

THE BALOCHISTAN PRIVATE EDUCATIONAL INSTITUTION
REGISTRATION AND REGULATION AUTHORITY

ACT, 2015

(Baln Act XVII of 2015)

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'THE BALOCHISTAN PRIVATE EDUCATIONAL INSTITUTION
REGISTRATION AND REGULATION AUTHORITY
ACT, 2015

(Balochistan Act XVII of 2015)

[21" October, 2015]

An Act to provide for setting up, promotion, regulation, registration and the functioning of Private Educational Institutions in Balochistan.

Preamble. WHEREAS, it is expedient to provide for setting up, promotion, regulation and the functioning of Private Educational Institutions in Balochistan and to provide for registration of such institutions ensuring adequate transparency and proper discipline; and for the matters connected therewith or incidental thereto;

It is hereby enacted as follows:—

Short title, 1. (1) This Act may be called the Balochistan Private extent and Educational Institution Registration and Regulation Authority commencemen Act, 2015.

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(2) It extends to the whole of Balochistan except the Tribal Areas.

(3) It shall come into force at once.

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

(a) "Act" means the Balochistan Private Educational Institution Registration and Regulation Authority Act, 2015;

(b) "Authority"? means the Balochistan Private Educational Institution Registration and Regulation Authority;

(c) "Affiliation" means affiliation of any private

1 This Act was passed by the Balochistan Assembly on 12" October, 2015; assented to by the Governor of Balochistan on 16 2015; and published in the Balochistan Gazette (Extraordinary) No. 181, dated 21% October, 2015.

educational institution with any Intermediate Board or University in Balochistan;

(d) "Antecedents of Case" means all the relevant documents required for registration of any private educational institute (school/ college/ diploma awarding institute or training center), which include the application form, the list of the management, the list of the faculty members, bank statement showing the financial strength of the applicant, list of subject wise laboratory equipments, the playground facilities, the detail of the books available at the Library, the mutation or ownership documents of the building or the rent agreement (at least five years) of the building intended to be a school, the detail of the rooms of the building, an affidavit regarding non employment of the Teachers or officials in Government Institution, a deposit receipt of Rs.15,000/- as processing fee; and any other document or documents time made necessary for registration;

(d) "Intermediate Board" means the Board of Intermediate and Secondary Education, Trade Testing Board, or any other board as established or hereinafter established in Balochistan by the Government;

(ec) "Board" means the Board of Directors of the Foundation, constituted under section 5 (1) of the Balochistan Education Foundation Act, 1994! (Act No. VII of 1994);

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

(g) "College" means privately managed college imparting education for intermediate or higher secondary education or, degree education any system of education, in any group of subject in any institute awarding diploma on one year or more in any of professions or technology with

1 An Act passed by the Provincial Assembly of Balochistan on 3" July, 1994; assented to by the Governor Balochistan; and pu

Balochistan Gazette (Extraordinary) No. 84, dated 8 September, 1994.

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any medium of instruction with the title of College, Academy, Institute or any title equivalent;

“Contract” means the contract of employment between the private educational Institution’s administration and faculty member for rendering the services;

“Educational Qualification” means the equivalent qualification required for teaching of the concerned subject in the private educational sector institutions;

“Foundation” means the Balochistan Education Foundation established under section 3 of the Balochistan Education Foundation Act, 1994! (Act No. VII of 1994);

“Faculty Members” means all the teaching staff of the private educational institution;

“Fee Structure” means the fee tariff according to the standard of the private educational institute decided by the Fee Regulatory Committee annually;

“Government” means the Government of Balochistan;

“Institution” means a privately managed school, college, academy or tuition center or an institution imparting education up to intermediate or higher secondary school level or equivalent;

“Incharge in relation to a private Institution” means and includes every Owner, Headmaster, Principal, Manager or Incharge of administration or of teaching and any person responsible for the management and conduct of the affairs of an institution, by whatever name called;

“Inspector of School or Collage” means an officer so designated by the Foundation for annual or bi-annual inspection of institutions and

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submits reports thereof for corrective measures or recommending for cancellation of the registration of the concerned institution;

“Managing Director” means the Managing Director of the Foundation, appointed under section 7 (1) of the Balochistan Education Foundation Act, 1994! (Act No. VII of 1994), who shall also be and act as the Chief Executive Officer of the Authority under this Act;

“Member” means a member of the Board;

“Operative Standard” means Standard Operating Procedures;

