

DRAFT BILL

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Bill

To provide for registration, regulation and promotion of the private educational institutions and matters connected therewith or incidental thereto:

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| 1. | Short title, extent and commencement | <p>(1) This Act may be called the Balochistan Private Educational Institutions Registration, Regulation & Promotion Act 2016</p> <p>(2) It extends to whole of Balochistan except the tribal areas.</p> <p>(3) It shall come into force at once.</p> |
| 2. | Definitions | <p>(1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings, hereby respectively assigned to them, that is to say;</p> <p>a) “Director” means an officer appointed by the Government as Head of attached department concerned;</p> <p>b) “District Education Officer” means such officer as Government may appoint in this behalf;</p> <p>c) “Fee” means</p> <p style="padding-left: 40px;">i. In relation to the registration of an institution, the amount fixed by the Government to be paid by the institution with the application for registration or renewal thereof;</p> <p style="padding-left: 40px;">ii. In relation to the students and parents, admission fee, tuition fee, security fee, laboratory fee, library fee or any other amount charged by an institution from a student monthly or annually.</p> <p>d) “Form” means application forms prescribed by the Government for registration of an institution.</p> <p>e) “Government” means Government of</p> |

Balochistan;

- f) “Inspection Committee” Means a committee constituted under section 4 of this Act;
- g) “Incharge” means and includes owner, Headmaster, Principal, Manager or a person responsible for management of affairs of the institution irrespective of designation;
- h) “Institution” means a privately managed college, higher Secondary School, High, Middle or Primary school not owned or managed by a local body, Provincial Government or Federal government.
- i) “Monitoring Committee” means a committee constituted under section-7 (1) of the Act.
- j) “Prescribed” means prescribed by rules made under this Act;
- k) “Registering Authority” means
 - i. In relation to a Primary, Middle, Secondary and Higher Secondary School, the District Education Officer (DEO).
 - ii. In relation to an Intermediate or Degree College or Academy, the Director of Higher Education.
 - iii. In relation to a Monotechnic/ Polytechnic Institute, College of Technology, or Technical College, the Director Technical Education.
 - iv. In relation to an institution imparting pre-service Teachers Training, the Director Bureau of Curriculum and extension centre.
- l) “Rules” means rules made under this Act.
- m) “Secretary” means Secretary to Government of Balochistan Education Department;

3. All institutions to be Registered
 - 1) All institutions functioning in Balochistan even if registered under any other law, shall be registered under this act. Provided that a Deeni Madrisa can volunteer for registration.
 - 2) An Incharge shall, before the commencement of the business by the institution, register the institution with the Registering Authority under this Act.
 - 3) An existing institution shall make an application to the Registering Authority, in the prescribed form, accompanied by such documents and fee as may be prescribed.
 - 4) An existing institution may continue to function for a period not exceeding 120 days from the commencement of this Act and where an application is made under sub section (2) until the application is rejected or any appeal is preferred under section 10, until the decision of the appeal.

4. Inspection Committee
 - 1) The Registering Authority shall constitute an Inspection Committee as under;
 - a) In relation to a primary, middle, high or higher Secondary School
 - i. District Officer Education
 - ii. Additional Deputy Commissioner (General)
 - iii. Deputy District Officer Education (male)
 - iv. Deputy District Officer Education (female)

 - b) In relation to a Deeni Madrisa.
 - i. District Officer Education
 - ii. Additional Deputy Commissioner (General)

- iii. An officer of the Religious & Minority Affairs Department not below BPS-17 nominated by the Government
- c) In relation to a College:
- i. An Additional Director of Colleges & Higher Education
 - ii. Additional Deputy Commissioner (General)
 - iii. Principal of a Degree or Inter College nominated by the Director Colleges & Higher Education
- d) In relation to Technical Education or Commerce
- i. Director Technical and Vocational Education
 - ii. Additional Deputy Commissioner (General)
 - iii. Principal of College of Technology Quetta
 - iv. A Professor of Technical or Commercial College nominated by the Director Technical and Vocational Education.
- e) In relation to a teachers training institution the following nominees of Director Bureau of Curriculum and Extension Centre
- i. An Additional Director, Bureau of Curriculum and Extension Centre.
 - ii. Additional Deputy Commissioner (General)
 - iii. Principal of an Elementary College of Education
- 2) The committee shall inspect the institution and make enquires and submit recommendations with justification regarding award of registration certificate

or otherwise.

- 3) The Inspection Committee shall submit its report within twenty days of the receipt of directives of the Registering Authority.
- 4) The Registering Authority shall, after considering the report of the inspection committee, and making any other enquires it deems necessary, either grant or reject the application.
- 5) The Registering Authority shall record reasons for granting or rejecting the application.

Provided no order of refusal shall be made without giving the applicant an opportunity of being heard.

