

(KHYBER PAKHTUNKHWA ACT NO. VIII OF 2013)

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AN
ACT

to provide for the establishment of a Provincial Services Academy in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to establish an Academy for imparting training to officers obligated with executive functions in the Province of the Khyber Pakhtunkhwa and matters connected therewith or incidental thereto;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**---(1) This Act may be called the Provincial Services Academy (Khyber Pakhtunkhwa) Act, 2013.

(2) It shall extend to whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

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

(a) "Academy" means the Provincial Services Academy, Khyber Pakhtunkhwa, established under section 3;

(b) "Board" means the Board of Governors of the Academy;

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

(d) "Director General" means the Director General of the Academy;

(e) "faculty" mean members of the teaching staff of the Academy;

(f) "Fund" means the Fund of the Academy established under section 11;

- (g) "Government" means the Government of the Khyber Pakhtunkhwa;
- (h) "member" means a member of the Board;
- (i) "prescribed" means prescribed by rules ²[or regulations];
- (j) "Province" means the Province of the Khyber Pakhtunkhwa;
³[Deleted]

⁴[(j-i) "regulations" mean the regulations made under this Act; and]

- (k) "rules" mean the rules made under this Act

3. **Establishment of the Academy.**---(1) Government shall, as soon as may be, by notification in the official Gazette, establish an Academy to be known as the Provincial Services Academy, Khyber Pakhtunkhwa.

- (2) The Academy shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable in its name, and shall by its name sue and be sued.

- (3) The main office of the Academy shall be at Peshawar.

4. **Objectives of the Academy.**---The objectives of the Academy shall be-

- (a) to impart pre-service and in-service training to the officers and personnel obligated with executive functions;
- (b) to provide for training and research in the disciplines of public policy, public administration, governance, planning development, law, finance, economics, management, regional studies, social services delivery and any other discipline impacting on governance in the Province;
- (c) to support other existing facilities/institutions in the Province for promotion of education, training and research;

² Inserted vide Khyber Pakhtunkhwa Act No. XXXIX of 2015

³ Deleted vide Khyber Pakhtunkhwa Act No. XXXIX of 2015

⁴ Inserted vide Khyber Pakhtunkhwa Act No. XXXIX of 2015

- (d) to prescribe and commission courses of study and training;
- (e) to determine teaching methods, training strategies and support activities to optimize the impact of educational and training programmes;
- (f) to design and organize training courses, conferences, lectures, workshops, seminars and symposia in matters connected with or ancillary to the disciplines;
- (g) to undertake research, consultancy and advisory services;
- (h) to prescribe standards and award certificates and other distinctions to persons who have been admitted to and have passed its education and training courses; and
- (i) to serve as research institute for Government, on matters of public policy.

5. **Board of Governors.**---(1) The general direction and administration of the affairs of the Academy shall vest in the Board of Governors.

(2) The Board shall consist of-

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| (a) Chief Minister, Khyber Pakhtunkhwa; | Chairman |
| (b) Chief Secretary, Khyber Pakhtunkhwa; | Vice-Chairman |
| (c) Additional Chief Secretary, Planning and Development Department; | Member |
| (d) Secretary to Government, Home and Tribal Affairs Department; | Member |
| (e) Secretary to Government, Establishment Department; | Member |
| (f) Secretary to Government, Finance Department; | Member |
| (g) Commissioner Peshawar Division; | Member |

(h) four scholars one each in the fields of public policy, public service, philanthropy and governance; Members

(i) two Vice-Chancellors of the Public Sector Universities; and Members

(j) Director General of the Academy. Member-cum-Secretary.

(3) The members at clauses (h) and (i) shall be appointed by Government, for a period of three years and shall be eligible for re-appointment for a further period of three years.

(4) A non-official member at clause (h), may resign from his office by writing under his hand addressed to the Chairman.

6. Powers and functions of the Board.---(1) The Board shall-

(a) exercise supervision and control over the affairs of the Academy;

(b) lay down policy and programme for training and research;

(c) approve curricula, courses and modules proposed for orientation and training;

(d) review and evaluate performance of the Academy;

(e) appoint Director General, Directors, Deputy Director and permanent faculty members of the Academy;

(f) specify qualification, conditions of service and other matters relating to Director General, Directors, Deputy Directors and permanent faculty Members of the Academy; and

(g) consider and approve annual budget and revised estimates of the Academy.

(2) The Board may delegate any of its powers to the Chairman, a committee of members or the Director General.

7. Meetings of the Board.---(1) In addition to the mandatory meetings provided in sub-section (2), the Chairman may convene such other meetings of the Board, on such date, time and place as he may deem appropriate.

