

THE BALOCHISTAN PRIVATE COLLEGES
(MANAGEMENT AND CONTROL)
ORDINANCE, 1970

(W.P. Ordinance XX of 1970)

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'THE ?[BALOCHISTAN'] PRIVITE COLLEGES
(MANAGEMENT AND CONTROL)
ORDINANCE, 1970

(West Pakistan Ordinance XX of 1970)

[25" June, 1970]

An Ordinance to provide for control over and
management of private colleges in *[Balochistan].

Preamble. WHEREAS it is expedient to make provisions to enable
the private colleges in [Balochistan] to maximise their
academic efficiency, to stream-line their administration and to
regulate conditions of service of teachers employed therein;

NOW, THEREFORE, in pursuance of the Martial Law
Proclamation of 25 March, 1969, read with the Provisional
Constitution Order and in exercise of all powers enabling him
in that behalf, the Governor of West Pakistan is pleased to make
and promulgate the following Ordinance: —

Short title, extent, 1. () This Ordinance may be called the [Balochistan]
commencemen — Private Colleges (Management and Control) Ordinance, 1970.

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

?[Balochistan], except the Tribal Areas.

(3) It shall come into force at once.

(4) It shall apply to all private colleges except as
otherwise provided in this Ordinance.

Definitions. 2. In this Ordinance, unless there is anything repugnant in

the subject or context: —

(a) "affiliated to a University" means a college
affiliated to a University and includes a college
admitted to privileges of a University;

(b) "Board" means the Board of Intermediate and
Secondary Education, within the territorial

1 This Ordinance was promulgated by the Governor of West Pakistan on 25" June, 1970; published in the West Pakistan Gaz

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(Extraordinary) dated 25" June, 1970, pages 1466-A to 1466-1; saved by Article 281 of the Interim Constitution of Pakistan (19
validated by Act LXIII of 1975.

Substituted by the Balochistan Laws (Adaptation) Order, 1975, for the words "West Pakistan".

3 Spelling of the word "Baluchistan", wherever it appears in this ordinance, is corrected by insertion of letter "o" instead of "u";

Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

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jurisdiction of which a college is located;

"Chairman" means Chairman of the Governing Body;

"competent authority" means the Director of Education of the region in which a college is situated;

"Governing Body" means the Governing Body of the college;

"Government" means the Government of [Balochistan];

"Private college or institution" means a college or

an institution recognized by a Board for the purpose of education at the Intermediate level or affiliated to a University for the purpose of higher education but does not include any college managed by: —

(i) Government;

(ii) Local body, a Cantonment Board or a University; or

(iii) a Governing Body appointed by Government under the provisions of the [Balochistan] Educational and Training Institutions Ordinance, 1960? or any other law in force immediately before the commencement of this Ordinance;

"Member" means a member of the Governing Body;

"prescribed" means prescribed by rules or regulations made under this Ordinance;

"Parent Body" means the person who, or the association of persons which founded, established or maintained and managed the college prior to the establishment of the Governing Body;

"principal" means the principal officer incharge of the college;

Substituted by the Balochistan Laws (Adaptation) Order, 1975, for the words "West Pakistan".

2 That is West Pakistan Ordinance XI of 1960; published in the West Pakistan Gazette (Extraordinary), dated 6" April, 1960, a

1661-66.

Establishment of
Governing
Body.

Constitution of
Governing
Body.

(1) "registered benefactor" means a person who after the commencement of this Ordinance donates in lump sum an amount not less than Rs.15,000.00 to the college fund and whose name shall be entered in a register maintained by the principal for the purpose;

(m) "teacher" means a Professor, Associate Professor, Assistant Professor, Reader, Lecturer or any employee of the college imparting instructions and includes the principal, the demonstrator, the Director of Physical Education and the Physical Instructor.

3. For the efficient management and control of a college; there, shall be established by the competent authority a Governing Body.

