terms and conditions as may be prescribed by regulations.

16. Public servant.--- The employees shall deem to be public servant within the meaning of section 21 of the Pakistan Penal Code 1860 (Act XLV of 1860).

17. Validations and savings.--- (1) On the commencement of this Act, the Education Employees Foundation already established vide Notification No.SO(G)Edu/2-21/86 (Education Foundation) dated: 9th July 1986, shall be deemed to have validly established under this Act and all funds, assets, properties, rights and interests, and all books of accounts, registers, records and all other documents of whatever nature relating thereto, of Education Employees Foundation shall stand transferred to and vest in the Foundation.

(2) Notwithstanding anything contained in any other law or rules for the time being in force,-

- (i) all debts and liabilities incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Education Employees Foundation shall be deemed to have been incurred, entered or engaged to be done by, with or for, the Foundation;
- (ii) all suits, prosecutions and other legal proceedings instituted by or against the Education Employees Foundation shall be deemed to have been instituted by or against the Foundation and may be continued or proceeded with accordingly;
- (iii) employees except Civil Servants on deputation to the Education Employees Foundation appointed by the Chairperson, Board or through selection process, who are holding various posts till the commencement of this Act, shall be deemed to have been validly appointed to these posts on regular basis on the commencement of this Act, having the same qualification, experience and seniority for the said posts and shall be entitled for all benefits allowed to the Civil Servants; and
- (iv) the Executive Orders and Notification No. SO(G)Edu/2-21/86 (Education Foundation) dated: 9th July 1986 under which the Education Employees Foundation Khyber Pakhtunkhwa Peshawar was established, is hereby dissolved and all the acts and actions taken by the Education Employees Foundation Khyber Pakhtunkhwa since its establishment are hereby saved and all the assets and liabilities are hereby transferred to the Foundation established under section 3 of this Act.

18. Removal of difficulties.--- If any difficulty arises in giving effect to any of the provisions of this Act, the Board may, give such directions, not inconsistent with the provision of this Act, as it may consider necessary for the removal of such difficulty.

19. Powers to make rules.--- Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

20. Power to make regulations.--- Subject to the provisions of this Act and rules, the Board may make regulations for carrying out the purposes of this Act.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa