# SPECIAL ISSUE

Kenya Gazette Supplement No. 65

<u>15<sup>th</sup> October, 2004</u>

(Legislative Supplement No. 41)

LEGAL NOTICE NO. 112.

#### THE UNIVERSITIES ACT

#### (Cap. 210 B)

IN EXERCISE of the powers conferred by section 21 of the Universities Act, the Minister for Education, Science and Technology, after consultation with the Commission for Higher Education, makes the following Rules:-

### THE UNIVERSITIES (CO-ORDINATION OF POST SECONDARY SCHOOL INSTITUTIONS FOR UNIVERSITY EDUCATION) RULES, 2004.

Citation	<ol> <li>These Rules may be cited as The Universities (Co-ordination of Post Secondary School Institutions for University Education) Rules, 2004.</li> </ol>
Interpretation	2. In these Rules, unless the context otherwise requires-
	"Committee" means an Inspection Committee established by rule 4;
	"diploma" means a qualification based on a structured course in a given discipline attained after the full cycle of secondary school education or its equivalent.
	"co-ordination" includes, registration, categorization, standardization, validation, harmonisation and supervision or post secondary school institutions.
	"a post secondary school institution" means institution registered or recognised under any law which offers diploma or other courses for purposes of admission to a degree programme.
	"programmes" means the study courses offered by the post secondary school institutions.

Application for validation of programmes 3. (1) A post secondary school institution may apply to the Commission for the validation of its programmes.

(2) The application referred to in sub-rule (1) shall be in in Form PSSI/CHE I set out in the First Schedule and shall be submitted together with a detailed statement setting out the-

- (a) vision, mission, philosophy, aims and objects for which the institution is established;
- (b) the particulars of incorporation or registration of the institution under any law
- (c) the form of governance through which the academic and administrative affairs of the institution are conducted;
- (d) curriculum of programmes offered by the institution including the-
  - (i) mechanism for curriculum design and development;
  - (ii) evaluation and assessment;
  - (iii) quality assurance mechanism.
- (e) student support services including guidance and counselling, student records and feedback mechanism;
- (f) list and academic qualifications of all members of staff on or expected to be on full-time employment with the institution;
- (g) list of the total number of students enrolled in each programme offered at the institution which list shall also specify the number of residential students;
- (h) size and quality of the library, information communication technology and equipment which have been developed for each course being or to be offered at the institution;
- (i) size financial resources that are for the exclusive use of the institution, including the primary sources of funding and the existing budget, certified by an accountant qualified to practise as such under the Accountants Act but not an employee or a sponsor of the applicant ; and

- (j) type number and size of the physical facilities including buildings and available for the exclusive use of the institution.
- 4. (1) Upon receipt of the application referred to in rule 3, the Commission shall appoint an

Inspection Committee which shall have powers to:-

- (a) inquire into and ascertain the veracity of the particulars submitted under rule 3;
- (b) inquire into the general academic, administrative and social affairs of the institution;
- (c) make such other investigations or relevant to the validation process as it may deem necessary;
- (2) The Committee shall submit a factual and evaluative report of it's findings under sub-rule (1) to the Commission within six months of the date of its appointment.

5. (1) Upon receipt of the report under rule 4(2), the Commission shall consider the report, the application and all documentation relevant to the application and may suggest amendments to be made by the institution before application is approved for validation.

(2) where after a full deliberation on the merits for validation of the programmes, the Commission is satisfied that:

- (i) the programmes meet the course standards; and
- (ii) the institution has adequate human, physical, financial and other resources to warrant validation of its programmes;

the Commission shall issue a Certificate of Validation in Form PSSI/CHE 2 set out in the Schedule upon such terms and conditions as it may deem necessary;

(3) Where the Commission declines to issue a

Appointment of inspection committee

Issuance of certificate of validation

	Certificate of Validation, it shall inform the institution of the conditions the institution needs to fulfill in order to qualify for issuance of the certificate.
Register of the institutions	6. (I) The Commission shall maintain-
	a) a register of the institutions whose programmes have been validated;
	b) a register of the institutions granted authority to collaborate with other institutions.
	(2) The register under sub-rule (1) shall contain the-
	a) the name, postal and physical address of the institution;
	b) programmes validated or programmes in respect of which an institution may enter into an agreement to collaborate with other institutions;
	c) date of validation or granting to collaborate;
	<ul> <li>d) terms and conditions upon which a Certificate of Validation or authority to collaborate was granted; and</li> </ul>
	e) Such other information that the Commission may deem necessary.
Effects of validation	7. (1) The Commission shall cause the Certificate of Validation issued under
	rule $5(2)$ and the particulars of the programmes or
	programmes validated to be published in the gazette.
	(2) The name of the institution whose programme or
	programmes have been validated shall be entered in the Register of
	Validated programmes in terms of Rule 6 and such institution shall
	be deemed registered with the Commission as an institution offering
	validated
	programmes.