“Prescribed” means prescribed by rules or regulations made under this Act or the Balochistan Education Foundation Act, 1994? (Act No. VII of 1994);

“Privately Managed” means an institution which is not owned or managed by a local body or by a Government or by the Federal Government or by a body set up or controlled by the Government;

“Registration Authority’ means an_ officer appointed or authorized by the Board to exercise all or any of the powers of the Registration under this Act;

“Report” means the annual report which is to be submitted to the concerned authority showing the overall progress of the school or college, fee charged, salary paid, annual income and expenditures detail;

"School" means a privately managed school or tuition center imparting education from pre-primary level to secondary education level or equivalent; and

An Act passed by the Provincial Assembly of Balochistan on 3" July, 1994; assented to by the Governor Balochistan; and pub

Balochistan Gazette (Extraordinary) No. 84, dated 8 September, 1994.

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Authority under the
Act.

Aims and
Objectives.

(y) "Schedule" means the schedule appended to this
Act.

3. The Balochistan Education Foundation shall be the
Authority for the purposes of the Act, the administration,
management and affairs of the Balochistan Private Educational
Institution Registration and Regulation Authority shall vest in
the Board of Directors of the Foundation, which may exercise
the powers and do all acts and things which may be exercised
or done under provisions of this Act, or to run the affairs of the
Authority.

4. The aims and objectives of the Authority under the Act,
shall be to register, regulate and support the privately managed
educational institutions in Balochistan and to ensure that such
institutions follow a uniform policy that includes—

(a) integration of private sector educational
institutions into Government policy framework
with objective that these private educational
institutions play effective role in meeting targets
of access, equity and quality in the province;

(b) development of standard curriculum in line with
national curriculum to ensure quality relevance
with provincial scheme of studies;

(c) achievement of fair measures of uniformity of
academic standards and evaluation among the
institutions;

(d) determination of duration of academic session,
holidays and vacations;

(e) determination and fixation of rate of fee being
charged by the institutions, qualifications of
teaching staff, their terms and conditions of
services including salaries and mode of payment
of their salaries;

(f) promotion of curricular and _ co-curricular
activities on inter-institutional basis;

(g) initiation and promotion of early child education
(ECE) in private schools;

Functions and powers of the Authority under the Act.

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improvement in the managerial efficiency and basic facilities in private educational institutions;

promotion of the capacity building initiatives, both pre-service and in-service trainings for private school teachers and its operators;

establishment of new private or Community Schools through private sector; education voucher scheme for private schools; and

data collection and reflection of private schools contribution in the provincial educational data.

The function and powers of the Authority shall be—

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to register and regulate, private educational institutions in Balochistan including fixation of grade-wise rate of admission fee, security fee, monthly tuition fee, laboratory fee and other fee being charged by private educational institution;

to regulate, determine and administer all matters and do all such acts and things as are necessary for the achievement of aims and objectives of this Act;

to cause inspection to be made by such persons as the Board may nominate for the institution applying for registration or of registered institution;

to suspend registration if it is satisfied after the inspection that the management and instruction in an institution are not of prescribed standard and are in violation of the provisions of the Act;

to cause cancellation if the violations identified and communicated under section 4 (d) of the Act are not removed;

to check the qualifications of teaching staff and their terms and conditions of services;

to fix, demand and receive such fee for registration and inspection of institution as may

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be prescribed;

to adopt measures to promote physical and moral well-being of students including sports facilities;

to ensure that the services, quality of education

being provided and salary paid to the teachers commensurate with the fee being charged;

to ensure that the building of the institution is adequate and its structure is sound to house the students;

to arrange for the annual audit of the accounts of the Authority/Foundation;

to execute any other important matters concerning its functions as may be incidental or conducive to the exercise of aforesaid powers and performance of functions;

to make rules, regulations and policy and to execute the same;

to prescribe fines to be imposed for violation of any of the provisions of the Act;

the Authority shall perform such other functions as may be assigned to it by the Government including appointment of — staff and determination of their terms and conditions of

service for proper execution of the functions assigned to the Authority under the Act;

in discharge of its functions, the Authority shall be guided on questions of policy given to it from time to time by the Board;

all the law enforcement agencies shall come in aid of the Authority in exercise of its powers and performance of its functions;

rank private educational institutions based on educational standards; and

provide incentives to students, teachers, and

Steering
Committee.

Functions and
powers of
Managing
Director under
the Act.

Educational Institutions.

6. (1) There shall be a Steering Committee which shall work under the existing structure of the Board as policy making body for implementing the provisions of this Act.

(2) The aforesaid Steering Committee — shall comprise of—

(a) the Chief Secretary Balochistan;

(b) the Secretary, Secondary Education;
(b) — the Secretary Higher Education;

(c) the Secretary Finance;

(d) three other members, nominated by the Board from amongst its private members; and

(e) Managing Director;

(3) The Chief Secretary Balochistan shall be the Chairman of the Steering Committee, and in his absence the Secretary Secondary Education shall preside over the meetings of the Steering Committee.

(4) The Steering Committee shall hold its meetings at least once in every three months, to review the performance of the Authority and recommend policy guidelines to the Executives/ Management, the Board and the Government for the smooth and_ effective implementation of their responsibilities under the Act.

(5) The Board may delegate any of it powers to the Steering Committee for the smooth and_ effective implementation of their decision taken during its meetings.

7. (1) The office of the Managing Director shall be the implementing organ of the Authority under this Act, with the existing staffing and arrangements of the Foundation:

Provided that the Board may at any time, make necessary changes in the staffing position and determine the

number of posts for the Office of the Managing Director, by a notification in the official Gazette; and to prescribe the

Funds.

Staff, pay and allowances.

General Directions and

qualifications and mode of their appointment.

(2) The Managing Director shall ensure the observation of the provisions of the Act and the rules, regulations and policy made there under.

(3) The Managing Director shall take all possible steps to ensure that the funds of the Authority/ Foundation are spent judiciously and properly.

8. (1) The Authority/ Foundation for the purposes of this Act shall be a self-financing body. However, the Government shall allocate required portion of amount from its non-development budget which shall be at the disposal of the Authority/ Foundation to meet all the expenses including pay and allowances of the staff.

(2) Government shall on annual basis provide Grant to the Authority/ Foundation for meeting its operational and technical expenditures.

(3) The Authority/ Foundation shall have a fund to which shall be credited all income including income from inspection fee, registration fee, security fee, fines, other sources and annual grant from the Government, and account therefore, shall be maintained in the scheduled bank.

(4) All the revenues generated through any program under the Authority shall go to the fund of the Authority maintained under this section, which may be utilized for the endowments activities of the Foundation, if in excess of the needs of the Authority.

9. (1) The existing contractual serving staff of the Foundation, shall continue to serve as core staff of the Foundation, against the same posts that they have been serving at present.

(2) The pay and allowances of the staff shall be such as are enforced in the other similar regulatory authorities of the Provincial/Federal Government or as may be determined and approved by the Balochistan Education Foundation Board.

10. (1) The Managing Director of the Foundation shall be responsible for the general directions and administration of

Administration

Establishment and
continuance of
an institution.

Application for
registration of
an Institution.

the affairs of the Authority under the Act.

(2) The Board shall be the sole judge as to whether a question is a question of policy and may, as and when it considers necessary, issue directives to the Authority on matters of policy and the same shall be binding on the Authority.

11. —_No institution shall be established or continued except in accordance with the provision of the Act and the rules made there under:

Provided that any Institution which is operative on the commencing day of this Act but unregistered for a period of more than six months shall be liable for sealing by the registration authority or by the Deputy Commissioner of the district concerned or any other officer so authorized by the Authority:

Provided further that an Institution if existing on the commencing day of this Act or already registered by the Education Department by any other law, shall also apply for registration within ninety days from that day and may continue to function without registration until the application is deposited off.

12. (1) Any person intended to establish or continue any existing institution shall make an application to the Authority in the prescribed form accompanied by the antecedents of case and such documents and fee as prescribed in the Act or hereafter may be prescribed by the Authority.

(2) Any existing institution may continue to function for a period not exceeding ninety days from the commencement of the Act and where an application is made under sub-section (1) until the application is rejected or if any appeal is preferred until the decision of the appeal.

(3) Every institution or its branches running under the same management or name at different premises shall be registered separately.

(4) Affiliation of private educational institution with an Intermediate Board or any foreign board or a University or

any other examining body shall be subject to registration with

Exemptions.

the Authority.

(5) All applicants seeking registration for a private educational Institution shall submit Rs. 25,000/- to the Authority via Bank account transfer. The Authority after fulfillment of the necessary requirement for Registration, will issue a no objection certificate (NOC) for the first year. On completion of six months a team of the Authority will inspect the schools and based on the satisfactory performance, no objection certificate (NOC) will be extended for another six months. Upon the completion of one year the team will revalidate the school performance and upon satisfactory performance subject school will be issued two years renewable registration Certificate.