4. () Subject to the provisions of sub section (3) of section 10, the Governing Body shall consist of: —

(i) the Principal of the college;

(ii) three teachers to be elected by the Teachers' Association of the college from amongst its members;

(iii) three members to be nominated by the Parent Body;

(iv) | one nominee of the registered benefactors of the college;

(v) two nominees of the competent authority, one of whom shall be the parent or the guardian of a student studying in the college;

(vi) one nominee of Syndicate of the University in the case of a college

affiliated to the University; and

(vii) one nominee of the Board in the case of a college recognized by the Board for the purpose of education at the Intermediate level.

(2) There shall be elected in the prescribed manner a Chairman from amongst the members who are not the

Removal and
Resignation of
member and
Chairman.

Filling of casual
vacancies.

Meeting of

employees of the college.

(3) The Principal shall be the member/ secretary of
the Governing Body.

(4) Except the Principal, the members shall hold
office for a period of three years and shall be eligible for
renomination and re-election as the case may be.

5. () The Chairman or a member may resign his office
by tendering his resignation to the competent authority, and the
seat of the Chairman and of such member shall become vacant
when the resignation is accepted by the competent authority.

(2) The competent authority may at any time
remove from the Governing Body the Chairman or a member if
he: —

(a) refuses or fails to discharge or becomes,
in the opinion of the competent authority
incapable to perform his duties under this
Ordinance;

(b) has, in the opinion of the competent
authority abused his position as
Chairman or member;

(c) has, absented himself without leave from
three consecutive meetings of the
Governing Body:

Provided that the Chairman or member shall not
be removed under the provisions of this subsection without first
giving an opportunity of showing cause '[and personal hearing]
against his removal.

(3) A person appointed as a member by virtue of his
holding a particular office shall cease to be the member on his
ceasing to hold that office.

6. If a vacancy in the office of the Chairman or a member
occurs during the prescribed term, by death, resignation
disability or otherwise, the vacancy shall be filled in accordance

with the provisions of section 4 and the Chairman or the member so elected or nominated to fill the vacancy shall hold office for the unexpired term.

7. The meetings of the Governing body shall be held at

1 Inserted by Balochistan Ordinance VIII of 1984.

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Governing

Body.

Powers and duties

of Governing

Body.

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such times and at such places and in accordance with such procedure as may be prescribed.

8. (i) Subject to the provisions of this Ordinance, the Governing Body shall exercise general supervision and control over the affairs of the college and without prejudice to the generality of the above powers it shall: —

(a) control and administer the property of the college notwithstanding the ownership of such property being that of the Parent body;

(b) manage and regulate the funds, finances, assets and investments of the college;

(c) pass the budget; and

(d) appoint teachers and other employees of the college and take disciplinary action against them.

(2) It shall be duty of the Governing Body to ensure:

(a) that the conditions on which the college has been recognized by a Board or affiliated to a University and a rules and orders issued by such Board, University, or other competent — educational authorities from time to time regarding the admission of students, curriculum, syllabus, medium of _ instructions, examinations and other cognate matters as applicable to the college are observed;

(b) that the provisions of this Ordinance and the rules made thereunder are strictly enforced;

(c) that the views expressed by the students on the working of the college in so far as it affects their interests are given due consideration;

(d) that the accounts of the college are

maintained in the form and audited in the manner approved by the competent authority.

Powers and duties 9. Subject to the provisions of this Ordinance and the rules of the made thereunder, the principal shall be competent to regulate all principal. matters connected with the internal administration of the

college including admissions, class promotions, teachers, time-table, maintenance of discipline, grant of fee concessions and scholarships, incurring of the expenditure provided for in the budget, maintenance of the register of the registered benefactors and making temporary or officiating appointments of not more than three months duration.

Submission of 10. () The Parent Body shall furnish to the competent statement. authority a statement in the form appended to this Ordinance within two months of: —

(a) the commencement of this Ordinance, if the college was in existence at the time of such commencement; or

(b) the date on which, the college is recognized by a Board, or affiliated to a University.

(2) The Parent Body shall disclose in the statement its contribution to the annual expenditure involved in running the College.

(3) If the contribution made by the Parent body is less than twenty-five per cent of the annual expenditure of the college, the competent authority may reduce the number of nominees of the Parent body on the Government Body to such number as it may deem fit.

