



FRONTIER EDUCATION FOUNDATION
ACT III of 1992.

Frontier Education Foundation Act

Frontier Education Foundation was established as a Corporate body in 1992 under an Act of the Provincial Assembly. The Principal function of FEF is to take measures for promotion and development of Education in private sector in N.W.F.P. Frontier Education Foundation Act was First time amended through ordinance in August 2002 as Elementary Education Foundation was established and the mandate of Frontier Education Foundation was limited to colleges and Higher Education.

FEF Act was again amended through Amendment of law 2005. it was therefore necessary to update the Act by incorporating the amendments carried out through legislation from time to time. Therefore the act is hereby presented in its present shape & form for information of all concerned.

(Ali Begum)
Managing Director

April- 2006

**FRONTIER EDUCATION
FOUNDATION
ACT III of 1992.**

Whereas it is expedient to make Provisions for the establishment of the Frontier Education Foundation to promote and finance the development of education in the private sector in the North West Frontier Province and matters ancillary, incidental and supplemental thereto;

Preamble

It is hereby enacted as follows:

1. (1) This Act may be called the Frontier Education Foundation Act, 1992.
- (2) It extends to the whole of the North West Frontier Province.
- (3) It shall come into force at once.
2. In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-
 - (a) "Board" means the Board of Directors of the Foundation constituted under section
 - (b) "Chairman" means the Chairman of the Board.
 - (c) "Director" means a Director of the Board

Short title,
extent and
commencement

Definitions

- (d) "Foundation" means the Frontier Education Foundation established under section 3.
- (e) "Fund" means the Found of the Foundation created under section 15.
- (f) "Government" means the Government of the North West Frontier Province.
- (g) "Managing Director" means the Managing Director of the Foundation.
- (h) "Prescribed" means prescribed by rules made under this Act; and
- (i) "Section" means a section of this Act.
3. (1) Government shall, by notification in the official Gazette, establish a Foundation to be known as the "Frontier Education Foundation", hereinafter to be referred as the Foundation.

Establishment of the
Foundation
- (2) The Foundation shall be a body corporate having perpetual succession and a common seal with power to enquire, 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.

4. (1) As soon as may be but not later than two months from the date of Commencement of this Act, Government shall constitute the Board of Directors consisting of :-

- (a) ***The Chairman, who shall be Chief Minister of North West Frontier Province¹ & 3.***
- (b) The Vice-Chairman, who shall be Minister for Education North West Frontier Province.
- (c) The Minister for Finance, North West Frontier Province.
- (d) Secretary to Government of North west Frontier Province, Education Department.
- (dd) ***Secretary to Government on N.W.F.P. Planning and Development Department.²***
- (e) A nominee of the Government of Pakistan, Ministry of Education.
- (f) Three nominees of the Chief Minister, comprising a male and a female from an education institution belonging to private sector and one person from a non-governmental organization other than educational insitiutions.³

1. Amended through Frontier Education Foundation (Amendment) Ordinance, 2002

2. Inserted through Frontier Education Foundation (Amendment) Ordinance, 2002

3. Amended through N.W.F.P (Amendment of Laws) Act, 2005

5.

- (g) ***The Managing Director, Bank of Khyber.⁴***
- (h) President, North West Frontier Province, Bar Council or his nominee.
- (i) President, Pakistan Medical Association, North West Frontier Province or his nominee.
- (j) President, Chamber of Commerce and Industries, North West Frontier Province or his nominee.
- (k) President, Pakistan Engineering council or his nominee.
- (l) ***Managing Director appointed under section 7 (1), who shall also be Secretary of the Board;⁵ and***
- (m) One eminent educationist to be nominated by the Chief Minister.

4. Amended through Frontier Education Foundation (Amendment) Ordinance, 2002

5. Amended through Frontier Education Foundation (Amendment) Ordinance, 2002

(2) The term of Office of nominated members shall be four years and they shall be eligible for reappointment on the expiry of their respective term.