	(3) the	A Certificate of Validation shall confirm that a validated programme meets and continues to meet the academic standards set by Commission.
	(4) qualif	Subject to these Rules, an institution whose programme or programmes have been validated by the Commission fies to:
	(a) pi	apply for upgrading of its validated programmes or rogrammes under these rules.
	(b) w	apply for authority of the Commission to collaborate ith other
		post secondary school institutions or universities for
	purpo	offering validated, upgraded or degree programmes.
	(5)	A candidate awarded a diploma in any validated programme shall be qualified to apply for admission to a degree programme.
	(6)	The Commission shall, in respect of all diplomas not covered by the provisions of sub-rule (5) establish a committee to advise
	on wh rules.	nether or not the same should be recognised in terms of these
	(7)	Where after receipt of the report of the committee appointed under sub-rule 6 the Commission is satisfied that the diplomas
	in iss	ue ought
		to be recognised in term of these rules, is shall publish
		a notice to that effect in the gazette and such notice shall be
Variation and revocation of Certificate of Validation		<ul> <li>bcable.</li> <li>The Commission may, on application by an institution its</li> </ul>
	Certificat	own motion vary the terms and conditions upon which a e
	same is in	of Validation was granted if it is of the opinion that the n the

interests of education in Kenya generally or that such variation will

assist the institution concerned to carry out its functions in a mote

efficient manner.

- (b) The Commission shall not, except in exceptional circumstances, entertain an application by an institution for variation under sub-rule 1 until the lapse of four years since the grant of the Certificate of Validation or since the last variation of the terms.
- (c) In every case where there is a variation of terms and conditions under these Rules, the Commission shall publish in the gazette the specific variations and shall give directions as to the period of time within which the varied terms and conditions are to be implemented.

(2) The Commission may, on application by an institution or of its own

motion revoke a Certificate of Validation granted under these Rules if it is

of the opinion that:

- (a) the institution has failed to comply with the directions given under Rule 8(1); or
- (b) the institution is not carrying out its functions in a proper, effective

and professional manner; or

- (c) the institution is in breach of the terms and conditions upon which a Certificate of Validation was granted; or
- (d) the institution is in breach of the terms and conditions upon which a
   Certificate of Validation was granted; or
- (e) the institution is no longer interested in offering the validated

programme or programmes; or

(f) the institution has ceased being a post secondary school institution; or

(g) such changes have occurred which if they were in existence at the

time of consideration under rule 5 hereof, the Certificate of Validation

would not have been granted; or

- (h) the revocation is in the interest of education in Kenya generally.
  - (3) The Commission shall not revoke a Certificate of Validation unless it has issued a notice to the institution in Form PSSI/CHE 3 in the First Schedule setting out the complaints and also setting out the steps that the institution must take to remedy the anomalies, and that the institution has, within twelve months since the date of such notice, failed to comply with the notice, save that for the reasons set out in sub-rule 8(2)(d) and 8(2)(e), the Commission may revoke the Certificate of Validation forthwith.
  - (4) Where the Commission revokes a Certificate of Validation, it shall issue a notice of the revocation in Form PSSI/CHE 4 of the First Schedule to the affected institution and shall cause the notice to be publish in the gazette and shall in such notice set out the effective date of the said notice.
  - (5) A Certificate of Validation issued under these Rules shall be deemed revoked on the date set out in the notice specified in sub-rule 4 but such revocation shall not:
    - (a) affect the validity of programmes and academic awards granted by the institution before the date of revocation;
    - (b) affect the study of students admitted to the programmes before the date of revocation.