Explanation: — For the purposes of sub-section (3) the amount of contribution made by the Parent Body shall be deemed to include the income from the property and assets of the college and the rental value, assessed by the competent authority of the property used by the college and owned by or vesting in the Parent Body.

College fund. 11. The college shall have a fund to which shall be credited:—

(a) income from fees, donations, trusts, bequests

endowments, grants, and lumpsum contributions by the registered benefactors;

(b) income from the property of the college;

(c) contribution made by the Parent Body;

Bar to derive
financial
benefits.

Inspections.

Staff Council.

Teachers

Association.

Student-teacher
Council.

Dissolution of

(d) contributions or
Government; and

grants-in-aid given by

(e) income from all other sources.

12. No member of the Governing Body shall derive any financial benefit from the college; provided that nothing in this section shall debar a person possessing the prescribed qualifications from being appointed and receiving emoluments and enjoying other benefits as a teacher in accordance with the rules made under this Ordinance.

13. qd) The competent authority may inspect the college or cause it to be inspected from time to time by one or more persons authorised by it, in this behalf.

(2) The competent authority may call upon any college so inspected to take, within a specified period, such actions as may appear to it to be necessary in respect of any of the matters provided for in this Ordinance and the rules and regulations made thereunder.

14. There shall be a Staff Council in the college consisting of the principal as Chairman and four other senior-most teachers as members, to advise on the day-to-day affairs of the college and on other matters mentioned in section 9.

15. There shall be a Teacher's Association in the college consisting of all teachers of the college.

16. () There shall be a Student-teacher Council in the college consisting of:—

(i) the principal;

(ii) two teachers to be elected in the prescribed manner by the Teachers Association from amongst its members,

other than those elected on the Governing Body; and

(iii) the President and the Secretary of the Students Union.

(2) The Council shall consider matters relating to the welfare of the students and make recommendations to the Governing Body in this behalf.

17. If the college ceases to maintain efficiency and

Parent Body or
Governing
Body and
taking over of
college.

Appointment of
foreign
nationals.

Protection of rights
secured by
agreement
custom or
usage.

Indemnity.

Exemption.

discipline in accordance with or fails to satisfy the requirements of the provisions of this Ordinance and the rules and regulations made thereunder or it is conducted in a manner which is prejudicial to the interest of education, Government may after giving the Parent Body or the Governing Body, as the case may be, an opportunity to show-cause against the proposed action:

(a) dissolve the Governing Body and appoint a Board of Governors under the provisions of the [Balochistan] Government Educational and Training Institutions Ordinance, 19607;

(b) take over the college permanently; or

(c) take such other action as it may deem to be expedient.

18. Notwithstanding anything contained in section 4, 8, 9 and 19 and the rules made under this Ordinance, no person who is a foreign national shall be appointed to the teaching or administrative staff or elected or nominated to the Governing Body of a college without the prior approval of Government.

19. () The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, instrument, articles of association, deed or other document.

(2) Save as provided in section 18 nothing in this Ordinance shall affect any agreement, custom or usage in force immediately before the commencement of this Ordinance in so far as such agreement, custom or usage ensures conditions of employment more favourable to the teachers of the college than

those prescribed by the rules made under this Ordinance.

20. qd) No suit or legal proceedings shall lie against Government in respect of anything which is, in good faith, done or intended to be done under this Ordinance.

(2) No suit, prosecution or other proceedings shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Ordinance

21. () Government may by notification in the official Gazette, on the recommendation of the Tribunal to be for the

1 Substituted by the Balochistan Laws (Adaptation) Order, 1975, for the words "West Pakistan". That is West Pakistan Ordinance XI of 1960.

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Power to make
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Power to make

purpose, exempt any college from the operation of all or any of the provisions of this Ordinance for a period which shall not be less than three and not more than five years at a time:

Provided that an application for exemption shall not be made before the expiry of six months from the establishment of the Governing Body of the college.

(2) The constitution, term of office and the procedure of the Tribunal referred to in sub-section (1) shall be such as may be prescribed.