(3) The Board may remove a Director on the ground of in-efficiency, unsuitability or misconduct after giving him an opportunity of being heard.

5 (1) The meetings of the Board shall be held at such times and places as may be prescribe, and till such time the rules are made, as may be determined by the Chairman: ***Provided that at least one meeting shall be held after every six month***⁶. Meetings of the Board

(1a) Every meeting of the board shall be presided over by the Chairman, or in his absence, by the Vice Chairman.⁷

(2) The quorum necessary for transacting business at a meeting shall be one-third of the total membership of the Board, a fraction being counted as one.

(3) All decisions at a meeting shall be made by majority of votes. In the event of equality of votes, the person presiding at the meeting shall have a second or casting vote.

6. Amended through Frontier Education Foundation (Amendment) Ordinance, 2002
7. Inserted through Frontier Education Foundation (Amendment) Ordinance, 2002

6 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. Management

7. (1) The board shall appoint a Managing Director, who shall be the chief Executive of the Foundation. Managing Director

(2) Subject to sub-section (3), the term of office of the Managing Director shall be four years, but the Board may extend the same from time to time, as it may deem proper.

(3) The Board may remove the Managing Director on grounds of in-efficiency, unsuitability or misconduct after giving him or her an opportunity of being heard.

(4) The Managing Director shall perform such functions as may be prescribed or assigned to him or her by the Board.

8 The Board may constitute such financial technical, advisory and other committees, as may be deemed necessary for carrying out the purposes of this Act. Committee

9 The foundation may employ such officers, advisors, consultants and employees in its service as may be necessary for the efficient performance of its functions in such manner and on such terms and conditions as may be prescribed. Appointment of Officers, etc.

10 (1) Every Director, advisor, officer and employee of the foundation shall be indemnified by the Foundation against all losses and expenses sustained or incurred through him in the discharge of his duties, save such losses and expenses as are sustained or incurred as a result of his own willful act or default.

Immunity of the Foundation and its employees

(2) The Managing Director Shall not be personally responsible for the acts of any other Director, advisory, officer or employee of the Foundation which he could not have reasonably prevented by due exercise of his powers and functions under this act and the rules made there under or for any loss or expense resulting to the Foundation by reason of in-sufficiency or security acquired or taken on behalf of the Foundation by the wrongful act of any person under a liability to the Foundation or anything done by him in good faith in execution of his or her duties.

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

Delegation of Powers

12. (1) Subject to section 5, the meetings and the business of the Board shall be conducted in such manner and in accordance with such procedure as may be prescribed, and until these matters are prescribed, as may determined by the Board.

Business of the Board

(2) No Act or proceedings of the board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the board.

13 (1) The Foundation shall take all such measures as it deems necessary for the promotion, development and financing of education in private sector in line with the education policy of Government.

Functions of the Foundation

(2) With out prejudice to the generality of the Function mentioned in sub-section (1) the Foundation shall:-

(a) Establish or cause to be established educational institutions and allied projects.

(b) Given *loan* to an Individual or non-government organization for construction of buildings, purchase of equipments, furniture and educational materials including books, stationery and other such materials, for the establishment of an educational institution.⁸

8. Inserted through Frontier Education Foundation (Amendment) Ordinance,2002

- (c) Give loans from the Fund or assist in getting loans from scheduled banks for the purpose as given in clause (b) above.
- (cc) *grant scholarships, stipends, fellowships to students on merit-cum inaffordability basis, both in public and private educational institutions, including those run by autonomous bodis;*⁹
- (d) Sell or lease plots provide under government Housing Schemes for educational institutions and assist in getting plots and land from Government Development Authorities and Housing Agencies controlled by Government.
- (e) Subject to such conditions and in such manner as may be prescribed, be responsible for promoting and financing:-
- (i) The development of education in all the sectors with priority being given to female education, primary education, education in rural areas, technical and vocational education.
- (ii) Surveys and studies, to identify areas of malfunctioning in the educational system and suggesting remedies therefore.