Consequences of misrepresentation	9. It is an offence for a person or a post secondary school institution to
	advertise and or in any other manner pass off an institution as an
	institution
	offering validated programme if a Certificate of Validation has
	not been
	issued to such an institution, or if after issue, such a certificate
	has been

revoked in terms of these rules.

PROGRAMMES

# PART III – STANDARDS FOR CO-ORDINATION OF

# POST SECONDARY SCHOOL INSTITUTIONS

Preparation of course standards

10. (1) set of	The <b>C</b>	Commission shall prepare and publish in the gazette a		
for the	stand	standards (hereinafter referred to as "course standards")		
and	purpo	purposes of categorization, standardization, harmonisation		
anu	validation of programmes of post secondary school			
institutio				
		twithstanding the generality of paragraph (1), the urse standards shall, in particular, set out:-		
	(a)	the minimum entry requirements for admission to any certificate, diploma or degree programmes being or to be offered at post secondary school institution;		
	(b)	the minimum number and duration of courses at the certificate, diploma or degree level that ought to the offered;		
	(c)	the course standards of proficiency assessed in terms of content and contact hours, which students are expected to attain in respect of a certificate, diploma or degree programme;		
	(d)	the level or academic training which persons seeking recruitment into the teaching staff of the post secondary school institution at the certificate, diploma or degree level should possess;		

evaluation of reports

- (e) the basic ethical standards that should regulate the conduct of all members of the post secondary school institutions.
- (3) The Commission may, at the request of a post secondary school institution or of its own motion indicate the specific steps to be taken towards the attainment of the course standards referred to in sub-rule (2).

11. (1) Every post secondary school institution to which these Rules

apply shall prepare and submit to the Commission the following:-

- (a) an annual report of its activities in each year of operation; and
- (b) a detailed self-evaluation report every three years of the steps it

has taken towards the achievement of the aims and

objects for

which it was established.

- (2) The Commission shall discuss all reports submitted pursuant to sub-rule (1) and may make such comments or give such other instructions thereon for action by the post secondary school institution concerned.
- (3) The Commission may visit an institution to verify any of the matters raised in the institutions report under sub-rule (1).
- (4) Comments made or instructions given by the Commission in accordance with sub-rule (2) shall specify whether or not the course standards published under these rules are being complied with.

# PART IV – UPGRADING PROGRAMMES OF POST

# SECONDARY SCHOOL INSTITUTIONS TO DEGREE

Application for upgrading of programmes

STATUS

12 (1) A post secondary school institution whose programme has been validated may apply for upgrading of its validated programme to degree status by submitting to the Commission Form **PSSI/CHE 5** in the First Schedule. (2)An application under sub-rule (1) shall be accompanied by a statement setting out the following particulars: (a) the nature and content of the academic programme whose upgrading is being requested; details of the facilities and resources available for the (b) management of the programme if upgraded to degree level status; (c) an indication of the impact that upgrading such a programme might have on the core academic functions of the institution; the changes if any, undertaken to improve the (d) particulars set out in rule 3(2) to support the upgraded programme; and a report in terms of rule 12 notwithstanding the fact (e) that three years have not lapsed since the last date of submission of such a report. (3). The Commission shall upon receipt of such an application appoint an inspection committee to inspect and assess the quality of facilities and adequacy of resources available for use should the programme be upgraded.

(4) The inspection committee shall prepare a detailed report in respect

	its its (5) inspection the Certificate First	of its findings and within three months from the date of appointment submit the report to the Commission for deliberation. The Commission shall deliberate the report of the committee and if it is satisfied that the applicant has met conditions required under these Rules, it shall grant a of Upgrading of Programmes in Form PSSI/CHE 6 of the Schedule bearing the seal of the Commission on such
	terms and	conditions as the Commission may consider necessary.
Effects of upgrading of programmes	name of ev programme up (2) A been upgra to autonomou co award its o de Commissio	an institution whose programme or programmes have ded degree status shall have the Commission's authority to asly nduct the upgraded programmes, set examinations and wn gree and the degree conferred shall be recognised by the m meeting the standards of academic excellence set by the
	upgraded to	gree status shall be entered in the register of upgraded
	been up degree	is an offence for an institution whose programme has not ograded under these Rules to purport to offer its own rogrammes.