22. (i) Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for:

(a) appointment, confirmation, promotion and security of service of the teachers;

(b) pay scales and allowances payable to teachers;

(c) grant of leave, medical assistance and other amenities to teachers;

(d) contributory provident fund benefits for the teachers;

(e) provision of facilities to students, fixation of fees and funds to be realized from students;

(f) grant of fee concessions and scholarships to students;

(g) establishment and _ functioning of Teachers' Association and Student Teacher Council;

(h) constitution, terms of office and the procedure of the Tribunal;

(i) election of the Chairman; and
Qj) any other matter which has to be or may
be prescribed.

23. () The Governing Body may frame regulations not

regulations. inconsistent with the provisions of this Ordinance and the rules made thereunder, to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers such regulations may

provide for: —

(a)

(b)

(c)

(d)

(e)

procedure to be followed at meetings of the Governing body and the quorum required at such meetings;

notice on which an ordinary or special meeting may be convened;

time and place at which meetings of the Governing body may be held;

the manner in which the minutes shall be circulated and confirmed;

any other matter required under any of the provisions of this Ordinance to be prescribed.

(See forms on next page)

FORM

(See Section 10)

I—GENERAL

Name of the Institution.

Location and address of the Institution.

Establishment of the Institution: —

(a) Date of starting.

(b) Date of recognition by the

Board of Intermediate and Secondary

Education concerned in case of Matriculation and Intermediate.

(c) Date of affiliation to the University for degree classes.

(d) Date of affiliation for post-graduate classes and other subjects in which
affiliation granted.

Medium of instruction followed.

TI—MANAGEMENT

1. Is the Managing Body (Parent Body) registered with the Registrar, Joint Stock Companies under the Societies Registration Act, 1860!?

2. Chief Authority/Agency under whose control the Institution is working.

3. Attach:—

(a) List of members of the Managing body with their address.

(b) A copy of the constitution/constitutions.

+ That is Act XXI of 1860.

TN—STAFF

1. Attach statement showing full particulars regarding qualifications, teaching experience, field of specialization, salary and scale of each member of the teaching staff.
2. Are the teachers, employed on written agreement? If so, attach a copy of the agreement.
3. Has the Institution made provision for provident fund or pension (or both) for teachers?
4. What is the percentage of contribution made by the Institution towards provident fund?
5. Attach copy of the service rules of the Institution.

IV—FINANCES

Details of receipts and expenditure for the year ending 30th June, 1970.

Income Amount Expenditure

Grants-in-aid from 1. Administrative.
Government.

2. Teaching staff.

Development Grant 3. Ministerial staff.

(Specify

the purpose) — 4. Menial staff.

(a) From Government. 5. Rent of — school

(b) From — Evacuee building.

Trust Board.

must oar 6. Electricity and

(c) From any other water charges.

source.

7. Miscellaneous

(Specify)—

Total income from (a) Repair of

subscription/contribut building.

ion endowments.

(b) Telephone.

From tuition fee.

(c) Furniture.

From different funds.

d) Library.

Contribution by the (s) "

Parent Body. (e) Scholarships.

From any other (£) Sports.

source (specify).

(g) Any other item

of expenditure.

Total receipts Total Expenditure

ASSETS AND LIABILITIES

Amount

Assets Amount

1. Details of
immovable
property.

2. Trusts and
endowments.

3. Cash in bank.

4. Cash with
manager or
treasurer.

Total:

Liabilities Amount

1. Loans, if any.

2. Over-draft at bank.

3. Rent of the building,
if hired.

4. Any other liability
(specify).

Total:

V—BUILDINGS

Attach plan of buildings.

Does the Institution possess the buildings of its own? If yes, attach transfer deed.

Are the buildings acquired on long lease? If so, a copy of the lease deed should be attached.

List showing details of:—

- (a) Class-rooms giving size of each room.
- (b) Laboratories.

- (c) Library.

VI—HOSTEL (IF MAINTAINED)

Maximum number of boarders who can be accommodated.

Arrangement for medical aid.

Status of the Superintendent / Warden.

Does the Superintendent / Warden reside inside or near the hostel?

Sanitary and hygienic condition of the hostel.

VII—PLAY GROUNDS

1. Are there playgrounds attached to the Institution? Please specify the area of different play fields.

VII—FURNITURE

1. Attach the list of main items of furniture which are used by the students.