9. Amended through Frontier Education Foundation (Amendment) Ordinance, 2002

- (iii) Educational and innovational programmes particularly relating to achievement of universal literacy training in skill and trade oriented discipline, functional literacy, particularly in the primary sector, and education of the exceptional disabled, retarded and problem children.
- (iv) Research and field scale testing of educational approaches, methodologies and technologies.
- (v) Activities of educational societies and arrangements of seminars, symposia workshops and other such activities.
- (vi) Modernization of curricula with emphasis on Islamic, national, economic and industrial aspects.
- (vii) In special cases, in accordance with the priorities of education Development Programme of government, the establishment by the Foundation of educational institutions and projects in the educationally deficient areas.
- (viii) Procurement, distribution and development of educational materials and tools.
- (ix) Schemes formulated for training of teachers and other staff; and
- (x) Schemes for improving the quality and standard of education in the privately managed institution.

- (f) Perform such functions as:
- (i) Preparing and submitting schemes to Government for the development of educational programmes and projects including schemes for research and modernization of education
 - (ii) Giving effect to approve schemes;
 - (iii) Improving Teachers Training Institutions;
 - (iv) Encouraging the formation of voluntary associations in furtherance of the purposes of the Act;
 - (v) Taking appropriate measures for integration, coordination consolidation and monitoring of privately managed institutions and projects; and
 - (vi) Preparation and submission to the Board of an annual report upto 30th June of the last year on the status of education in various sectors in the Province and activities of the Foundation by the month of September of the following year; and

- (g) Perform such other functions as may be assigned to it by Government,

(3) The facility provided under clause (cc) of sub section (2), shall be distributed equally among male and female students belonging to urban and rural areas. The institution concerned shall, in respect of every student to whom the facility under the aforesaid provisions has been extended, allow concessions in the tuition fee to the extent of twenty percent of the total fee being charged by such institution.¹⁰

- 14** ***(1) While making loans under this Act, the Board may impose such conditions or execute such agreements as it may consider necessary or expedient for protecting its interest and securing that the loan is put to such use by the borrower for which it was advanced.¹¹***

(2) Any condition imposed under sub-section(1) shall be valid and shall, notwithstanding any thing contained in any other law for the time being in force, be enforceable. Power to impose conditions

10. Inserted through Frontier Education Foundation (Amendment) Ordinance,2002

11. Amended through Frontier Education Foundation (Amendment) Ordinance, 2002

(3) Where a borrower who is under a liability to pay back the loan to the board, makes any default in repayment or other wise, fails to comply with any of the conditions or terms of agreement so imposed or executed, then notwithstanding any thing to the contrary contained, the Board shall be at liberty to forthwith recover the loan as arrears of loan revenue.

15 (1) there shall be a fund to be known as the Education Foundation Fund which shall vest in the Foundation and to which shall be credited.

(a) Grant made by \Government including the federal Government.

(b) Income from investments made by the Foundation.

(c) Donations and endowments from local and foreign organizations.

(d) Grants made by the Local Bodies; and.

(e) All other sums and Incomes received by the Foundation form any other source.

(2) The fund shall be kept in such custody and shall be utilized and regulated in such manner may be prescribed by the Board.

15 ***A. In addition to the fund being m maintained under section 15, there shall be established a separate fund to be known as “Endowment Fund” to which shall be credited grants and donations made by Government, including the Federal Government, or any foreign agency or local organization, or by an individual for the specific purpose of grant of scholarships, stipends, fellow-ships, etc. to the Students under clause (cc) of sub section (2) of Section 13. ¹²***

16 The budget of the Foundation shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed. Budget and Accounts

17 The board may make rules for carrying out the purposes of this Act. Rules

12. Inserted through Frontier Education Foundation (Amendment) Ordinance, 2002