Variation and revocation	4. (1) The Commission may on application by an insti s own	tution or of		
	motion vary the terms and conditions upon which	ch a		
	ertificate of			
	Upgrading of Programme is granted if it is of the opinion that such			
	variation is in the interest of education in Kenya	a generally,		
	r may assist the institution concerned to carry out its for	unctions in		
	more efficient and professional manner.			
	2) The Commission shall cause the specific variat	tion made		
	published in the gazette and the provisions of I	Rule 8 shall		
	<i>mutatis mutandis</i> in all instances where a Cert	ificate of		
	pgrading of			
	Programme is varied.			
	3) The Commission may on application by an ins	titution or		
	f its own motion revoke a Certificate of Upgrading of Pr	rogrammes		
	it is of the opinion that:			
	opinion utat.			
	(a) an institution has failed to comply with the direct under rule 14(1);	tions given		
	<ul><li>(b) the institution is not carrying out its functions in effective and professional manner;</li></ul>	a proper,		
	<ul> <li>(c) the institution is in breach of the terms and condi which a Certificate of Upgrading of Programmes granted;</li> </ul>	-		
	<ul><li>(d) the institution is no longer interested in offering t upgraded programme;</li></ul>	the		
	(e) such changes have occurred which, if they has extime of consideration under Rule 12 hereof, the C of Upgrading of Programme would not have been or	Certificate		
	(f) the revocation is in the interest of education in K generally.	enya		

(4) The provisions of rule 8 shall apply *mutatis mutandis* in the event of

revocation of a Certificate of Upgrading of Programme.

# PART V: COLLABORATION OF POST

#### SECONDARY SCHOOL INSTITUTIONS WITH OTHER

#### INSTITUTIONS

Application for authority to collaborate

> 15. (1) A post secondary school institution which has been awarded a Certificate of Validation in respect of any of its programmes or whose programme has been upgraded by the Commission may, with the Commission's authority collaborate with another post secondary school institution or universities for purposes of offering such programmes.

> (2) A post secondary school institution that wishes to enter into collaboration with another institution shall apply to the Commission for its authority to collaborate in Form PSSI/CHE 7 in the First Schedule and such application shall be submitted together with a copy of the proposed contract setting out the following:

- (a) term of contract;
- (b) mode of teaching ;
- (c) mode of conducting examinations, assessment and meriting in relation to issuance of academic awards in respect of the programme offered;
- (d) rights and obligations of the post secondary school institution;
- (e) right and obligations of the collaborating institutions;
- (f) resources devoted to the programme;
- (g) management and administration of the programme;
- (h) the accreditation status of the university or the institution in

the county of origin; and (i) the accreditation status of the programme in the institutions or university, provided that the programme must be on offer at the university with which the post secondary school institution proposes to collaborate with. (3) The Commission shall, upon confirmation that all the parties to the contractual agreement meet the qualifications set out in the Act and it is satisfied that the contractual agreement meets the conditions set out under these Rules, it shall approve the application and grant its authority to the applicant in Form PSSI/CHE 8 under seal of the Commission upon such terms and conditions as the Commission may deem fit. Effects of grant of 16 (1) The Commission shall by notice in the gazette publish the authority to name of the collaborate collaborating institutions and the particulars of the programme, the subject of the collaboration contract. (2)The name of the institution which has been granted the authority to collaborate shall be entered in the register in terms of Rule 6. (3) It is an offence for any person to collaborate with another for purposes of offering diploma or degree programmes without the authority of the Commission. Variation and 17 (1) The Commission may, on application of any of the revocation of collaborating authority to parties or of its own motion vary the terms and conditions Collaborate upon which the authority to collaborate was granted or revoke such authority before the expiry of the term of the collaboration contract if it is of the opinion that such variation or revocation is in the interest of education in Kenya generally, or may assist the institution concerned to carry out its functions in a more efficient and professional manner. (2)In the event of variation or revocation of authority to collaborate, the provisions of Rule 8 hereof shall apply *mutatis mutandis*.