5. Registration of Institution.

1. where the Registering Authority grants registration, it shall register the institution and issue a certificate with terms and conditions which may be prescribed; provided that:
 - i. The fee structure of the institution shall be developed by the Registering Authority on recommendation of the Inspection Committee and rates of fee shall be reasonable.
 - ii. The fee structure and rate of fee shall not be changed without approval of the Registering Authority.
 - iii. No change in the fee structure and rates of fee shall be made during an academic year.
 - iv. In case an institution desires a change in the fee structure or rate of fee, it shall submit an application with justification, 90 days before the commencement of new academic year; Provided that total fee shall be reasonably increased but not more than 5% of the existing fee.
 - v. The facilities allowed to a student at the time of admission shall not be subsequently withdrawn or reduced.

- vi. No donation from a student or parent, voluntary or otherwise for a development project or for celebration of an event shall be permissible.
 - vii. The curriculum, courses of studies, textbooks prescribed or approval by the Government shall be used.
 - viii. The teaching staff of the institution possesses academic and professional qualification as prescribed by the Government.
 - ix. Salaries of teachers are not less than approved by the Registering Authority.
 - x. The institution is affiliated with Balochistan Examination Assessment Commission, Board of Intermediate & Secondary Education, or a University in Balochistan commensurate with level of the institution.
 - xi. The institution shall promote national and local culture
 - xii. The institutions shall not promote a particular religion, sect, race, community or political party.
 - xiii. The institution shall arrange to conduct annual audit of its accounts by a registered Chartered Accountant or Firm and audit report shall be submitted to the Registering Authority.
 - xiv. The institution has a managing body called by whatever name.
 - xv. The teaching staff is appointed on whole time basis.
2. The registration of an institution shall stand cancelled in case:
- i. The location of the institution is changed without prior approval of the Registering Authority
 - ii. The institution is sold out, partially or on the whole, to any other organization;
 - iii. The institutions ceases to exist
 - iv. The nomenclature of the institution is changed

- v. The level of the institution is raised or lowered.
- vi. 30% of the teaching staff is changed
6. Responsibility of Compliance
- The owner, principal, headmaster, in charge of the institution shall be responsible to comply with the terms and conditions of registration or directive issued by the Registering Authority or the instruction issued at the time of inspection
7. Monitoring and Inspection
- 1) The Registering Authority shall constitute one or more monitoring committees for inspection and monitoring of the institution.
 - 2) An institution shall be subject to inspection by the Registering Authority prior to or after registration through nominated officer or monitoring Committee.
 - 3) The institution shall be open for inspection and monitoring of its record, teaching process, instructional materials, co-curricular activities and physical facilities.
 - 4) The monitoring committee or officer nominated shall record findings, instructions, suggestions and recommendations in the logbook of the institution.
 - 5) The institution shall submit a report to the Registering Authority regarding the compliance of the instructions, suggestions and recommendations of the monitoring committees or officer nominated for inspection and monitoring.
8. Suspension or cancelation of Registration
- 1) on receipt of a complaint or otherwise if the Registering Authority, after making such inquiry or inspection as deemed fit, is satisfied that there is a contravention of any of the provisions of this Act, or rules or terms and conditions of registration or any order passed or instructions issued by the Registering Authority, it may after

giving an opportunity to the person responsible, of being heard, suspend or cancel the registration with justification. Provided that where the default is remediable no order shall be made unless an opportunity is provide to the owner or incharge to rectify such default within the period specified.

- 2) On suspension or cancellation of registration, the Registering Authority may, without prejudice to any action that may be taken under this Act, make such orders and take such actions with respect to the completion of the current academic term or session as may be considered necessary

9. Penalties

- 1) If an Incharge contravenes any Provisions of the Act or the rules, the Registering Authority may, subject to reasonable opportunity of defense, impose administrative penalty which may extend to ten thousand rupees per day from the date the notice of contravention is served on the institutions till such time the contravention is continued.
- 2) If the contravention under sub section (1) continues for more than thirty days, the Registering Authority may in addition to any other action or penalty under the Act, file a complaint against the Incharge in the court of Magistrate of first class.
- 3) the Magistrate first class shall conduct the trial of an offence under this Act, in accordance with the Provisions of chapter xxii of the code of criminal procedure 1898 (v of 1898) relating to summary trials and not withstanding anything contained in the said code may impose punishment of fine which may extend to two hundred thousand rupees plus the administrative penalty imposed by the Registering Authority.

10. Appeal

Where the registering authority rejects an application for registration or suspends or cancels the registration, the aggrieved person may, within sixty days from the

date of impugned order of Registering Authority, prefer an appeal to the Secretary whose orders shall be final and given effect to by the Registering Authority.

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| 11. | Recovery of amounts due | The Collector of the district shall recover any fine or other amount payable under this Act as arrears of land revenue. |
| 12. | Powers to make Rules | Government may make rules to carry out the purposes of this Act. |
| 13. | Amendment in Section 13 of Balochistan Education Foundation Act 1994 | In the Section 13, sub Section (2), clause (e) of the Balochistan Education Foundation Act 1994 para (v) is hereby omitted. |
| 14. | Repeal | The Balochistan Private Educational Institution Regulation and Regulation Authority Act 2015 is hereby repealed. |