(6) The registration issued from the date will be valid for two years and upon the completion of two years the subject Institution shall renew the registration. The renewal fee for registration will be as under:

(a) Primary level School --Rs. 6000/- for 2

years;

(b) Middle level School --Rs. 8000/- for 2

years;

(c) Secondary level School --Rs. 10000/- for 2

years; and

(d) Higher Secondary School/Collage Rs.

15,000/- for 2 years.

(7) It shall be incumbent upon all those Institutions that have sought registration with the Director of Schools/Collages and have completed their two years shall get their registration renewed from the Authority.

(8) The fees prescribed hereinabove sections or in any other provision of the Act may be changed from time to time by the Foundation with prior approval of the Government, by means of a notification in the official Gazette.

13. The Government may by notification in official Gazette, exempt any institution; or a class of Institutions from the application of this Act for a period not exceeding three years.

Registration of an
Institution.

Registration and
renewal fee.

Conditions of
registration.

Fee regulatory
committee.

14. (1) The incharge of an educational institution may move an application for registration of his institution to such officer and in such form as may be prescribed by the Board.

(2) The officer receiving an application shall forthwith send it to the District Committee constituted for the purpose, which after making such enquiry as may be necessary for registration under the rules, shall submit its report with recommendations to the Registering Authority within seven days of the receipt of the application from the receiving officer.

(3) The Registering Authority shall, after considering the report of District Committee and after such further enquiry as may necessary if satisfied that the conditions prescribed for grant of registration are fulfilled, issue a Registration Certificate.

(4) No order for refusing to grant a certificate of registration shall be made without giving the applicant an opportunity of being heard and recording the reasons thereof in writing.

14. — Subject to the fulfillment of conditions, every Private Educational Institution is to deposit Rupees Twenty Five Thousand (once only) as registration fee and the renewal fee as prescribed herein above section 12, to get the certificate for two years operations. The first registration of a Private Educational Institute shall be as prescribed in section 12 and valid only for two years from the date of its registration.

16. An _ educational institute shall comply with the conditions of registration including the payment of yearly fees as may be prescribed by the Board.

17. The Government may by notification constitute a committee to regulate the fee tariff stabbing for various Institutions on annual basis according to their location, faculty, standards, result and facilities.

(2) The Committee shall comprise of three members of whom two shall be from Balochistan Education Foundation

and one from the office of the concerned Education District
Officer duly authorized by the concerned Education District

Inspections.

Cancelation of registration.

Officer.

18. (1) The Inspector or an officer authorized by the Board may inspect any educational institute and may give direction to require/ comply with the conditions prescribed for registration.

(2) The directions under sub-section (1) shall be communicated to the incharge of the educational institution through an order; such person shall comply with the same within such time as may be specified therein.

19. (1) A certificate of registration granted under section 10 and 13 may be cancelled by the Registering Authority after giving an opportunity of being heard to the incharge of the educational institution if—

(a) there is a contravention of any of the provisions of this section and the rule made there under:

Provided that in case of a minor default, which can be easily remedied, opportunity may be given to remove the default within a time specified in the order and if it is not removed within the time so specified, cancellation shall follow;

(b) the incharge of the educational institution has failed within the period specified to comply with any direction issued under the provision of the Act or rules made there under;

(c) the antecedent of the case/ resignation appears to be fake or not followed or the laboratories, library is not available;

(d) the faculty members are Government employees or regular teaching staff of the Education Department;

(e) the excessive or additional fee collection;

(f) the private educational institute is

Appeal.

Fine.

Cancellation or
suspension of
certificate of
registration.

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involved in imparting injurious racial,
sectarian, ethnical teachings or activities
against the national harmony or integrity;

(g) the educational Institution has ceased to
exist;

(h) the owner/ incharge of the educational
institution has sold out the Institution
without informing the registering
authority to any person or group who is
less qualified to operate the Institution;

(i) the educational institution is affiliated to
more than one Intermediate Board in the
Province or in country or with any other
contemporary system simultaneously
operated; and

(j) the educational institution or its
administration is involved in irrefutable
moral turpitude, corruption, issuance of
fake certificates, and violation of any
apex court orders.