# PART VIII – INSTITUTIONAL RIGHTS AND OBLIGATIONS

#### Rights of institutions

Obligations of

institutions

18 Subject to Rule 19, a post secondary school institution which has been issued with a Certificate of Validation, or a Certificate of Upgrading of Programme or has been granted the Commission's authority to collaborate, shall have full autonomy in the administration of its academic affairs including the right to:

- (a) determine who may teach and what may be taught and how it may be taught; and
- (b) decide which persons have attained such standards of proficiency as to make them fit to be granted a certificate, diploma or degree or other award of the post secondary school institution.
- 19 (1) Notwithstanding the generality of the rule 18, a post secondary school

institution, which has been issued with a Certificate of Validation or a

Certificate of Upgrading of Programme or has been granted the

Commission's authority to collaborate shall:

#### (a) ensure:

(j) that the course standards prescribed in terms of these Rules are, at all times maintained;

(ii) that all instructions issued by the Commission under these Rules are

complied with;

(iii) that no new degree programme is mounted or regulations in respect

thereof effected without the prior approval of the Commission; and

(b) submit to such other modes of supervision including inspection and visitation and at such intervals as may be determined by the Commission.

(2) The Commission may inspect a post secondary school institution as and

when it deems necessary.

# PART IX – MISCELLANEOUS PROVISIONS

Fees	20. The Commission shall from time to time prescribe fees payable for such matters as the Commission shall indicate.
Offences	21. (1) A person who commits an offence under any provisions of these Rules shall be liable to a fine of a sum not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.
	<ul> <li>(2) A person who, without the written consent of the Commission, uses the name of the Commission in furtherance of, or as, or in connection with any advertisement for any trade, business, calling or profession commits an offence and is liable to a fine of a sum not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.</li> </ul>
Appeal	22. A person who is aggrieved by an act or decision of the Commission taken in accordance with any of the provisions of these Rules, shall refer the matter to the Commission's review, and the Commission's decision in the review shall be final.

# FIRST SCHEDULE

# FORM PSSI/CHE 1 r. 3(1)

# APPLICATION FOR VALIDATION OF PROGRAMME

1.	Name of Institution
2.	Postal and Physical Address
3.	Telephone
4.	Date of incorporation or registration
5.	Name and designation of chief administrator
6.	Governing body
7.	Principle or proposed academic focus or discipline
8.	Number and type of programmes (i.e. certificates, diplomas, degrees). (a) (b) (c)
9.	Principal research focus
10.	Names and qualifications of academic staff employed or to be employed on full time basis (Attach a separate sheet)
11.	Number of students enrolled or proposed to be enrolled
12.	Number of residential student enrolled or expected to be enrolled
13.	Physical facilities: (a) Buildings: Permanent

	Temporary
	(b) Land: (i) Freehold Size
	(ii) Leased
	(iii) Other (specify) (hec.)
14.	Library capacity
15.	Other facilities (specify)
16.	Present budget: (a) Capital Shs
17.	Primary source(s) of funding (a) (b) (c)
18.	Programme to be considered for purposes of validationaName of the programmeb.Minimum admission qualificationcNumber of students enrolled in the
program	d The period of time that the programme has been offered by the institution since incorporation
19.	Envisaged benefits of validation of programme in education in Kenya generally
of the c	y apply for validation of the programme hereinbefore mentioned and attach hereto a copy ertificate of incorporation issued on the
Designa Signatu	ation re stal address

#### FIRST SCHEDULE – (Contd.)

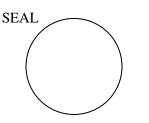
#### FORM PSSI/CHE 2 r. 5(2)

#### **CERTIFICATE OF VALIDATION**

This is to certify that –

Dated this ...... Day of ...... 2 ......

#### COMMISSION SECRETARY



FORM PSSI/CHE 3 r. 8(3)

#### NOTICE OF INTENTION TO REVOKE

TO: Postal Address Physical Address
TAKE NOTICE that the Commission for Higher Education makes the following complaints against you
You are hence required to take the following steps and or measure to remedy the situation

Dated this ...... Day of ...... 2 ......

#### COMMISSION SECRETARY

#### FORM PSSI/CHE 4

r. 8(4)

#### NOTICE OF REVOCATION

ТО:	
Postal Address	
Physical Address	

TAKE NOTICE that the Certificate of Validation/ Certificate of Upgrading of Programme/
Authority to Collaborate issued by the Commission on day of
in respect of the programme known as
offered by the institution known as
situated at
and care of Post Office Box Number
has been revoked with effect from
day of 2

Dated this ...... Day of ...... 2 ......