- (2) The Board shall have two mandatory meetings relating to Budget and Annual Review, to be held in the months of June and December respectively.
- (3) In its budget meeting, the Board shall consider and approve-
 - (i) annual budget and revised estimates; and
 - (ii) academic calendar, schedule of training and other activities of the Academy.
- (4) In its annual review meeting, the Board shall-
 - (i) review report of the Academy for preceding year;
 - (ii) review implementation status of its decisions; and
 - (iii) consider revision of targets and proposals for course correction.
- (5) The mandatory meetings shall be presided over by the Chairman himself, while the other meetings shall be presided by the Chairman or in his absence by the Vice-Chairman.
- (6) Business of the Board shall be conducted in such manner and in accordance with such procedure as may be prescribed.
- (7) No proceedings or decision of the Board shall be invalid by reason only of the existence of a vacancy or defect in the constitution of Board.
- (8) The quorum of the meeting of the Board shall be half of its members.
- (9) The decision shall be made by simple majority present.
- (10) The Chairman or the Vice-Chairman, as the case may be, presiding over the meeting, shall have a casting vote, in case of tie.

8. **Appointment of Director General.**---The Director General shall be appointed by the Chairman with the approval of the Board from amongst the serving civil servants, not below the rank of a BPS-20 Officer.

9. **Functions of Director General.**---The Director General shall-

- (a) manage affairs of the Academy under the general supervision of the Board;
- (b) maintain discipline and order in the Academy;
- (c) enforce policy, rules and regulations of the Academy;
- (d) appoint Advisors, Consultants, Experts, Visiting faculty and other supporting staff of the Academy;
- (e) specify qualification, conditions of service and other matters relating to the Advisors, Consultants, Experts, visiting faculty and other supporting staff of the Academy;
- (f) perform as Principal Accounting Officer of the Academy; and
- (g) maintain books of accounts for receipts into and expenditure from the Fund.

10. Fund.---(1) There shall be established a Fund to be known as “the Provincial Services Academy (Khyber Pakhtunkhwa) Fund,” and shall be administered and controlled by the Board.

- (2) The Fund shall be utilized for the purpose of this Act including expenses to run the affairs of the Academy.
- (3) The sources of income of the Fund shall be-
 - (a) annual allocation for the current expenditure;
 - (b) grants including conditional grants, specific purposes grants, endowment for research and development funds allocated by Government;
 - (c) rents and profits payable or accruing to the Academy from immovable property vested in or managed by it;
 - (d) proceeds or any other profits from bank accounts and investment of the Academy;
 - (e) gifts, grants or contributions by individuals and institutions accepted by the Academy with approval of the Board;

(f) proceeds of course, training and consultancy fee charged by the Academy; and

(g) sale proceeds and royalty on publications of the Academy.

(3) The Fund shall be kept in State Bank, Government Treasury or a bank in such manner as approved by the Board.

(4) Moneys credited to the Fund shall be expended in accordance with annual budget approved by the Board.

11. Budget.---(1) Before the commencement of a financial year, the Director General shall prepare in the prescribed manner, a budget for that year and lay it before the Board for approval.

(2) To facilitate budget preparation for the Academy, Government shall before the beginning of each financial year, notify provisional resource allocation which may be credited to the Fund.

(3) Conditional grants from Government or other sources shall be shown separately in the budget and shall be governed by conditions provided therein.

12. Maintenance of Accounts.---The Academy shall maintain proper accounts and other records relating to its financial affairs including its income and expenditure and its assets and liabilities in such form and manner, as may be prescribed.

13. Audit.---(1) Subject to provisions of this Act, the accounts of the Academy shall be audited by the Auditor General of Pakistan.

(2) The Board may commission an internal audit of the Fund in addition to the annual audit.

14. Annual Reports.---(1) The Director General shall, not later than 15th day of September, in each year, prepare a report regarding performance of the Academy during the preceding year ending on 30th day of June.

(2) The report shall be submitted to the Board for consideration in its annual review meeting in December.

- (3) The Board shall cause a copy of the report to be laid before the Provincial Assembly of the Khyber Pakhtunkhwa.

15. Application of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules.---The Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules shall, mutatis mutandis apply to the employees of the Academy.

16. Power to make rules.---Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act.

¹[**16A. Power to make regulations.**---Subject to the provisions of this Act and rules, the Board may by notification in the official Gazette, make regulations for carrying out the purposes of this Act.]

17. Removal of difficulty.---Government may, on the recommendations of the Board, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

¹ Inserted vide Khyber Pakhtunkhwa Act No. XXXIX of 2015