20. Any person aggrieved by an order made under section
10, 14, 19 or 22 may within thirty days of the date of the order,
prefer an appeal to such authority as may be prescribed and the
decision of the appellate authority in appeal shall be final.

21. (1) The Inspectors of Authority for educational
institutions may impose a fine up to Rupees thirty thousand on
minor contraventions of the provisions of the Act or the
requirements of the operative standards.

(2) Where the contravention continues for a period
of three months, the Institution shall be liable to closure by the
Registration Authority.

22. (1) Where the Authority, on receipt of a complaint
or otherwise, after making such inquiry or inspection as it may
deemed fit, if satisfied that there is a contravention of any of the
provision of this Section, the rules or terms or the condition of
certificate of registration or any order passed or instruction

Annual reports.

Penalty.

issued by the Authority, it may after giving an opportunity to the person concerned of being heard, suspend or cancel the certificate of registration:

Provided that where the default can be remedied no order shall be made unless an opportunity is provided to person concerned to rectify such default within the specified period.

(2) On cancellation or suspension of the certificate of the registration, the Authority may make such orders and take such action with respect to the completion of the current education term as may be considered necessary.

(3) On the cancellation of the certificate of the registration under this section, the institution shall be closed down by the Authority.

(4) On suspension or cancellation of the certificate of registration, the aggrieved person may within thirty days from the date of the order of the Authority, prefer an appeal to the Secretary Education and the order passed by him shall be final and given effect to by the Authority.

23. (1) The institution shall furnish to the Authority/Foundation each year a report on annual audit accounts, report on the activity of the institution during the preceding year and such information relating to its activities as may be required by the Authority/Foundation.

(2) The Authority/Foundation may, from time to time, give such instructions as it considers necessary for compliance by the Institutions.

(3) The Authority/Foundation shall submit to the Government, as soon as possible after the end of every financial year but before the 30th September, a report on the conduct of its affairs for the year.

24. Subject to the provisions of section 12 of this Act, whoever runs an institution in contravention of the provisions of this Act or the rules made there under shall be punished with imprisonment of six months or fine which may extend to fifty thousand rupees or with both.

Cognizance of offence.

Indemnity.

Power to make rules.

Power to make regulation.

Removal of difficulties.

Repeal and saving.

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25. No court shall take cognizance of an offence punishable under this Act, except upon a compliant in writing made by the Registration Authority or an officer authorized in this behalf by the Board and no court inferior to that of a Magistrate of First class shall try any such offence.

26. No suit or legal proceeding shall lie against the Government, the Authority/Foundation or any person acting under the Act for anything which is done or intended to be done in good faith under the Act.

27. The Board with prior approval of the Government may, by notification in the official gazette, make rules to carry out the purposes of this Act.

28. The Board may, make such regulation as appear to it to be necessary for carrying out the purposes of this Act.

29. If any difficulty arises in giving effect to any provision of the Act, the Board in consultation with the Government may make such orders, not inconsistent with the express provisions of the Act, as may appear to it necessary or expedient for the purpose of the removal of the difficulty.

30. (1) The Balochistan Registration of Unrecognized Educational Institutions Ordinance, 1962! (W. P. Ordinance No. XI of 1962) is hereby repealed.

(2) Notwithstanding anything contained in any other law for the time being in force, upon coming into force of the provision of the Act, anything done, action taken, obligations or liabilities incurred, rights and assets acquired, persons appointed or authorized, jurisdiction or powers conferred, endowments, bequests, funds or trust created, donations or grants made, scholarships, studentships or exhibitions

instituted, affiliations or privileges granted and orders issued under any of the provisions of the Balochistan Registration of Unrecognized Educational Institutions Ordinance, 1962 (W. P. Ordinance No. XI of 1962) as repealed hereinabove sub-section (1), shall deemed to have been made under the Act, and if not

An Ordinance promulgated by the Governor of West Pakistan on 24th February, 1962; published in the W.P. Gazette (Extraordinary) 12th April, 1962, pages 1561-1565; saved and given permanent effect by Article 225 of the Constitution of Islamic Republic of Pakistan adopted by Balochistan Law (Adaptation) Order, 1975; and now repealed by this Act.

inconsistent with the provisions of the Act be continued and, so far as may be deemed to have been respectively done, taken, incurred, acquired, appointed, instituted, granted, and issued under the provisions of the Act, and any documents referring to any of the provisions of the repealed Ordinance, shall so far as may be considered to refer to the corresponding provisions of the Act or the rules or regulations made thereunder.