COMMISSION SECRETARY

SEAL

#### FORM PSSI/CHE 5 r.12(1)

# APPLICATION FOR UPGRADING OF PROGRAMME

1.	Name of Institution
2.	Postal and Physical Address
3.	Telephone
•••••	
4.	Name of programme to be upgraded
•••••	
5.	Date of Validation
••••	
6.	Details of any changes that have occurred, if any, in any resources mentioned in rule 3(1)
7.	Any additional resources particularly developed for the use of the upgraded
	programme
8.	Principle or proposed academic focus or discipline
9.	Number of students enrolled for the programme since it was validated
10	 Drin singl massageh fa ma
10.	Principal research focus
11.	Names and qualifications of academic staff employed or to be employed on full time basis to offer the upgraded programme (Attach a separate sheet if necessary)

12.	Changes (if any) in the library capacity and resources made since the date of validation that are in particular designed to accommodate the upgraded programme
13. Oth	ner facilities (specify)
14.	Present budget: (b) Capital Kshs
	(b) Recurrent Kshs.
15.	Primary source(s) of funding (a)
	(b)
	(c)
16.	Envisaged benefits of upgrading the programme in education in Kenya generally
of the <b>(</b>	y apply for upgrading of the programme hereinbefore mentioned and attach hereto a copy Certificate of Validation issued on the Day of
Design Signatu	ation ire stal address

# FIRST SCHEDULE – (Contd.)

#### FORM PSSI/CHE 6 r. 12(5)

#### CERTIFICATE OF UPGRADING OF PROGRAMME

This is to certify that –

The programme referred to as		
Offered by		situated at
	of Postal address	
Telephone	validated by the Commission for	or Higher Education on the
	day of	has attained the
academic excellence set by th	e Commission for Higher Educat	tion and has this
	be	

Dated this ...... Day of ...... 2 ......

#### COMMISSION SECRETARY

SEAL

#### FORM PSSI/CHE 7 r. 15(2)

# APPLICATION FOR AUTHORITY TO COLLABORATE

1.	Name of Institution
2.	Postal and Physical Address
3.	 Telephone
4.	Name of programme to be offered under the collaboration contract

5. 	Date of validation or upgrading of programme
6.	Term of the contractual period
7. 	Name, postal and physical address of the collaborating partner
	······
8.	Details of the accreditation status of the collaborating partners
9.	Current status of programme offered in collaboration (state whether the programme is currently being offered or otherwise)
10.	Any additional resources particularly developed for the use of the upgraded programme.
11.	Principle academic focus or discipline
12.	Number of student enrolled for the programme since it was validated or upgraded :

13. Principle research focus 14. Name and qualifications of staff employed on a full time basis to offer the programme ..... ..... . . . . . . . . . . . . . . . . ..... ..... 15. Changes in the library capacity and resources made since the date of validation or upgrading that are particularly designed to accommodate the collaboration programme ..... ..... ..... ..... ..... 16. Other facilities (specify) ..... ..... ..... ..... ..... 17. Present budget: (a) Capital Kshs. .... (b) Recurrent Kshs. 18. Primary source(s) of funding (a) ..... (b) ..... (c) ..... 19. Envisaged benefits of the collaboration in the education in Kenya generally ..... ..... ..... ..... ..... viscion's outhority t a all a hand a suith that is at its to a l

I hereby apply for the Commission's authority	to collaborate with the institution known as
	of Post Office Box Number
physical address	
purposes of offering the programme known as	

Name		•••	•••					•••					•••			•••	•••				•••				•••	•••					•••		
Designation			•••				•••			•••					•••					•••				•••			•••						
Signature							•••			•••		••			•••				•••	•••				•••			•••						
Full postal address	•••		•••	•••	•••		•••	•••	•••	•••			•••		•••	•••	•••		•••	•••	•••	•••		•••	•••	•••	•••		•••	•••	•••		••••
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FIRST SCHEDULE – (Contd.)

#### FORM PSSI/CHE 8 r. 15(3)

#### LETTER OF AUTHORITY TO COLLABORATE

The Commission hereby grants Authority to Collaborate to:-

Name	
Postal Address	
Physical Address	
Telephone	
To collaborate with (name of institution)	
postal address	5
telephone	to offer the programme known as

Dated th	s	Day of	
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#### COMMISSION SECRETARY

